

**VELS INSTITUTE OF SCIENCE, TECHNOLOGY & ADVANCED
STUDIES (VISTAS)**

(Deemed to be University u/s 3 of the UGC Act, 1956)

Pallavaram – Chennai – India



LL.M. (1 YEAR)

CURRICULUM & SYLLABUS

BRANCH – II CORPORATE AND COMMERCIAL LAW

(Based on Choice Based Credit System)

Effective from the Academic Year

2019 – 2020

SCHOOL OF LAW

PROGRAM EDUCATIONAL OBJECTIVES(PEO)

PEO1: Exhibit understanding of the working of the Constitution of India through the Executive, Legislative and Judicial organs.

PEO2: Display practical knowledge of legal research and research methodology to find solutions to the existing and recurring problems in the society.

PEO3: Conduct practical and on field research on various topics related to Corporate and Commercial Laws.

PEO4: Present research findings in Conferences, Seminars or Workshops and publish the same in good quality indexed research journals in Business Law.

PROGRAM OUTCOME (PO)

PO1: Legal Knowledge: Apply the knowledge relating to Corporate and Commercial Laws in businesses.

PO2: Problem Analysis: Identify, formulate, research literature and analyze legal problems to find solutions and arrive at logical conclusions.

PO3: Fundamental Principles of Law: Understand fundamental principles of Law and the legal system of India.

PROGRAMME SPECIFIC OUTCOME (PSO)

PSO1: Display exhaustive and in-depth knowledge and understanding of various legislations, rules and regulations.

PSO2: Display competency in conducting doctrinal and empirical research leading to publication of research findings in good quality and highly indexed journals.

LL.M. REGULATIONS

VISTAS in principle would adopt the UGC guidelines for the One year LL.M. programme and also the latest rules and regulations of UGC from time-to-time. The admission to one year LL.M programme will be made on the basis of All India Admission test conducted by the University.

1. CENTRE FOR POST-GRADUATE LEGAL STUDIES (CPGLS) has been constituted.

COURSES OFFERED:

The University offers full-time LL.M Degree with the following specialisations:

- a) Branch I – Constitutional and Administrative Law
- b) Branch – II – Corporate and Commercial Law

2. DURATION OF THE COURSE:

- a) The University offers a full-time one year LL.M programme spread over two semesters.
- b) Students are allowed a maximum of three years from the date of admission to complete the degree.

3. ELIGIBILITY FOR ADMISSION:

To be eligible for admission to one year LL.M programme, a candidate should have passed LL.B - 3 years or any of the five year integrated Law programme from a recognised University with not less than 45% marks in aggregate.

4. ADMISSION PROCEDURE:

- a) Admission to one year LL.M. programme shall be done through an All India Admission Test conducted every year by the University.
- b) Candidates who have CLAT / LSAT score shall be exempted from appearing in the All India Admission Test.
- c) Candidates awaiting results of the qualifying examination can appear for the Entrance Test subject to the condition that they produce proof of having passed the qualifying examination at the time of admission.
- d) The admission for Foreign Nationals shall be made on the basis of:
 - i) Academic record of LL.B or equivalent degree recognised by UGC/Association of Indian Universities with not less than 55% marks or equivalent grade.

ii) Assessment of necessary communication skills in written and spoken English and performance at the interview in terms of aptitude and capacity.

5. CURRICULUM:

The one year LL.M curriculum shall have the following components.

I. Foundation / Compulsory Papers: (3 Courses of 5 Credits each)

The Foundation Courses consist of the following three papers, which should be completed in the first semester:

- a. Research Methods and Legal Writing
- b. Comparative Public Law / Systems of Governance
- c. Law and Justice in a Globalising World

II. Optional / Specialisation Papers: (6 courses of 5 credits)

Each branch of specialisation offered by the Centre for Post-Graduate Legal Studies (CPGLS), VISTAS shall consist of nine papers from which the students can choose six papers to get the degree of that specialisation.

III. Dissertation (10 Credits)

The dissertation shall carry ten credits.

Semester – I

- | | |
|---|-----------|
| a) Research Methods and Legal Writing | 5 Credits |
| b) Comparative Public Law/Systems of Governance | 5 Credits |
| c) Law and Justice in a Globalising World | 5 Credits |
| d) Specialisation Course – I | 5 Credits |
| e) Research Project | 5 Credit |

Semester – II

- | | |
|--------------------------------|------------|
| a) Specialisation Course – II | 5 Credits |
| b) Specialisation Course – III | 5 Credits |
| c) Specialisation Course – IV | 5 Credits |
| d) Specialisation Course – V | 5 Credits |
| e) Specialisation Course – VI | 5 Credits |
| f) Dissertation | 10 Credits |

TOTAL NUMBER OF CREDITS	60 Credits
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6. ACADEMIC TERMS:

First Semester: 18 Weeks

Second Semester: 18 Weeks

7. UNIVERSITY EXAMINATIONS:

The University End Semester Examination shall be conducted at the end of every semester. Each written paper examination shall be of maximum three hours duration, unless otherwise indicated.

There shall be two sessions of University examinations in an academic year.

Dissertation shall be evaluated by written work and a viva-voce.

8. ATTENDANCE REQUIREMENT:

a) A candidate is required to put in minimum of 75% attendance for being eligible to write the university examination.

b) A candidate lacking attendance will not be permitted to take up the university examination. He / She has to redo the semester in order to write the examination.

c) No candidate shall be permitted to any one of the parts of LL.M. examination unless he / she has attended the course in the subject for the prescribed period and produces the necessary certificates of study, attendance and satisfactory conduct from the Dean of the School of Law.

9. INTERNAL MARKS:

The internal mark components is distributed among the following components, viz., Written Assignment (10 Marks), Seminar Presentation (10 Marks), Teaching Practice (10 Marks) and Written Test (10 Marks). These are prescriptive and the faculty shall decide the right combination in consultation with the Dean on the specific components to be adopted for a specific course.

10. EXTERNAL MARKS:

a) The end semester examination is the only component of external marks. The panel of experts/ examiners for setting the question paper and evaluation shall be provided by the Dean to the university.

b) The question paper setting shall be done by the panel of question paper setters recommended by the Dean and approved by the university.

c) The evaluation of papers shall be done by the internal faculty members.

d) The evaluation of the Dissertation shall be done by Internal examiners.

e) Viva-Voce for Dissertation: A panel consisting of the Dean (convenor), Head of the Department of Post-Graduate Studies and Internal Examiner shall conduct the viva-voce University exam for Dissertation at the end of the 2nd semester.

f) Dissertation carries 200 marks of which 50 marks are earmarked for the Viva-Voce. The passing minimum for dissertation is 75 out of 150 marks and the overall passing minimum (both evaluation of dissertation and viva) is 100 out of 200 marks. Viva is mandatory; however there is no passing minimum for the viva. Whereas, any student who fails to attend the viva, shall be treated as absent for the said course (Dissertation) and he/she shall be required to undergo the same as and when it becomes due subsequently.

g) Candidates who secure 60% and above in the aggregate and pass all the papers within the duration of the course in one year of joining the course shall be placed in First Class and all those who pass the whole examination shall be placed in the Second Class.

11. PASSING MARKS:

There is no minimum in the internal marks. However, the student should obtain a minimum of 50% marks in the external examination. Overall, the student should obtain 50% out of the 100 marks in each subject.

CURRICULUM

Total Number of Credits: 60

CATEGORY	CODE	TITLE OF THE COURSE	HOUR/ WEEK			CREDITS
			Lecture	Tutorial	Practical	
SEMESTER – I						
Core		Research Methodology and Legal Writing	5	0	0	5
Core		Comparative Public Law / Systems of Governance	5	0	0	5
Core		Law and Justice in a Globalising World	5	0	0	5
Optional – I		Specialization – I	5	0	0	5
AECC		Research Project	5	0	0	5
		TOTAL	25	0	0	25

CATEGORY	CODE	TITLE OF THE COURSE	HOUR/ WEEK			CREDIT S
			Lecture	Tutorial	Practical	
SEMESTER – II						
Core		DISSERTATION	10	0	0	10
Optional – II		Specialization – II	5	0	0	5
Optional – III		Specialization – III	5	0	0	5
Optional – IV		Specialization – IV	5	0	0	5
Optional – V		Specialization – V	5	0	0	5
Optional – VI		Specialization – VI	5	0	0	5
		TOTAL	30	0	0	35

LIST OF OPTIONAL PAPERS

CODE	TITLE OF THE COURSE	HOURS/ WEEK			
		L	T	P	C
	International Trade Law	5	0	0	5
	Company Law	5	0	0	5
	Competition Law	5	0	0	5
	International Commercial Arbitration	5	0	0	5
	Intellectual Property Law	5	0	0	5
	Banking Law	5	0	0	5
	Investment Law	5	0	0	5
	Insurance Law	5	0	0	5
	The Law of Corporate Finance and Securities Regulations	5	0	0	5

SEMESTER – I

RESEARCH METHODOLOGY

AND LEGAL WRITING

Course Objective : The main objective of this course is to acquaint the student of law with the scientific method of Legal research. This course is expected to provide the knowledge of the technique of selection, collection and interpretation of primary and secondary data in legal research. Emphasis would be laid on practical training in conducting research in this course.

UNIT – I INTRODUCTION 13

The Science of Research and Scientific Methodology – Fact – Inter Disciplinary Research and Legal Research Models – Legal Research – Common Law and Civil Law Legal – Systems. Meaning of Scientific Method and its applicability in Social research.

Introduction – Meaning of research, Objectives of research, Characteristics of research, significance of research – Research methodology – importance of research methodology.

UNIT – II 13

Legal research methodology – Meaning of legal research, objectives of legal research, types of legal research – Doctrinal legal research – characteristics merits and demerits – Non – doctrinal legal research features – limitations.

UNIT – III 12

Methods of legal research – Analytical method - Historical method – empirical method – Scientific method – statistical method – steps involved in legal research – Hypothesis meaning and items of hypothesis.

UNIT – IV 13

Research design – solution of research problem – Determination of research design Types of research design – evaluation of research design – Research tools and data processing.

UNIT – V LEGAL WRITING 13

Report / Article Writing in Legal Research – Use of Definitions – Maxims – Concepts – Principles – Doctrines in Legal Research – Citation – Methodology – Book Review and Case Comments.

TOTAL : 64H

COURSE OUTCOME:

At the end of this course the students will be able to

CO 1: Examine the methods of scientific research

CO 2: Analyse the doctrines of legal research

CO 3: Outline statistical method and the formulation of Hypothesis

CO 4: Identify the steps involved in research design

CO 5: Interpret the legal maxims and certain doctrines in legal research

TEXT BOOKS

1. Watt, Robert and Johns, Francis. Concise book on Legal Research, 6thEdn, Sydney, Federation Press, 2001.
2. Ahuja, Ram. Research methods. Jaipur, Rawat, 2001.

REFERENCE BOOKS

1. Goode and Hatt, et al. Methods in Social Research, Newyork, McGraw Hill publication Ltd, 1952.
2. Young, Pauline. & Schmid, Calvin F. Scientific social survey and research analysis of social studies. New Delhi, Prentice, 1968.
3. Stott, David. & Macfarlane, Julie. Legal Research, London, RouteldgeCavindesh Publishing, 1998.

COMPARATIVE PUBLIC LAW /

SYSTEMS OF GOVERNANCE

Course Objective: This paper focuses on analytical and theoretical scrutiny of Administrative Law, Constitutional Law and Criminal Law and its component in comparative manner. It enables the students to understand the structure of government, legislative powers and the role of Judiciary to have better understanding of Indian Polity.

UNIT – I INTRODUCTION 13

Meaning and Definition of Public Law – Concept of Public Law – Globalization of Comparative Public Law.

UNIT – II TOOLS OF COMPARATIVE PUBLIC LAW 13

Constitutional Law – Common Law – Civil Law – Legislative Mechanism – Common Law – Civil Law – Typology of Federalism – USA – India.

UNIT – III PUBLIC INTEREST LITIGATION – USA, INDIA 12

Locus Standi - Judicial Activism – Judicial Accountability.

UNIT – IV COMPARATIVE CRIMINAL LAW, COMMON LAW, CIVIL LAW

Domestic Violence – International – National – Provisions Relating to Rape – Plea Bargaining – USA – India – White Collar – Juvenile Justice.

UNIT – V CONSTITUTIONAL FOUNDATION OF POWERS 13

Supremacy of legislature in law making – Rule of law – Modern Concept of rule of law
Separation of powers – Scope of Judicial review in india – UK and US.

TOTAL : 64H

COURSE OUTCOME

At the end of the course the students will be able to

CO 1: analyse the complete theme of Globalization

CO 2: examine the tools of Comparative Law

CO 3: outline the understanding of Judicial activism

CO 4: interpret the provisions relating Criminal Law, Civil Law

CO 5: explain foundation of the power and supremacy of Constitution

TEXT BOOKS

1. Wade, H. W.R., and Christopher Forsyth. Administrative law. Oxford University Press, 2000.
2. Garner, J.F. Administrative Law. London, Butterworths, 1979.

REFERENCE BOOKS

1. Dicey, A. V. Introduction to the study of the law of the constitution. Holmes Beach, FL, Gaunt, Inc., 2004.
2. Phillips, Owen Hood., and Paul Jackson. Constitutional law. London, Sweet & Maxwell, 1987.
3. Jain, Mahabirprashad., and SrimandirNath Jain. Principles of administrative law. New Delhi, Wadhwa & Co., 2007.

**LAW AND JUSTICE IN A
GLOBALISING WORLD**

Course Objective :The main objective of the course is to enable students to understand and seek solutions to pressing problems in the domain of global justice. By the end of the term, students are expected to have become familiar with the multiple dimensions of the theoretical literature and be able to critically evaluate the liberal, republican and discursive democratic attempts to make sense of and to ameliorate prevailing instances of injustice in the world. This will be imparted through theoretical and philosophical debates advanced by various scholars and the institutional mechanism that need to be accelerated to achieve the objectives of global justice.

UNIT – I INTRODUCTION 13

Meaning and Significance of Globalization – Concept of Global Justice – Global Justice and Right to Development.

UNIT – II THEORETICAL PREPOSITIONS OF GLOBAL JUSTICE 12

Realism – Particularism – Nationalism – Cosmopolitanism. Connection between law and Society - Theories of Justice.

UNIT – III HISTORICAL AND CENTRAL CHALLENGES TO GLOBAL JUSTICE 13

Global Poverty – Role of International Mechanism – Armed Conflict – Nationalist Practices – Crimes Against Humanity – Environment and Health – Oppressive Policies – Threat of Terrorism – Global Politics.

UNIT – IV ROLE AND REFORMATION OF GLOBAL INSTITUTIONS 13

States – Sovereignty and Transnational Law – Economic and Trade Institutions – MNC's – Structural Reforms of United Nations – Security Council – International Judicial Institutions.

UNIT – V MODELS TO ACHIEVE GLOBAL JUSTICE 13

Social Contract and Social Justice – Sarvodaya Model of Justice – Multi Culturalism and Cosmopolitanism – Significance of Human Rights Education – Global Justice and Global Rule of Law.

TOTAL : 64H

COURSE OUTCOME

At the end of the course the students will be able to:

CO 1. Understand the origin and development of Globalization and how it shaped concept of Global Justice and its application in International Law.

CO.2 Understanding and applying different theories of Global Justice in International and Domestic Law.

CO.3 Understand the Historical challenges to Global Justice and to apply the latest principles of International law and Domestic Law to remedy the same.

CO.4 Understand and apply emerging principles of international law for the reformation of global institutions.

CO.5 Understand and apply the principles and philosophies of India on global justice

TEXT BOOKS

1. Brian Barry, Culture and Equality, Cambridge : Polity, 2001
2. Duncan Bell (ed.) Ethics and World Politics. Oxford 2010.

REFERENCE BOOKS

1. Martha Nussbaum, Frontiers of Justice. Cambridge, Mass : Harvard University Press, 2006.
2. Thomas Pogge, World Poverty and Human Rights. Cambridge : Polity, 2002.
3. Amartya Sen, Development as Freedom. Oxford : 1999.
4. Prof. Ishwar Bhatt – Globalization. Law & Social Transformation in India.

INTERNATIONAL TRADE LAW

Course objective: To provide knowledge and understanding of laws and procedures in international trade, and to train students in dealing with issues and challenges of international trade.

UNIT – I INTRODUCTION 12

Definition, Scope and History of International Economic Law with specific focus on theoretical framework; Sources of International Economic Law; Relationships between National and International Economic Law; International Trade Law under International Economic Law

UNIT – II LAW OF WORLD TRADE ORGANIZATION 13

The Evolution of World Trading System; Institutional Dimensions of the WTO; WTO Dispute Settlement Mechanism Constitutional Principles of WTO Regulation of Market Access; Measures against Unfair Trade Specific Sectors Matters Relating to Goods Areas Other Than Goods Interface between WTO and RTAs.

UNIT – III LAW OF INTERNATIONAL SALES OF GOODS 13

History and evolution of United Nations Convention on Contracts for the Sale of Goods and role of United Nations Commission on International Trade Law; Sphere of Application and General provisions (Article 1 – Article 13); Formation of the Contract (Article 14 – Article 24); Sale of goods (Article 25 – Article 88); Final Provisions (Article 89 – Article 101).

UNIT – IV LAW OF INTERNATIONAL CARRIAGE 13

Introduction to International Carriage by Air; Introduction to International Carriage of Good by Sea; Introduction to International Carriage of Passenger and luggage by Sea; Introduction to International Carriage of Passenger and luggage by Road and Rail; Introduction to International Carriage of goods by Road and Rail.

UNIT – V INDIA AND FOREIGN TRADE 13

History & Introduction to Trade; Export Import Policy of India; India & its International Trade relations; Foreign Exchange and International Trade; Trade & Environment.

Total: 64 hours

COURSE OUTCOME

At the end of the course the student will be able to:

CO.1: Understand the origin and development of international trade law and apply such understanding to interpret the provisions of international trade law

CO2: Understand and apply the Principles of International Trade Law Codified under WTO Agreement and other Associated Documents

CO3: Understand and apply the principles contained in United Nations Convention on Contracts for the Sale of Goods and role of United Nations Commission on International Trade Law in its implementation law on carried

CO4: Understand and apply the law on international carriage

CO5: Understand and practice law relating to international foreign trade in India.

TEXT BOOKS:

1. Schnitzer, Simone; Understanding International Trade Law; Universal Publication
2. Kaul, A. K.; Guide to the WTO and GATT: Economics, Law and Politics; Kluwer Law International

REFERENCE BOOKS

1. Raj Bhala, International Trade Law: An Interdisciplinary Non-Western Textbook (Vols 1 & 2) Lexis Nexis (2015)
2. Schnitzer Simone, Understanding International Trade Law (2nd ed.) Universal (2010)
3. Carole Murray, David Holloway, The Law and Practice of International Trade, (12th edn.) Sweet & Maxwell (2015)
4. Autar Krishen Kaul, A Guide to the W.T.O. and GATT: Economics, Law, and Politics, Kluwer Law International (2006)
5. Indira Carr, International Trade Law, (5th edn.) Routledge (2014),
6. Jason Chuah, Law of International Trade, (5th edn.) Sweet & Maxwell (2013)
7. Goyal, Arun; WTO in the new Millennium: Commentary, Case Law, Legal Texts; MVIRDC World Trade Centre 2. Carr, Indira; International Trade Law; Cavendish Publishing House 3. Rao, M. B; and Guru, Manjula; WTO and International Trade; Vikas Publishing House

RESEARCH PROJECT

Course Objective: The course enables students to understand and undertake advanced research in a specialised area of their interest. It helps them to understand the basics of legal research, legal scholarship and research methods; and to undertake a piece of supervised independent research putting into practice research methods skills leading to a project report. It should demonstrate that the students are skilled in identifying an area, or areas suitable for research. It helps the student to understand the relationship between the theoretical concepts taught in class and their application in specific situations. The student will be supported by an academic supervisor.

The research project report should contain the following details.

1. Introduction to the topic
2. Aim of the project
3. Objective of the project
4. Research questions
5. Preliminary literature review
6. Research methodology adopted
7. Main findings
8. Conclusions
9. Recommendations

Students will have to submit a written project work to the academic supervisor. The project will be evaluated on the basis of the norms given above. There is no written examination in this course at the end of the semester. The Research Project carries 100 marks and the project report will be evaluated by two examiners (double valuation) internally for 100 marks.

COURSE OUTCOME

At the end of the course the student will be able to:

- CO.1: Understand the core competencies required to prepare a Project Report
- CO2: Apply the knowledge of Research Methodology in preparing project report.
- CO3: Conduct Empirical Research with research tools and prepare the report
- CO.4: Make generalization from the study through doctrinal research
- CO5: Understand and practice legal research relating.

TEXT BOOKS

1. Watt, Robert and Johns, Francis, concise book on legal Research, 6thEdn., Sydney, Federation Press, 2001.
2. Ahuja, Ram. Research methods, Jaipur, Rawat, 2001.

REFERENCE BOOKS

1. Goode and Hatt, et al. Methods in Social Research, Newyork, McGraw Hill publication Ltd, 1952.
2. Young, Pauline, & Schmid, Calvin F. Scientific social survey and research analysis of social studies. New Delhi, Prentice, 1968.
3. S.K. Verma& Afzal Wani, Legal Research Methodology, New Delhi, Indian Law Institute, 1998.

SEMESTER – II

DISSERTATION

Course Objective: Writing a dissertation enables the students to tackle a theoretical, doctrinal jurisprudential or policy issue that is relevant in contemporary legal scholarship on legal policy affairs. The dissertation entails that the student to develop and demonstrate their analytic, argumentative, writing and presentation skills.

Dissertation proposal should contain several key aspects, regardless of the structure, an Introduction, Aims and Objectives, Research Questions, Hypothesis, Scheme of the Research, Review of Literature and Conclusion and Suggestion. The topic of the dissertation can relate to any subject area covered in any of the module of the LL.M Program. Students are required to select their topic of dissertation during the first semester itself and register with the supervisor concerned and work under the supervisor.

Dissertation carries 200 marks in total of which 50 marks is allotted for viva – voice examination.

COURSE OUTCOME

At the end of this course the students will be able to:

CO.1: Understand and apply the methods of conducting an analysis of existing information on a legal subject

CO2: Documentation of the result or conclusion of an analysis of existing information on a legal subject

CO3: Produce a research dissertation based on the findings of their study.

CO4: Defend their research in front of a panel of experts.

COMPETITION LAW

Course Objective: It is necessary to introduce students to the laws that are designed from time to time in keeping with the policy of the government to prevent unfair trade competition and protection of consumers. These laws have changed over a period of time in accordance with the demands of changing times. The laws are to be geared up to pass on the benefit of competition to consumers.

UNIT - I INTRODUCTION

16

History & Development – Constitutional vision of social justice – Liberalization & Globalization – Raghavan Committee report, Competition Act 2002, Importance Definitions under the Act.

UNIT-II ANTI – COMPETITIVE AGREEMENTS

16

Anti – competition agreement under the competition Act, 2002 – Horizontal & Vertical Restraints – exemption, penalties, Prohibition of Anti – Competitive Agreements – Predatory pricing, bid rigging.

UNIT - III REGULATION OF ABUSE OF DOMINANT POSITION

16

Preliminary- Prohibition of Certain Agreements- Abuse of Dominant Position and Regulation of Combinations – Abusive conducts under the competition Act penalties – Prevention of Abuse of Dominance.

UNIT- IV ENFORCEMENT MECHANISM

16

Competition commission of India – Constitution of Competition commission – Powers & functions – Jurisdiction of the competition commission – Competition appellate tribunal – Enforcement Mechanism.

UNIT-V EMERGING TRENDS IN COMPETITION LAW

16

Competition Advocacy in India & other foreign Jurisdiction – Intellectual Property Rights & Competition Law – International Trade Law & Competition Law.

TOTAL: 80H

COURSE OUTCOME

At the end of the course the students will be able to:

1. Understand and apply the Constitutional Provisions to interpret and apply the different laws regulating competition in India.
2. Understand and apply the scope and ambit of Federal Trade Commission Act, authorities and institutions under the Act to regulate competition within India
3. Understand and apply the scope and ambit of Competition Act, authorities and institutions under the Act to regulate competition within India
4. Purpose, aim and objectives of Competition Commission of India
5. Understand the role and duties of Director General and the perspectives of the Indian Supreme Court.

TEXT BOOKS

1. Ramappa, T., Competition Law in India: Policy, Issues, and Developments, India, 3rd Edition, 2013.
2. Richard Whish & David Bailey, Competition Law, OUP Oxford, 7th Edition, 2012.

REFERENCE BOOKS

1. Agarwal, V.K., Competition Act, Bharat Law House, New Delhi, 1st Edition, 2011.
2. Richard Whish, Competition Law, Oxford University Press, New Delhi, 1st Edition, 2009.
3. Avtar Singh, Competition Law, Eastern Book Company, New Delhi, 1st Edition, 2012.

INTERNATIONAL COMMERCIAL ARBITRATION

Course Objective: This course focuses on the doctrinal and practical aspects of international commercial arbitration. It facilitates the students to understand the substance of an arbitration agreement, arbitration process, terms of reference, discovery process and role of expert opinion. The course also covers judicial control over the arbitration process and recognition and enforcement of an arbitral award.

UNIT - I HISTORICAL BACKGROUND OF ARBITRATION 16

Pre-Independence (Panchayat Systems to C.P.C) - Arbitration Act, 194
UNCITRAL MODEL LAW on International Commercial Arbitration.

UNIT - II COMPARATIVE STUDY OF ARBITRATION LEGISLATION IN VARIOUS COUNTRIES 16

Asia and Pacific - SAARC Countries Excluding India - China Including Hong Kong- SAR - Singapore United Arab Emirates (U.A.E) - Saudi Arabia Australia – African Egypt South Africa - Mauritius - Sudan - European Countries- United Kindom - France- Switzerland Russian Federation - Hungary - American Countries- U.S.A – Canada Argentina - Brazil.

UNIT - III INTERNATIONAL CONTRACT & ARBITRATION CLAUSE/ AGREEMENT 16

Mercantile Contracts - Contracts for Sale of Goods - Agency and Intermediary
Contracts- Contracts of Employment Insurance Contracts - Intellectual Property Contracts Joint Venture Contracts- International Commercial Arbitration Agreements – Government Contracts - Foreign Arbitration Agreements Domestic Arbitration Agreements Meaning of Arbitration Arbitration Clause in a Contract - Arbitration Clause in Correspondence Between Entities Whether Subject Matter Capable of Being Settled by Arbitration When Arbitration Agreements is Inoperative or incapable of Being Performed - Exemption and Adaptation Clauses Arbitration Clause in a Contract Contents of an Arbitration Clause- Clauses to be Avoided.

UNIT- IV ARBITRATION Vs. LITIGATION 16

Common Law System Civil Law System - Statutory Legislation and Conventions

Arbitration and Conciliation Act, 1996 Including Convention (3 Schedules) – UNICITRAL Arbitration Rules, 1976 Ad-hoc and Institutional Arbitration Various Arbitration Forums and its Rules - Forum Selection - Model Institutional Arbitration Clauses.

UNIT - V ARBITRATION PROCEDURE & PRACTICE

16

Arbitration Tribunal. Constitution of the Arbitral Tribunal Jurisdiction of the Arbitral Tribunal - Kompetenz - Kopetenz - Powers and Functions of the Tribunal Proceedings Before the Arbitral Tribunal Lexarbitri and Lexmercatoria Statutory Provisions Applicable in Resolving Disputes UNIDROIT Principles of International Contracts, 1994- Production of Documents at the time of Application Conduct of Proceedings - Decision Making Process Conciliation and Mediation- Types of Awards and Applicability of Conventions- Interim Award - Final Award Enforcement and Annulment of Arbitral Awards - Pre-Enforcement Conditions Imposed by Claimant.

TOTAL: 80H

COURSE OBJECTIVES

At the end of the course the student will be able to:

CO.1: Understand historical background of Commercial Arbitration and apply them in interpreting the existing legal framework for facilitating arbitration in India.

CO.2: Analyse the different laws which exist in different countries around the world and to apply such an understanding to identify common legal principles and concepts of commercial arbitration and its implication for Indian Law relating to commercial arbitration

CO.3: Understanding and applying the different principles of forming part of international commercial contracts and arbitration clauses under Indian and International Law

CO.4: Compare and contrast the pros and cons between Arbitration and Litigation and apply the appropriate dispute resolution mechanism according to the situation

CO.5: Understand and apply practice and procedures within International Commercial Arbitration

TEXT BOOKS

1. Bansal, A. K. Law of international commercial arbitration: including law and procedure for enforcement of international commercial arbitration agreements and foreign awards in India. Delhi, India, Universal Law Pub. Co., 1999

2. Singh, Avatar. Law of Arbitration and Conciliation. Delhi, Eastern Book company, 2000

REFERENCE BOOKS

1. Tripathi, S.C. Arbitration Conciliation and Alternate Dispute Resolution, Delhi,
Central Law Publication,2015

2. Sujan, M. A. Law relating to arbitration & conciliation. Delhi, Universal Law Pub., 2001.

INTELLECTUAL PROPERTY LAW

Course Objective: This course aims to study the existing (copyright, patent, trademark and designs) and emerging (computer software) forms of intellectual property in terms of Indian law and policy as well as new international demands and trends. Besides, the course will examine the philosophical foundations of recognizing intellectual property rights, its relation with public interest and socio-economic development and the demands of equity and compulsions of international trade.

UNIT - I INTRODUCTION

16

Classification of intellectual property – international instruments relating to intellectual property – International trade agreements.

UNIT II PATENT

16

Patentable subject matter – Specification – Licenses of patents and allied rights – infringement and remedies – Micro organisms and patentability – Categories of inventors in biotechnology - patent in computer programmers.

UNIT - III TRADEMARKS

16

Purpose of protecting trade mark – Registration – Assignment and licensing of registered marks – Trade marks in international commerce – Disincentiveness – Deceptive similarity – Infringement and remedies.

UNIT - IV COPYRIGHT

16

Meaning and object – Works in which copyright subsists – Economic perspective term of copyright – Fair dealing – Initial ownership – Assignment and licensing – control of monopoly – Right in performances – Infringement and remedies.

UNIT - V INDUSTRIAL DESIGN

16

Essential characteristics – Registration – Subject matter Infringement – Remedies against privacy & Confidential information – As property – Breach of confidence and know – how – Industrial trade secrets - Remedies.

TOTAL: 80H

COURSE OUTCOME

At the end of this course the students will be able to

CO 1: Outline the requirements of IPR's such as Copyright, Trade Mark & Patents

CO 2: Explain the assignment and licence aspects of Copyright

CO 3: Analyse the commercial viability of Trade Mark

CO 4: Identify the utility of Patents

CO5 : Examine the procedural aspects of Industrial Designs

TEXT BOOKS

1. V.K. Ahuja, Law Relating to Intellectual Property Law, Lexis Nexis, 2d ed., 2013.
2. N.S. Gopalakrishnan & T.G. Ajitha, Principles of Intellectual Property, Eastern Book Company, 2 ed., 2014.

REFERENCE BOOKS

1. W.R. Cornish – Intellectual Property
2. Alan S. Gutterman & Bentby J. Anderson – Intellectual Property
3. David Brainbridge – Intellectual Property
4. Philips – Introduction to Intellectual Property Law
5. K.R.G. Nair & Ashok Kumar – Intellectual Property Rights
6. Narayanan – Intellectual Property
7. B.L. Wedehare – Intellectual Property Law Handbook

BANKING LAW

Course Objective: Banking system is deeply influenced by socio – Political & Economic changes. The emerging changes in India, had moulded and affected the banking structure, policies patterns and practiser. The course is designed to acquaint the students with the conceptual and operational parameters of banking law, the judicial interpretation and the new emerging dimensions of the banking System.

UNIT - I INTRODUCTION

16

Evolution of Banking Institution in India- Banking Definition- Banking Company in India- Banking Legislation in India- Common Law and Statutory System- Classification of Banks Essential Functions and Special Functions- Agency Services E Banking and Recent Trends in Banking.

UNIT II RELATIONSHIP OF BANKER AND CUSTOMER

16

Banking regulation Act – salient features – Prohibition of Trading – Capital structure – Minimum capital – dividend payment – Negotiable instruments – Meaning & kinds – Transfer & Negotiations – Holder & Holder in due course – Presentment & Payment – Liabilities of Parties.

UNIT - III CENTRAL BANKING THEORY AND RBI

16

Characteristics and Function of Central Banks RBI as the Central Bank of India- Objectives and Organizational Structure - Functions- Regulations of the Monetary System- Monopoly of Note Issue- Credit Control- Determination of Bank Rate Policy- Open Market Operations- Banker's Bank- Control Over Non Banking Financial Institutions- Economic and Statistical Research- Staff Training-Control and Supervisions of Other Banks.

UNIT-IV NATIONALIZATION

16

Evaluation- Private Ownership- Nationalization and Disinvestment- Protection of Depositors- Priority Lending- Promotion of Under Privileged Classes- The Deposit Insurance Corporation Act, 1961- Objects and Reasons- Establishment of Capital of DIC-Registration of Banking Companies- Insured Banks- Liability of DIC to Depositors- Relations Between Insured Banks- DIC and Reserve Bank of India.

UNIT - V RECENT TRENDS OF BANKING SYSTEM IN INDIA

16

New Technology- Information Technology- Automation and Legal Aspects Automatic Teller Machine and Use of Internet- Smart Card- Use of Expert System- Credit Cards- Recovery of Debts due to Bank- Financial Institutions Act, 1993 Enforcement Authorities DRT and DRAT- Reforms in Indian Banking Law- Recommendations of Committees- A Review.

TOTAL: 80H

COURSE OUTCOME

At the end of this course the students will be able to:

CO.1: understand the Origin and Development of Banking in India and its important concepts

CO.2: Understand and applying the principles of banking law governing relationship between customers and their banks

CO.3: Understand the theory of Central Banking and its application to the structure and functions of Reserve Bank of India.

CO.4: Understand and apply the legal principles behind Nationalization of banks

CO.5: Analyse the recent developments in banking law and apply them to interpret the existing banking laws.

TEXT BOOKS

1. ICSI, Banking and Insurance Law and Practice, Institute of Company Secretaries of India, Taxmann Publishers, 2010.
2. K.C. Shekhar, &LekshmiShekhar, Banking Theory and Practice, Vikas Publishing House, 19th Ed., 2005.

REFERENCE BOOKS

1. M.L. Tannan, Banking Law and Practice in India, Lexis Nexis, 23rd Ed., 2010.
2. JN Jain & RK Jain, Modern Banking and Insurance Principles and Techniques, Regal Publications, 2008.
4. JyotsanaSethi&Nishwar Bhatia, Elements of Banking and Insurance, PHI Publishers, 2nd Ed., 2013

INVESTMENT LAWS

Course Objective: This course seeks to provide the investment mechanism in India and the regulatory framework for the protection of investor and other stake holders of the market.

UNIT-I INTRODUCTION

16

Meaning of Investment and Market -Nature and Risk Associated with Investment - Evolution of Investment and Bargaining Norms Principles of International Investment Law - International Treaties Types of Investment Contracts- Applicable Law Stabilization Clauses- Renegotiation and Adaptation.

UNIT II SHARES

16

Definition and Nature - Shares and Shareholders- Stock and Shares-Certificate of Shares- Call on Shares- Lien on Shares -Minimum Subscription - Share Capital Issue and Allotment of Shares Transfer and Transmission of Shares Debentures, Charges and Deposits- Inter-Corporate Loans and Investments.

UNIT- III SECURITIES CONTRACTS

16

Basic Features of the Securities Contracts - Recognition of Stock Exchange Derivatives - Options and Future- Listing of Securities- Penalties and Procedure for Adjudication.

UNIT-IV SECURITIES AND EXCHANGE BOARD (SEBI)

16

SEBI Constitution - Powers and Functions of SEBI - Securities Appellate Tribunal - SEBI (Disclosure & Investor Protection) Guidelines.

UNIT-V DEPOSITORIES ACT

16

Salient Features Agreement Between Depository and Participant- Registration of Transfer of Securities with Depository-Stamp Duty on Transfer Non-Banking Financial Institutions.

TOTAL: 60H

COURSE OUTCOME

At the end of the course the students will be able to:

CO1: To understand and apply concepts of investment market economics and apply them to laws regulating the later.

CO2: Understanding the origin and development of company shares and its role in developing investment market and apply them to operationalise the law regulating and supervising issuance of shares

CO3: Understanding and applying basic legal concepts relating to security contracts

CO4: Understanding the powers and functions of SEBI and applications of its rules and regulations forming part of investment law

TEXT BOOKS

1. Singh, Avtar, Company Law, Eastern Book Company, Lucknow, 14th Edition, 2004.
2. Ferran, Eilis, Principles of Corporate Finance Law, Oxford University Press, Oxford, 8th Edition, 2008.

REFERENCE BOOKS

1. Myneni, S.R., Law of Investment and Securities, Asia Law House, Hyderabad, 2nd Edition, 2006.
2. Taxman's, SEBI Manual, Taxman Publications, New Delhi, 15th Edition, 2010.
3. Avdhani, V.A., Investment and Securities Market in India, Himalaya Publishing House, New Delhi, 9th Edition, 2011.

INSURANCE LAW

Course Objective: Business and commerce are so much dependent on risk distribution today that insurance is adopted as an inevitable component of economic development. Starting with a study of life insurance and its administration, this course exposes the student to the expanding horizons of general insurance including fire and marine insurance. The study is comparative in as much as the development of the subject in advanced countries is looked into with the help of Judicial Interpretations and commercial practice.

UNIT- I INTRODUCTION

16

Nature Definition History of Insurance History and Development of Insurance in India- Insurance Act, 1938 -(Main Sections) Insurance Regulatory Authority Act, 1999 - Its Role and Functions.

UNIT - II CONTRACT OF INSURANCE

16

Classification of Contract of Insurance - Nature of Various Insurance Contracts Parties Thereto - Principles of Good Faith - Non Disclosure - Misrepresentation in Insurance Contract- Insurable Interest - Premium : Definition- Methods of Payment- Days of Grace- Forfeiture- Return of Premium- Mortality of the Risk - Meaning and Scope of Risk- Causa Proxima- Assignment of the Subject Matter.

UNIT- III LIFE INSURANCE

16

Nature and Scope of Life Insurance Kinds of Life Insurance -The Policy and Formation of a Life Insurance Contract Event Insured Against Life Insurance Contract Circumstances Affecting the Risk - Amount Recoverable Under the Life Policy – Persons Entitled to Payment - Settlement of Claim and Payment of Money - Life Insurance Act, 1956 -Insurance Against Third Party Rights - General Insurance Act, 1972 - The Motor Vehicles Act, 1988 - (Sec. 140 176)-Nature and Scope - Absolute or No Fault Liabilities- Third Party or Compulsory Insurance of Motor Vehicles Claims from Tribunal - Public Liability insurance - Legal Aspects of Motor Insurance Claims - Own Damages Claims – Third Party Liability Claims.

UNIT IV FIRE INSURANCE

16

Nature and Scope of Fire Insurance Basic Principles Conditions and Warranties

Rights and Duties of Parties - Claims- Some Legal Aspects Introduction to Agriculture insurance
- History of Crop Insurance in India - Crop Insurance Underwriting- Claims- Problems Associated
with Crop Insurance Cattle Insurance in India.

UNIT-V MARINE INSURANCE

16

Nature and Scope - Classification of Marine Policies Insurable Interest Insurable
Values Marine Insurance and Policy - Conditions and Express Warranties Voyage
Deviation- Perils of Sea - Loss Kinds of Loss - The Marine Insurance Act, 1963
(Sections 1 to 91).

TOTAL: 80H

COURSE OUTCOME

At the end of the course the students will be able to:

CO1: Understand the meaning and nature of Investment Market and its governance under
International Law

CO2: Understand definition and Nature of Shares under Investment Law and application of other
legal concepts associated with it.

CO3: Understand the basic features of Securities Contract and how it is regulated by Investment
law

CO4: Understanding aims and objectives, powers and functions of SEBI under Investment Law.

CO5: Understand and apply the aims and objectives of Depositories Act in relation to investment
law

TEXT BOOKS

1. Avtar Singh, Law of Insurance, Eastern Book Company 2 Edn, 2010.
2. M.N. Mishra, Law of Insurance, Central Law Agency, 9h Edn, 2012.

REFERENCE BOOKS

1. Sudhir Kumar Jain & Sanjay Gupta, Practical Aspects of Fire Insurance, Jain Book Agency,
1st edn, 2015.
2. M.L. Tannan, Banking Law and Practice in India, Lexis Nexis, 23" edn, 2010.
3. B.C. Mitra, The Law Relating to Marine Insurance, Jain Book Agency, 5" edn, 2012.

THE LAW OF CORPORATE FINANCE AND SECURITIES REGULATIONS

Course Objective: The aim of this course is to equip the students with a strong foundation in securities markets, investments, and valuation, discounting and present as the valuation of bonds and stocks, corporate investment evaluation and capital budgeting, derivatives markets, raising equity capital, mergers and acquisitions. The course strikes a balance between theoretical paradigms and practical application.

UNIT-I PUBLIC ISSUE OF SHARES

16

Prospectus- Remedies for Misrepresentation- SEBI and Stock Exchange Guidelines- Share Capital: Nature and Kind of Shares- Transfer- Transmission- Surrender and Forfeiture of Shares- Purchase by Company of its Own Shares- Issue of Shares at Premium and Discount- SEBI Guidelines Shareholders' Rights (Various Rights of Shareholders and Variation of Shareholders Rights- Joint Venture and Foreign Collaboration; Issue of Shares to Non-Residents- Regulation Under FEMA and RBI Guidelines for Issue of Shares to Non- Resident- Transfer of Shares to and by Non-Residents- Compliance and Procedures.

UNIT II DEBENTURES

16

Debentures- Difference between Share and Debentures- Kinds of Debenture Remedies of Debenture Holder- Company Charges.

UNIT III INSIDER TRADING

16

Insider Trading- SEBI's Guidelines on Insider Trading- Securities and Exchange Board of India (SEB): Constitution, Powers and Functions.

UNIT- IV RECONSTRUCTION, AMALGAMATION AND TAKE OVER 16

Provisions in Company Law and SEBI Guidelines.

UNIT - V CORPORATE GOVERNANCE AND SOCIAL RESPONSIBILITY

16

Statutory Registers and Statistical Registers- Maintenance of Registers and Responsibility of Directors and Officers Towards Maintenance of Registers Authorities of company Law Board- Composition and Powers- Corporate Social Responsibility- Cangeaunces

on Violations - Authorities Under the Company Law- Powers of Various Government Initiative on Protection of Investors Rights – Corporate social and environmental responsibility – Legal reforms of Corporate governance in India.

TOTAL: 80H

COURSE OUTCOME

At the end of the course the student will be able to:

CO1: Understand the important legal concepts relating to share and its public issue and apply them to interpret the laws and regulations governing them

CO2: Understand and apply the legal concepts relating to Debentures

CO3: Understand and apply the legal concepts relating to prevention of insider trading

CO4: Understand and apply the legal concepts relating to reconstruction, amalgamation, and apply them to making an assessment of its impact on corporate finance and security regulation of publicly listed companies

CO5: Understand and apply Corporate Social Responsibility Principle and Corporate Governance for a sustainable Corporate Finance and Security Regime

TEXT BOOKS

1. Gower's Principles of Company Law, Sweet & Maxwell Thomson, 2006
2. Smith and Keenon's Company Law, Pearson Education Ltd., 2009

REFERENCE BOOKS

1. Suman Gupta: Shareholder's Democracy: Fact or Fiction, Publication Division, University of Delhi, 1992
2. Companies Act, 2013
3. Verma J.C., Corporate Mergers, Amalgamations & Takeovers, Bharat Law House, 2008