

ONE YEAR
LLM PROGRAMME

REVISED REGULATIONS
AND
COURSE STRUCTURE

(2016-2017)

APPROVED BY SPECIAL BOARD OF STUDIES
OF THE SCHOOL OF LAW



**SCHOOL OF LAW
PONDICHERRY UNIVERSITY
PUDUCHERRY, INDIA**

One Year LLM Degree Programme Revised Regulations and Course Structure
(2015-2016)

REGULATIONS:

Revised Regulations for the one year LLM (Corporate and Securities Laws), LLM (Intellectual Property Laws) and LLM (International Commercial Laws) programmes:

Programme summary: One Year LLM is a regular, full time intensive programme on trimester pattern.

Eligibility Criteria : 3/5 years B.L. or LL.B. or B.L. (Hons.) or LL.B. (Hons.) or its equivalent with not less than 50% marks in aggregate. Those who are enrolled shall produce suspension of practice certificate from the respective Bar Council and given undertaking that they shall not practice during the course of the study for this program.

Admission Procedure : Admission to this programme is based purely on merit in the all India admission test organized by the Pondicherry University, Puducherry.

Intake : 20 candidates per batch.

Pedagogical Method : Classroom lectures, tutorials, seminars, case studies etc. shall form part of the teaching methods. Students' are also encouraged to develop self-learning skills to carry out independent research. Project writing and presentation of the project and viva voce will also form part of the teaching methods.

Evaluations criteria : The evaluation of this programme is as per the UGC guidelines of evaluation where internals and end term examination carries 50% marks each. Internals will include class attendance in a given subject, assignment writing, project writing/term papers, presentation of the project/term paper and viva voce or any of them. In all taught courses, internals carry a total of 50 marks and the end term exam will be of 50 marks.

Evaluation pattern of internals and weightage :

Attendance – 5 marks
Project First draft – 5 marks
Project Presentation – 10 marks
Project Final Draft – 30 marks

Any other components, if introduced by a teacher the weightage of marks may be readjusted, provided that the attendance marks shall not be modified.

The external examiner shall set the question paper for end term examination. The course teacher and an external examiner shall evaluate the end term answer scripts, independently. Where the difference in marks between both the evaluations is less than 10 marks, the average of the both marks will be considered for grading. In case difference in marks is 10 or more, the answer scripts shall be reevaluated by a third examiner. In such cases, the average of two highest scores shall be considered for grading.

Dissertation will be evaluated out of 200 marks. Of which 50 marks is for presentation and viva voce. The final written draft of the dissertation will be evaluated out of 150 marks. The dissertation will be evaluated by the guide as well as by an external examiner. Where the difference between both the evaluations is less than 10% of the marks (i.e. 15 marks), the average of the both marks will be considered for grading. In case difference in marks is 10% or more, such dissertation(s) shall be reevaluated by a third examiner. In such cases, the average of two highest scores shall be considered for grading.

In order to pass a course, a candidate must score a minimum of 50% of marks in aggregate in each of the specified courses. There is no separate minimum passing marks in internals and end term written examination. The successful candidates will be awarded grades only, on a 10 point scale.

A candidate shall pass all the specified courses within two years. Failing which s/he has to seek extension of time for a maximum of 6 months from the Dean, School of Law. The Dean in his or her discretion may allow such application. In any case, no candidate can seek time beyond 6 months. All such candidates who have not completed the course requirements shall appear in the admission test, subject to fulfilling other requirements, should they wish to study the course again.

Total credits : Minimum 24 and maximum 36 credits.

COURSE STRUCTURE:

COMPULSORY PAPERS:-

Sl.No.	Course Code	Name of the Subject	No of credits
1.	LLM 101	Law and Justice in a Globalizing World	3
2.	LLM 102	Research Methods and Legal Writing	3
3.	LLM 103	Comparative Public Law / Systems of Governance	3
4.	LLM 104	Comparative Contract Law (CCL-I)	3
5.	LLM 105	Comparative Corporate Law (CCL-II)	3
6.	LLM 106	Comparative Intellectual Property Law	3
7.	LLM 999	Internship (6 Weeks duration)	2
8.	LLM 1000	Dissertation	5

OPTIONAL PAPERS:-

(In order to be eligible for a specialisation, a candidate shall study a minimum of 4 courses from amongst the designated courses of a relevant specialisation and the dissertation shall be from that area of interest).

SPECIALISATION : *Corporate and Securities Laws*

Sl. No.	Course Code	Name of the Subject	No of credits
1.	LLM 201	Corporate Finance Law	3
2.	LLM 202	Law of Securities and Derivatives Contracts	3
3.	LLM 203	Corporate Governance	3
4.	LLM 204	Corporate Restructuring (Mergers, Acquisition etc)	3
5.	LLM 205	Corporate Insolvency Law including Revival of Sick Companies	3
6.	LLM 206	Corporate Taxation Law (Direct Taxation)	3
7.	LLM 207	Law & Practice of Shareholders' Agreements	3
8.	LLM 208	Inspection, Inquiry, Investigations and Adjudicatory mechanism under the Companies Act 2013.	3

SPECIALISATION : Intellectual Property Laws

Sl. No.	Course Code	Name of the Subject	No of credits
1.	LLM 301	Law of Patents	3
2.	LLM 302	Law of Trademarks	3
3.	LLM 303	Law of Copyright and Allied Rights	3
4.	LLM 304	Protection of Traditional Knowledge and Genetic Resources.	3
5.	LLM 305	Access to patented Knowledge, Products and Medicines	3
6.	LLM 306	Law of patent and Bio-technology	3
7.	LLM 307	Management and Utilization of State and PPP Patents: Policy, Law and Practice	3
8.	LLM 308	Patent Drafting	3

SPECIALISATION : International Commercial Laws

Sl. No.	Course Code	Name of the Subject	No of credits
1.	LLM 401	International Sale of Goods	3
2.	LLM 402	International Carriage of Goods by Sea	3
3.	LLM 403	International Commercial Arbitration	3
4.	LLM 404	Competition Law	3
5.	LLM 405	Law of Trademarks	3
6.	LLM 406	Law of Copyright	3
7.	LLM 407	Law of Banking	3
8.	LLM 408	Law of Insurance	3



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**LAW AND JUSTICE IN A GLOBALISING WORLD
(LLM 101)**

I. Course Objectives

This course is intended to familiarise postgraduate students with (a) select schools of legal theory and the rationales behind them; (b) multiple strata at which law, justice and society intersect; (c) the process of globalisation; and (d) the implications of globalisation on law and legal theory.

II. List of Modules

101.1. Fundamentals of Jurisprudence

- 101.1.1 Divine Law
- 101.1.2 Natural Law
- 101.1.3 Empiricist Philosophy and its Connection with Natural Science
- 101.1.4 Classical Positivism
- 101.1.5 Modern Positivism – The Impact of HLA Hart

101.2. Background to Globalisation – A Multidisciplinary Overview

- 101.2.1 What is Globalisation
- 101.2.2 Globalisation in Our Everyday Lives
- 101.2.3 Economic, Social, Political Dimensions of Globalisation

101.3. Law and Society

- 101.3.1 The Connections between Law and Society
- 101.3.2 Judicial Thinking as a Consequence of Socialisation –
Pound, Holmes, Cardozo
- 101.3.3 The Marxist View of Law
- 101.3.4 Theories of Justice

101.4. Law and Justice – An Overview

- 101.4.1 Dimensions of Justice
- 101.4.2 Plato's Concept of Justice

- 101.4.3 Aristotle's Concept of Justice
- 101.4.4 Distributive Justice and its Connection with Law
- 101.4.5 Modern Conceptions of Distributive Justice – A Comparison of Nozick and Rawls

101.5 Judicial Process

- 101.5.1 Rule-Scepticism, Fact-Scepticism
- 101.5.2 American Legal Realism
- 101.5.3 American Legal Realism and its Connections with the Sociological School
- 101.5.4 Scandinavian Realism
- 101.5.5 Indian Judicial Thinking in the Light of Realist Schools
 - 101.5.5.1 Judicial Activism
 - 101.5.5.2 Public Interest Litigation
 - 101.5.5.3 Judicial Lawmaking

101.6. Modern developments in jurisprudence

- 101.6.1 Critical Legal Studies
- 101.6.2 Postmodernism, Deconstruction
- 101.6.3 Feminism

101.7. The Impact of Globalisation on Law and Justice

- 101.7.1 Globalisation and Law
- 101.7.2 Transforming Notions of Sovereignty
- 101.7.3 Transforming Notions of Justice
- 101.7.4 Transforming Notions of Entitlement
- 101.7.5 Community Ownership, Community Rights, and Globalisation

III. Integrated Reading List

1. Edgar Bodenheimer, *Jurisprudence: The Philosophy and Method of the Law* (Harv UP 1974).
2. Barbara J. Falk , 'Post-Communism's First Decade: A Primer for Non-Specialists' (2003) 36 *Canadian Journal of Political Science* 417.
3. Suri Ratnapala, *Jurisprudence* (OUP 2009).
4. Jan Aart Scholte, *Globalization: A Critical Introduction* 2 ed (Palgrave Macmillan 2005).
5. Manfred B. Steger , *Globalization: A Very Short Introduction* 2 ed (OUP 2009).

**RESEARCH METHODS AND LEGAL WRITING
(LLM 102)**

I. Introduction

Research methods and Legal Writing course introduces the students to the world of academic legal research and legal writing. At LLM level the students are expected to write a dissertation thesis at the last term which shall be a publishable quality. In order to train the students how to identify a research problem and to proceed with the research, this paper is divided into two parts. The first part deals with research methodology while the second part deals with legal writing aspects.

In any research the use of scientific method and getting a reliable research output requires proper train of a researcher. In order to achieve the same, this course is taught as a compulsory course.

I. Objectives

1. To study the meaning, scope and significance of research
2. To study various methods of research and methodology
3. To acquaint the students with the use of empirical research methods and to encourage them to use such empirical methods in legal research
4. To train them in proper legal writing and foot noting, editing etc.
5. To inculcate self reading to expand the research skills

II. Modules to be covered:

Part I - Research Methods

102.1. Research: Meaning, Objectives and Scope

102.2 Research Methods vis-à-vis Research Methodology

Scientific Method – Meaning and Significance

102.3. Legal Research – Meaning, Scope and purpose

102.4. Law and Society and Law in Society

102.5. Types/Kinds of Research: Doctrinal and Non-Doctrinal (empirical);

102.5.1. Field research and Laboratory research

102.5.2. Analytical and Descriptive

102.5.3. Participatory and Non-Participatory

102.5.4. Comparative, Historical Critical, Socio-Legal;

102.5.5. Mono Disciplinary and Inter-Disciplinary (Multi Disciplinary)

102.5.6. Quantitative and Qualitative

102.5.7. One time and Longitudinal

102.6. Social Sciences and Legal Research – Similarities and Differences

102.6.1. Legal Research for Professional Service

102.6.2. Legal Research in Absence of Law and for Scholarship

102.6.3. Legal Research for Law Reforms

102.6.4. Interface between Legal Research and Policy Studies & Research

102.6.5. Empirical Legal Studies

102.6.6. Research Methods

102.7. Research Design

102.7.1. Steps in Research: Research Process

102.7.2. Research Problem: Identification and Formulation

102.7.3. Hypothesis

102.7.4. Use of Library, Use of Modern Technology/Computer Assisted Research

102.7.5. Tools and Techniques for Collection of Data. Primary and Secondary Sources.

102.7.6. Literature Review.

102.7.7. Observation Method. Questionnaire. Interview. Case study. Sampling. Jurimetrics

102.7.8. Compilation/Collating, Analysis and Interpretation of Data

102.7.9. Use of Deductive and Inductive Methods in Research

102.7.10. Preparation of Research Report and Writing of Research Report

102.7.11. Budgeting of Research

PART – II LEGAL WRITING

102.8. Synopsis writing

102.8.1. Title, Research Question, Identifying Relevant Areas of Law

102.8.2. Identifying Literature including Case Laws, Analysis, Discussion

102.8.3. Recommendation and Conclusion

102.8.4. Bibliography: Organisation of Legal and Other Materials

102.9. Writing of Research Proposal

102.10. Writing of dissertation/thesis

102.11. Academic/Scholarly Writing

102.11.1. Publication of Reviews, Articles, Books etc.

102.11.2. Reference, Footnoting and Citation Formats

102.11.3. Editing and Proof Reading

102.11.4. Ethical and legal Issues: Plagiarism and Copyright Violation

III. Readings

1. S.K. Verma and M. Afzal Wani, Legal Research and Methodology, (2nd Ed. 2001, Reprint 2006), Indian Law Institute, New Delhi.
2. Bikram Kumar Das, Legal Education and Research Methodology (2012)
3. C R Kothari, Research Methodology: Methods and Techniques – 2014 (2014)
4. D R Kapoor, Research Methodology : Methods and Techniques – 2013 (2013)
5. Ranjit Kumar, Research Methodology: A Step by Step Guide for Beginners – 2013 (2013)

**COMPARATIVE PUBLIC LAW/SYSTEMS OF GOVERNANCE
(LLM 103)**

I. Objectives :-

1. To study the methods and purposes of comparative public law;
2. To study different ways the governance is structures and to through comparison evaluate the structure under the Constitution of India
3. To study how, judiciary, ensures rule of law through judicial review
4. To critically analyse the developments in the countries from where specific areas of our constitution were borrowed and to compare the distinct ways, if any, the Indian jurisprudence has developed in the respective area
5. To study the contemporary governance challenges faced by the Indian State in light of the comparative law perspective.

II. Modules to be covered:

103.1. Scope of the Public Law

103.2. Concept of Constitution - Meaning, Nature and Goals of Constitution and Governance

103.3. Study of Comparative Law and Comparative Public Law – Relevance, Scope and Challenges in Using Comparison

103.4. Concept of Constitutionalism, Distinction between Constitution and Constitutionalism, Essential features of Constitutionalism

103.5. Constitutional foundations of Exercising Sovereign Authority

103.6. Supremacy of Legislature in Law Making and the Rule of law

103.7. Separation of powers and Checks and Balances

103.8 Separation of Powers or Separation of Functions

103.9. Forms of Governments

103.9.1. Federal and Unitary Forms

103.9.1.1 Features, Advantages and Disadvantages

103.9.2 Models of Federalism including Quasi-federalism

103.9.3 Role of Courts in Preserving Federalism

103.9.4 Parliamentary and Presidential Forms of Government (India and USA)

103.9.5 Parliamentary form of Government under Written and Unwritten (India and the U.K.) Constitutions

103.10 Constitutional Review Methods of Constitutional Review - Judicial and Political, Concentrated and Diffused, Anticipatory and Successive

103.11 Concept and Origin of Judicial Review, Review of Legislative Actions and Administrative Actions, Limitations on Judicial Review

103.12 Amendment of Constitution, Various Methods of Amendment, Limitations on Amending Power: Comparative Perspective, Theory of Basic Structure: Origin and Development

III. Suggested Readings

1. Bare Text of constitution of various countries including India, USA etc.
2. Christopher Forsyth, Mark Elliott, Swati Jhaveri, *Effective Judicial Review: A Cornerstone of Good Governance* (Oxford University Press, 2010).
3. D.D. Basu, *Comparative Constitutional Law* (2nd ed., Wadhwa Nagpur).
4. David Strauss, *The Living Constitution* (Oxford University Press, 2010)
5. Dr. Subhash C Kashyap, *Framing of Indian Constitution* (Universal Law, 2004)
6. Elizabeth Giussani, *Constitutional and Administrative Law* (Sweet and Maxwell, 2008).
7. Erwin Chemerinsky, *Constitutional Law, Principles and Policies* (3rd ed., Aspen, 2006)
8. M.V. Pylee, *Constitution of the World* (Universal, 2006)
9. Mahendra P. Singh, *Comparative Constitutional Law* (Eastern Book Company, 1989).
10. Neal Devins and Louis Fisher, *The Democratic Constitution* (Oxford University Press, 2010)
11. S.N Ray, *Judicial Review and Fundamental Rights* (Eastern Law House, 1974).
12. Sudhir Krishna Swamy, *Democracy and constitutionalism in India – A Study of the Basic Structure Doctrine* (Oxford University Press, 2009)

13. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, Comparative Constitutionalism in South Asia (Oxford University Press, 2013).
14. Vikram David Amar, Mark Tushnet, Global Perspectives on Constitutional Law (Oxford University Press, 2009).
15. Zachery Elkins, Tom Ginsburg, James Melton, The Endurance of National Constitutions (Cambridge University Press, 2009).

COMPARATIVE CONTRACT LAW

(LLM 104)

COURSE OUTLINE

Transactions are the fulcrum of the modern society. Virtually all interactions between humans happen in the form of transactions. While some, such as in families are informal, most transactions are formal, in the sense that, these are backed by law. Law, in the form of General Contract law, defines, governs, regulates, and protects contracts through various means. It is remarkable that a single subject forms the fulcrum of the entire gamut of formal transactions such as sale of goods, purchase of shares, insurance, services, etc. Hence, it is of prime importance to have an in-depth knowledge of General Contract Law.

While an overview of General Contract Law is taken up in an undergraduate law course, such a course in a post-graduate level is nuanced and comparative. While there are several hundred jurisdictions having distinct laws on general contracts, it is fruitful to study the Indian law vis-à-vis the law as prevailing in England and Wales (English Law). Although General Contract Law as prevailing in India would be studied in comparison with the English Law, laws of other jurisdictions will be dealt with in specific areas.

The outline of the course on Comparative Contract Law shall be as below:

Part I Preliminary Aspects

- A. Introduction to Comparative Contract Law
- B. Theoretical foundations of Contract Law

Part II Contract Formation

- C. Formation of Contract and Problems
- D. Consent
- E. Quasi- Contracts

Part III Contract Performance

- F. Performance
- G. Defects
- H. Excuses from Performance

Part IV Remedies

- I. General Damages
- J. Liquidated Damages
- K. Specific/ Equitable Relief
- L. Other Remedies

Prescribed Books

1. Pollock & Mulla, Indian Contract and Specific Relief Acts, Vol. 1 & 2, 13th ed. (2013)
2. Chitty on Contracts, 31st ed.
3. Beatson, Anson's Law of Contracts, 29th ed.
4. Mckendrick, Contract Law, 9th ed., 2011.

Self-Study

Students are expected to be familiar with the following cases prior to the commencement of classes

- Union of India v Kishorilal Gupta AIR 1959 SC 1362
- Fateh Khan v Balkishan Das AIR 1963 SC 1405
- ONGC v. SAW Pipes (2003)
- Naihati Jute Mills v Khayaliram AIR 1968 SC 522
- Alopi Prasad and Sons v UOI AIR 1960 SC 588
- A Mohammad Basheer v State of Kerala (2003) 6 SCC 159
- Renu Sagar Power Electric Ltd v General Electric 1994 (Supp 1) SCC 644
- Central Inland Water Transport Corp v Brojia Nath Ganguly
- Bushnudeo Rai v Sheogini Devi AIR 1951 SC 280
- PB Mills v UOI AIR 1970 Guj 59
- Md. Hussain v Fida Hussain AIR 1952 Pun 222
- Mahabir Kishore v State of MP AIR 1990 SC 313
- Mohiribibi v Dharamdas Ghosh 1903 ILR 30 Cal 539
- Krishnalal Sadhu v Pramila Devi AIR 1928 Cal 578
- Henderson v. Merett
- MC Chako v State Bank of Travancore
- Esso Petroleum v Mardon Deck
- National Insurance v SG Nayak AIR 1997 SC 2049
- Vulcan Insurance v Maharaj Singh AIR 1976 SC 287
- Satyabrata Ghosh v Mugneeram Bangur AIR 1954 SC 44
- Kuju Collieries v Jharkhand Mines AIR 1974 SC 1892

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COMPARATIVE CORPORATE LAW
(LLM 105)
COURSE OUTLINE

INTRODUCTION

Corporate form of business organisation has become very successful owing to many factors including the privileges and protection the form gets from the State. Also, it facilitates the mobilisation of various factors of production in a seamless way. It combines a number of advantages which were not available in other classical forms of business organisations. As companies and corporations aim at global presence and form part of the core of economic activity in the modern world, corporations do impact development of country, the environment and human rights etc. Modern corporations are functioning in multinational legal environment. Hence the study of promotion and incorporation as well as corporate liability becomes very significant. Understanding the legal basis of existence and liability of corporation will pave way for students to appreciate the relationship between various stakeholders and corporations and in studying advance courses on various aspects of corporate activities in later terms.

Due to the increasing presence of multinational or transnational corporations, comparative study of law affecting promotion, incorporation and liability of corporation and when the veil of incorporation is lifted is of paramount importance. It is also a fact that the corporations and their capital mobilisation methods evolve regularly. As a result, many jurisdictions are witnessing legal issues required to be answered by the corporate laws. However, no jurisdiction is having readymade answers to the ever increasing contemporary corporate law challenges. Therefore, comparative study of corporate law of different jurisdictions is relevant in an increasing internationalised legal environment. Comparative Corporate Law (CCL II) is offered as a compulsory course in the one year LLM programme of the School of Law.

In this course, the Indian laws and laws of the UK, USA (Delaware) on the specified topics will be discussed. It will be comparative study of the specified jurisdictions.

OBJECTIVES:

1. To study the concept of corporations and the new forms of body corporates
2. To study the evolution of corporation
3. To study the comparative method of study of corporate laws
4. To study and critically evaluate the regulations of various body corporates
5. To study and critically evaluate the rules of promotion and incorporation of various body corporates
6. To study and critically evaluate the corporate liability – civil, tortious and criminal
7. To study and critically evaluate the lifting of corporate veil and its consequences

DETAILS OF MODULES

MODULE 1 – INTRODUCTION

The Conception of Body Corporate (Company, LLP etc.).
Effect of Incorporation – separate legal personality, Limited Liability and Separation of Management and Ownership of Capital etc.

MODULE 2 – EVOLUTION OF CORPORATION

Origins of corporation
Advent of modern corporation
Philosophical foundations of corporations
Enquiries into the theories of corporation

MODULE 3 – INTRODUCTION TO THE COMPARATIVE CORPORATE LAW

Comparative Corporate Law: Scope and Objectives

Comparative Corporate Law: Significance and Methods

MODULE 4 – REGULATION OF BODY CORPORATE

Nature, scope and significance of regulation
Constitutional provisions
Statues
Institutions – MCA, ROC, SEBI etc

MODULE 5 – PROMOTION AND INCORPORATION OF COMPANIES/LLPS

The Scope of Special Contracts Resulting in Body Corporate and Distribution of Corporate Authority
MSMEs and Limited Liability Partnerships
Division of Powers between Shareholders and Managers

The Balance of Power in the Company between the Board and the Shareholder Meeting

MODULE 6 – CORPORATE CIVIL AND TORTIOUS LIABILITY

Corporate Capacity and Dealings with Insiders and Outsiders

Authority of Agents and Rules Attribution

Civil Liability in case of corporate actions

Tortuous Liability for wrongs of corporations

MODULE 7 – CORPORATE CRIMINAL LIABILITY

Origin and evolution of Corporate Criminal Liability

'*mens rea*' in corporate criminal liability

Punishing Corporations – The dilemma and challenges

MODULE 8 - PIERCING THE CORPORATE VEIL

Circumstances of piercing the Veil of incorporation

Consequences of piercing

Loss of privileges

Unlimited liability

Personal liability

BIBLIOGRAPHY

I. Statutory Materials:

1. The Companies Act, 2013 as amended up to date.
2. The Banking (Companies) Act, 1956 as amended up to date.

II. Books (Inclusive List)

- ~~3.2.~~ Andreas Cahn and David C Donald, *Comparative Company Law*, Cambridge University Press, (2010; Reprint 2011)
- ~~4.2.~~ Mads Andenas and Frank Woolridge, *European Comparative Corporate Law*, Cambridge Univ Press, (2009; Reprint 2010)
- ~~5.2.~~ David Milman, *National Corporate Law in a Globalised Market The UK Perspective*, Edward Elgar (2009).
- ~~6.2.~~ Reinier Kraakman, *The Anatomy of Corporate Law A Comparative and Functional Approach*, Oxford University Press (2009)
- ~~7.2.~~ Ramaiya, *Guide to the Companies Act, 1956*, LexisNexis, New Delhi (18th ed., 2013)

Additional materials may be indicated in the class.

**COMPARATIVE INTELLECTUAL PROPERTY LAW
(LLM 106)**

I. Objectives :

1. To study the evolution and development of protection of intellectual property
2. To study laws applicable to various IPs in India and to compare with select jurisdictions.
3. To study and critically analyse judicial interpretations pertaining to various IP laws and to learn to use comparative methodology in the study of IP law.
4. To critically analyse select ethical and legal issues and challenges involved in the current IP regime
5. To learn to conduct guided research in a focussed area of the subject and to present the findings in a clear and structured manner, both verbally and in writing; and
6. To learn to write a standard research paper based on extensive analysis of materials and synthesis

PART 1: Introduction

- 106.1 Historical and theoretical basis of protection of intellectual property
- 106.2 Patent System in India: the Constitution, Parliament, CGPDTM, and courts/Intellectual Property Appellate Board
- 106.3 Analyzing and understanding the interpretation of IP Laws

PART 2: Comparative overview of Patents, Trademarks, and Copyrights in India and USA

- 106.4 Legal basis of patent protection
- 106.5 Legal basis of copyright protection
- 106.6 Fair use of copyrighted works
- 106.7 Contributory copyright infringement
- 106.8 Key differences between patent and copyright protection
- 106.9 Key differences between copyright infringement and plagiarism
- 106.10 Legal basis of trademark protection

Books recommended:

- *International Encyclopaedia of Laws: Intellectual Property* (Kluwer Law International, 1997-) (looseleaf). I,MON K 1401 .I5828 1997 vols. 1-5
- Adeney, Elizabeth. *The Moral Rights of Authors and Performers: An International and Comparative Analysis* (Oxford University Press, 2006). Includes individual chapters on France, Germany, Canada, United States, and Australia, and appendix, "Comparative Table of National Moral Rights." I,MON K 1430 .A34 2006
- *Patent Enforcement Worldwide: A Survey of 15 Countries: Writings in Honour of Dieter Stauder*, 2nd ed., edited by Christopher Heath and Laurence Petit (Hart, 2005). I,MON K 1505 .P374 2005
- Sterling, J.A.L. *World Copyright Law: Protection of Authors' Works, Performances, Phonograms, Films, Video, Broadcasts and Published Editions in National, International and Regional Law*, 2nd ed. (Sweet & Maxwell, 2003). Includes "Reference List of National Laws and supplementary materials." I,MON K 1420.5 .S728 2003

CORPORATE FINANCE LAW

(LLM 201)

I. OBJECTIVES:

1. To understand different ways of capital raising by companies and the relevant statutory and regulatory requirements;
2. To appreciate the objective(s) of regulation;
3. To identify, explain and analyse the issues relating to regulation of corporate finance;
4. To critique issues relating to corporate finance;
5. To conduct guided research in corporate and financial law and to present the findings in a clear and structured manner, both verbally and in writing; and
6. To write a standard research paper based on extensive analysis of materials and synthesis.

II. MODULES TO BE COVERED:

Module 201.1. Introduction Corporate Finance and Sources/Kinds of Finance Options

- 201.1.1 Meaning, importance and scope of corporate finance
- 201.1.2 Objectives of corporate finance – Profit and wealth maximization
- 201.1.3 Capital needs, capitalization, working capital and various sources of finance – money market and securities market
- 201.1.4 Common forms of short, medium and long term finance options for companies
- 201.1.5 Capital structure
- 201.1.6 Theories of corporate finance
- 201.1.7 Corporate Finance and the Constitution

Module 201. 2 Equity Financing I - Initial Public Offer of Shares

- 201.2.1 Listing of public companies
- 201.2.2 Public offer of securities
- 201.2.3 Issue and content of prospectus
- 201.2.4 Role of intermediaries in public offer of securities and their regulation
- 201.2.5 Continuing disclosure requirements of listed companies

Module 201.3. Equity Financing II – Further Issue of Shares (Rights Issue, Bonus Issue etc.)

- 201.3.1 Rights issue
 - 201.3.1.1 Definition, scope and significance
 - 201.3.1.2 Common conditions and restrictions on rights issue

201.3.1.3 Waiver of advertisement

201.3.1.4 Pre-Issue

201.3.1.5 Letter of offer

201.3.1.6 Pricing

201.3.1.7 Record date

201.3.1.8 Utilisation of funds

201.3.1 Bonus issue

201.3.2.1 Definition, scope and significance

201.3.2.2 Conditions and restrictions on bonus issue

201.3.2.3 Revaluation of funds

201.3.2.4 Disclosure requirements

Module 201.4. Equity Financing III - Issue of Depository Receipts

201.4.1 Raising of capital from foreign jurisdictions

201.4.2 Issue of depository receipts

201.4.3 Issue of IDRs, ADRs, EDRs and GDRs

201.4.4 The role of intermediaries in issuing depository receipts

Module 201.5. Debt Financing I – Public Offer of Debt Instruments.

201.5.1 Different debt obligations

201.5.2 Public offer of debt instruments

201.5.3 Debenture

201.5.4 Debenture trustee regulation

201.5.5 Legal capital and Creditor protection

Module 201.6. Debt Financing II – Borrowings from money market

201.6.1 Types of security interests – Fixed and floating charges

201.6.2 Registration and perfection of charges

201.6.3 ECBs

201.6.4 Overseas commercial borrowings

201.6.5 Commercial paper

Module 201.7. Debt Financing III – Regulation of Inter-Corporate Loans/Borrowings and of Inter-Corporate Deposits

201.7.1 Regulation of short term and long term inter-corporate
Borrowings

201.7.2 Underlying objectives and rationale for regulation

201.7.3 Prohibited inter-corporate borrowings under the 2013 Act

201.7.4 Procedure to take approval for inter-corporate lending and
borrowings

Module 201.8. Law of Foreign Direct Investment

201.8.1 Regulation of FDI

201.8.2 Automatic route

201.8.3 Prior approval route

201.8.4 DIPP and its guidelines and relevant press notes

201.8.5 Foreign exchange management requirements and relevant
RBI guidelines.

III. Books Recommended:

- 1 Phillip R. Wood, Regulation of International Finance, TSM, 2009.
- 2 A. Ramaiya, Guide to the Companies Act, 1956, 17 ed. LBW, 2010.
- 3 Eilis Ferran, Principles of Corporate Finance Law, OUP, 2008.
- 4 Fuller, Corporate Borrowing: Law and Practice, Jordan, 2009.
- 5 Goode & Gullifer, Goode on Legal Problems of Credit and Security, 4 ed. Sweet & Maxwell, 2009.
- 6 Gower & Davies, Principles of Modern Company Law, 8 ed. Sweet & Maxwell, 2008.
- 7 Hudson, The Law of Finance, Sweet & Maxwell, 2009.
- 8 Kraakman et al, Anatomy of Corporate Law, 2 ed. OUP, 2009.
- 9 Louise Gullifer and Jennifer Payne, Corporate Finance Law: Principles and Policy, Hart, 2011.
- 10 Monks & Minow, Corporate Governance, 4 ed. Wiley-Blackwell, 2007.

LAW OF SECURITIES AND DERIVATIVES CONTRACTS

(Secondary Market Regulations and Law Relating to Derivatives Contracts)

(LLM 202)

I. Learning Objectives:

1. To understand the historical development of securities and derivative market and regulation of securities and derivative market by State.
2. To appreciate the scheme of securities regulation and the rationale behind various statutory or regulatory requirements.
3. To know the limitations on the contracting power and the system of checks and balances.
4. To examine the nature, scope and the constitutional validity of adjudicatory mechanism under the securities and derivatives laws and its functioning.
5. To understand how corporate debt finance is being regulated by the state.
6. To understand the role, power and functions of the regulator and the self regulatory organisations.
7. To understand and to evaluate the regulation of intermediaries' interface and the interface between the company and the share purchaser.

II. Modules to be covered:

Module 202.1 – Introduction to Securities and Securities Market

1. An overview of capital market and its role, relevance and significance in an emerging economy like India
2. Kinds of market
 - 202.1.2.1 Primary and Secondary Markets
 - 202.1.2.2 Equity, Debt, Derivatives Markets
3. Meaning, significance, functions and scope of secondary market
4. Market Intermediaries : Role, Significance and their relationship with the stock exchanges
5. Origin and development of capital market regulation in general and in India in particular.

Module 202.2 – Securities: Meaning and Scope

- | | |
|---------|--|
| 202.2.1 | Meaning and Scope of Securities |
| 202.2.2 | Kinds: Equity, Debt and Hybrid Securities |
| 202.2.3 | Derivatives |
| 202.2.4 | Other Modern Securities/Interests including Mutual Funds |

Module 202.3 – Investment Capital, Investor Behaviour and Secondary Market Regulation

202.3.1 Fundamentals of investment

202.3.1.1 Culture of savings

202.3.1.2 Traditional methods of savings

202.3.1.3 Investment as savings with the added advantage of return

202.3.1.4 Involvement of Risk; Kinds in brief

202.3.2 Investor Behaviour

202.3.2.1 Risk- Return co-relation at work

202.3.2.2 Decision to sell, not to sell, buy or not to buy

202.3.2.3 Factors responsible for such decisions

202.3.2.3.1 Efficient Market Hypothesis

202.3.2.3.2 Adoptive Market Hypothesis

202.3.3 Constitutional provisions with respect to securities regulation

202.3.4 The Legislative scheme and the By-Laws with respect to securities market

202.3.5 IOSCO Principles on Securities Market Regulation

202.3.6 Fundamental Principles of Secondary Market Regulation

202.3.6.1 Investor protection

202.3.6.2 Empowering the investors with information

202.3.6.3 Disclosure requirement

202.3.6.4 Investor education

202.3.6.5 Continuous disclosure of material information

202.3.6.6 Uniformity of information

202.3.6.7 Informed consent

202.3.7 Meaning and scope of secondary (securities) market

202.3.8 Minimum public holding requirement and retail investor participation in the market – A Distributive Justice Theory perspective

Module 202.4 – Regulatory Authorities in India

202.4.1 Ministry of Corporate Affairs

202.4.1.1 Powers, Functions and Jurisdiction

202.4.2 Securities and Exchange Board of India

202.4.2.1 Origin of SEBI

202.4.2.2 Composition of SEBI

- 202.4.2.3 Powers and Functions
- 202.4.2.4 Jurisdiction
- 202.4.3 Registered Stock Exchanges
 - 202.4.3.1 Origin, History, Nature, Structure of RSEs
 - 202.4.3.2 Modern developments vis-à-vis RSEs
 - 202.4.3.3 Membership etc. in RSEs
- 202.4.4 Over the Counter Exchange of India
- 202.4.5 Inter-Connected Stock Exchange of India etc.

Module 202.5 – Regulations Relating to Market Intermediaries

- 202.5.1 Share Transfer Agents
- 202.5.2 Clearing Member
- 202.5.3 Broker and Sub-Broker
- 202.5.4 Advisor
- 202.5.5 NSDL and CSDL
- 202.5.6 Depository Participants

Module 202.6 – Risk Appraisal and Credit Rating Agencies

- 202.6.1 Meaning, Scope and significance of Risk appraisal
- 202.6.2 Credit Rating – Meaning, scope and significance
- 202.6.3 Regulation of Credit Rating Agencies

Module 202.7 – Law Relating to Securities and Derivatives Contracts

- 202.7.1 Dealing in securities in secondary market
- 202.7.2 Restrictions on securities' purchase or other transactions
- 202.7.3 Validity and effect of ROFR clauses
- 202.7.4 Transfer of shares
- 202.7.5 Transfer procedure in physical mode; Share Certificates, Uncertified Shares
- 202.7.6 Transfer procedure in depository mode
- 202.7.7 Forged or Fraudulent Share Transfers
- 202.7.8 Nomination in relation to share purchase
- 202.7.9 Share Warrants
- 202.7.10 Warranties and indemnities in share sales
- 202.7.11 Companies' lien on shares
- 202.7.12 Law of securities transaction tax
- 202.7.13 Slump sale

Module 202.8 - Law of Derivative Contracts

- 202.8.1 Meaning scope and significance
- 202.8.2 Derivatives and Wager contracts
- 202.8.3 Kinds of Derivatives
 - 202.8.3.1. Forward
 - 202.8.3.2. Futures
 - 202.8.3.3. Options
 - 202.8.3.4. Swap
- 202.8.4 Performance and discharge from derivative contracts
- 202.8.5 Contemporary legal issues in derivatives

Module 202.9 – Civil and Criminal Liability Relating to Securities Transactions

- 202.9.1 Unfair Trade Practices : Meaning, Scope
- 202.9.2 Remedies available against UTPs; Contract Law Remedies, if any.
- 202.9.3 Remedies for an investor in the secondary market with respect to the contents of prospectus
- 202.9.4 Insider Trading : Meaning, Scope and Significance
- 202.9.5 Civil and Criminal sanctions for insider trading
- 202.9.6 Power of SEBI with respect to insider trading

Module 202.10 – Securities Justice Administration and Appeals

- 202.10.1 Investigation by SEBI
- 202.10.2 Orders by SEBI Members
- 202.10.3 Consent Orders
- 202.10.4 Class action by investors
- 202.10.5 Securities Appellate Tribunal; Composition, Jurisdiction, Powers and Functions
- 202.10.6 Appeals to the Supreme Court
- 202.10.7 Securities Arbitration
 - 202.10.7.1 Scope and framework
 - 202.10.7.2 Scope of institutional arbitration

III. References

1. The Securities and Exchange Board of India Act, 1992
2. The Securities Contract (Regulation) Act, 1956
3. The Depositories Act, 1996
4. The Securities Contract (Regulation) Rules, 1957
5. The Hague Convention on Securities Held with Intermediaries, December 2002
6. Objectives and Principles of Securities Regulation, International Organization of Securities Commissions, May 2003

7. Declaration on Cooperation and Supervision of International Futures Markets and Clearing Organisations (The Boca Declaration of March 15, 1996)
8. Sumit Agarwal and Robin J. Baby, *The SEBI Act, 1992*, Taxmann (2011).
9. Stephen M. Bainbridge, *Securities Laws Insider Trading*, Foundation Press (2009)
10. James D. Cox et al., *Securities Regulation Cases and Materials*, Aspen (6th Ed., 2009)
11. John C. Coffee, Jr. and Hillary A. Sale, *Securities Regulation*, Thomson West (11th Ed., 2010)
12. Stephen Choi & A.C. Pritchard, *Securities Regulation: Essentials Series*, Aspen Publishers (2008)
13. Larry D. Soderquist and Theresa Gabaldon, *Securities Law: Concepts and Insights Series*, Foundation Press (2007)
14. 4 Philip R. Wood, *Set Off and Netting, Derivatives, Clearing Systems*, *The Law and Practice of Int'l Finance Series*, Thomson Sweet and Maxwell

CORPORATE GOVERNANCE

(LLM 203)

I. Objectives:

1. To study the need and objectives of corporate governance.
2. To study various models of corporate governance.
3. To appreciate the model of corporate governance under the Indian Laws.
4. To critically evaluate the corporate governance mechanism available under the Indian Laws.
5. To study the recent developments relating to corporate governance in India.

II. Modules to be covered:

- 203.1 Introduction : Separation of share ownership and management
 - 203.1.1 State control of corporations – lack of freedom of contract
 - 203.1.2 Contractarian approach to corporate governance – Agency problems (i.e. breach of fiduciary duties), conflict between majority and minority shareholders; Abuse of corporate veil by group companies; information asymmetry
 - 203.1.3 Self regulation by corporations – New trends, regulatory challenges and the way forward
 - 203.1.4 Shareholderism v Stakeholderism
 - 203.1.5 Role of SEBI in good governance
- 203.2 Anglo Saxon, German, Japanese models of corporate governance
- 203.3 Division of authorities between managers and shareowners
- 203.4 Structure of share ownership/voting rights and corporate governance – a case study
- 203.5 Structure of board and duties of directors
 - 203.5.1 Closely held companies v closed companies
 - 203.5.2 Listed and unlisted public companies
 - 203.5.3 Small Shareholders Directors
- 203.6 Promoters' influence in corporate governance or rather the lack of it
- 203.7 Investor protection through disclosure requirements – Clause 49 of the Listing Agreement
- 203.8 Executive Compensation
- 203.9 Independent directors : role, responsibilities and liability
- 203.10 Auditors : role, responsibilities and liability
- 203.11 Audit committee : role and significance (Does this make India's corporate

governance regime to be closer to that of German dual board system?)

- 203.12 Investor Redressal Committee
- 203.13 Whistle blowers' protection vis-à-vis prevention of mismanagement
- 203.14 Shareholder democracy and activism
- 203.15 Role of Institutional Investors in good governance
- 203.16 Corporate environment responsibility towards sustainable development
- 203.17 Corporate social responsibility
- 203.18 Corporate governance in government companies, private companies, LLPs, MFIs, Stock Exchanges etc.

III. References :

1. Corporate Boards in Law and Practice: A Comparative Analysis in Europe, *Paul Davies, Klaus Hopt, Richard Nowak, Gerard van Solinge*, November 2013 by Oxford University Press.
2. Corporate Governance in insolvency and bankruptcy, *Frost, C. W.* Lexis Nexis.
3. Corporate Governance As a Limited Legal Concept, *Groot, Cornelis de*, Netherlands Kluwer law International.
4. Corporate Governance , *Vives Xavier (ed.)* USA Cambridge University Press.
5. Ethics in Business and Corporate Governance books, *SK Mandal*
6. Corporate Governance, *Bhatt, Bimal R.* Gujarat Hitakakadi.

**CORPORATE RESTRUCTURING (MERGERS, ACQUISITION ETC)
(LLM 204)**

OBJECTIVES:

1. To study the need and objectives of law of mergers and acquisition.
2. To study various laws applicable to mergers and acquisition
3. To appreciate the significance of due diligence in case of M & A transactions under the Indian Laws.
4. To critically evaluate the mergers and acquisition framework available under the Indian Laws.
5. To study the recent developments relating to law of mergers and acquisition in India.

MODULES TO BE COVERED:

Introduction

Contemporary Corporate Business needs: An Overview

Scope and kinds of Corporate Restructuring

Various Stake holders in Corporate Restructuring

Schemes of Arrangements

Members' and creditors meeting and Consent for Corporate Restructuring

The state regulations of Corporate Restructuring

Application to the NCLT

Appeal to the NCLAT and to the Supreme Court

Mergers and Acquisition – Law and Practice

Due diligence requirements

SEBI Regulations applicable to mergers and Acquisitions

Public Offer requirement under the SEBI (SAST) Regulations

Competition Law Issues in Mergers and Acquisitions

Valuation of assets and deal finalization

Documentation in Mergers and Acquisitions

Post deal obligations of Parties to a Merger etc.,

Corporate Debt restructuring

List of Books recommended:

S. Ramanujam , *Mergers et al*, Issues, Implications and Case Law in Corporate Restructuring 3rd Edition 2012.

**CORPORATE INSOLVENCY LAW INCLUDING REVIVAL OF SICK COMPANIES
(LLM 205)**

OBJECTIVES:

1. To study the evolution and development Corporate Insolvency Law including Revival of Sick Companies
2. To study laws applicable to Corporate Insolvency including Revival of Sick Companies
3. To study and critically analyse judicial interpretations of Corporate Insolvency Law
4. To critically analyse the ethical and legal issues and challenges involved in Corporate Insolvency Law including Revival of Sick Companies
5. To learn to conduct guided research in a focussed area of the subject and to present the findings in a clear and structured manner, both verbally and in writing; and
6. To learn to write a standard research paper based on extensive analysis of materials and synthesis

MODIULES TO BE COVERED:

Introduction

Revival of Sick Companies

Recovery of dues to banks and other financial institutions

Creation, registration and enforcement of security interest under the SARFAESI Act, 2002.

Who can file Winding up Petition

What happens when a winding up petition is filed

Status of pending suits while the company is ordered to be wound up

Appeal against the Winding Up Order

Appointment of Liquidators and Their Powers and Duties

Contributories

Who all owe to company; Int'l Asset Tracing and Law of Insolvency

To Whom Company owes

Class of Creditors

Law of Set off

Rules of Priority

What if company has committed tort, whether the victim is entitled to participate in winding up proceedings as creditor

Charges

Secured Creditor Business- Enforcement of Secured Interest under the SARFEASI Act

Liability of Director- if one of directors got unjustly rich or has caused loss negligently to the company without being unjustly rich, what is level of liability of director.

Overview of issues in cross-border insolvency

List of recommended books:

Law of Insolvency in India

LIST OF BOOKS:

Len sealy	Sealy & Milman: Annotated Guide to the Insolvency Legislation Vol.1	S&M	2013
Len sealy	Sealy & Milman: Annotated Guide to the Insolvency Legislation in Vol. 2	S&M	2013
Saeed	Law of Insolvency	Orient	2012
Mulla	The Law of Insolvency in India	Lexis Nexis	2012

**CORPORATE TAXATION LAW (DIRECT TAXATION)
(LLM 206)**

OBJECTIVES:

1. To study the evolution and development of law of corporate taxation.
2. To study laws, rules etc applicable to corporate taxation.
3. To study and critically analyse judicial interpretations of law of corporate taxation .
4. To critically analyse the ethical and legal issues and challenges involved in law of corporate taxation.
5. To learn to conduct guided research in a focussed area of the subject and to present the findings in a clear and structured manner, both verbally and in writing; and
6. To learn to write a standard research paper based on extensive analysis of materials and synthesis

MODULE 206.1 - INTRODUCTION

1. Historical Development of Income Tax and Corporate Tax.
2. Tax structure in India under Indian Income Act.
3. Concepts.
4. What is company?
5. Residential Status of company and its relation with tax.
6. Receipt of income.
7. Accrual of income.

MODULE 206.2 - TAXATION OF COMPANIES

1. Carry Forward and Set off of business losses and depreciation.
2. Taxable Income and Tax Liability.
3. Tax on Distribution of Profit.
4. MAT (Minimum Alternative Tax).

MODULE 206.3 TAX IMPLICATION

1. Taxation with reference to Newly Established Business.
 - a. Location of a Business.
 - b. Nature of Business.
 - c. Form of Business.

MODULE 206.4 - BUSINESS TAX PROCEDURE AND MANAGEMENT

1. Double Taxation Avoidance Agreement.
2. Advance Payment of Tax.
3. Collection of Tax at Source and E—TDS Return.
4. Tax Planning and Management.

MODULE 206.5 - TAX ON BUSINESS RESTRUCTURING

1. Amalgamation
2. Demerger..
3. Transfer of Assets between Holding Companies and Subsidiary Companies.

BOOKS:

1. Kanga and Pakhiwa;la, The Law and Practice of Income Tax, Lexisnexis
2. The Income Tax Law by Chaturvedi & Pithisaria (Wadhwa Publication).
3. Income Tax Law by V.K.Puri (Jain Books Agency Publication)
4. Law of Income Tax by Sampath Iyengar (Bharat Publication).
5. Corporate Tax Planning by V.K.Singhania (TAXMAN PUBLICATION).
6. Corporate Tax Planning by Daniel Q. Posin (Little Brown & Company, London).

7. Corporate Tax Planning and Management Direct Tax Law & Practice by Girish Ahuja & Ravi Gupta (Bharat Publication).
8. Guide on Foreign Collaboration by Rajiv Jain (India Investment Publication).
9. Tax Incentives for Foreign Direct Investment by Alex Easson (Kluwer Law International).
10. Corporate tax planning by Daniel Q. Posin (Little Brown & Company, London).
11. Double Taxation, Tax Treaties, Treaty Shopping by Christiana HJI Panayi (Kluwer Law International).

**LAW & PRACTICE OF SHAREHOLDERS' AGREEMENTS
(LLM 207)**

OBJECTIVES:

1. To study the evolution and development of Law and Practice of Shareholders' Agreements.
2. To study laws applicable to Shareholders' Agreements.
3. To study and critically analyse judicial interpretations of Shareholders' Agreements and autonomy of contracting parties.
4. To learn to conduct guided research in a focussed area of the subject and to present the findings in a clear and structured manner, both verbally and in writing; and
5. To learn to write a standard research paper based on extensive analysis of materials and synthesis

MODULES TO BE COVERED:

Introduction

Shareholders' Agreements (SHAs) : Meaning, Scope and variations in clauses and content

The Interface between articles of association and Shareholders' agreements

Validity and Enforcement of Shareholders' agreements

Private Companies and SHAs

Public Companies and SHAs

Joint ventures and SHAs

Private Equity and SHAs

Contemporary legal issues in interpretation of SHAs :

ROFR clauses

Call and Put options

Drag and Tag along rights

Management and Shareholders' Vetoes

Exit options

Termination and its consequences

Dispute resolution etc.,

List of Recommended Books

Sean FitzGerald and Graham Muth, *Shareholders' Agreements*, Sweet & Maxwell, Sixth Edition.

Susan Singleton, *Joint Ventures and Shareholders' Agreements*, Singleton, Fourth Edition

European Lawyer, *Shareholder's Rights* General Editors: Alessandro Varrenti, Fernando de las Cuevas & Matthew Hurlock, First Edition 2011.

Darryl J Cooke, *Private Equity Law and Practice*, Sweet & Maxwell South Asian Edition, Fourth Edition.

**INSPECTION, INQUIRY, INVESTIGATIONS AND ADJUDICATORY MECHANISM
UNDER THE COMPANIES ACT 2013.
(LLM 208)**

OBJECTIVES:

1. To study the evolution and development of law of Inspection, Inquiry, Investigations and Adjudicatory mechanism under the Companies Act 2013.
2. To study laws applicable to Inspection, Inquiry, Investigations and Adjudicatory mechanism under the Companies Act 2013.
3. To study and critically analyse judicial interpretations of law of Inspection, Inquiry, Investigations and Adjudicatory mechanism under the Companies Act 2013.
4. To critically analyse the ethical and legal issues and challenges involved in Law and Practice of Inspection, Inquiry, Investigations and Adjudicatory mechanism under the Companies Act 2013.
5. To learn to conduct guided research in a focussed area of the subject and to present the findings in a clear and structured manner, both verbally and in writing; and
6. To learn to write a standard research paper based on extensive analysis of materials and synthesis.

MODULES TO BE COVERED:

Introduction

Corporate management and governance – The Historical Development and the Contemporary Challenges.

The Requirements of book keeping etc.,

The agency problem and corporate frauds

The need for Inspection, Inquiry, Investigations

Regulations of Inspection, Inquiry, Investigations

Inspection of books and conduct of Inquiry - power and procedure

Investigation into affairs of the company

Inspector's eligibility and powers

Search and Seizure

Inspector's Report

SFIO – Establishment, History and Powers

Scope of Investigation of SFIO in company matters

Adjudicatory mechanism – Special Courts under the Companies Act, 2013

Appeal and Revision

LIST OF RECOMMENDED BOOKS :

A Rammaiya, The Guide to Companies Act, Lexis Nexis Wadhwa.

**LAW OF PATENTS
(LLM 301)**

I. Objectives:

1. To study the evolution and development of patent protections
2. To study laws applicable to patents
3. To study and critically analyse judicial interpretations pertaining to patent
4. To study the exceptions to patent rights and limitations of patent law
5. To analyse the contemporary issues involved in public health protection and patent protection
6. To critically analyse the ethical and legal issues and challenges involved in bio-patents etc.

II. Modules to be covered:

302.1. Concept of patent

302.2. Historical view of the patents law in India

302.3. Patentable inventions with special reference to biotechnology products
entailing creation of new forms of life.

302.4. Patent protection for computer programme

302.5. Process of obtaining a patent : application, examination, opposition and
sealing of patents : general introduction

302.6. Procedure for filing patents. Patent co-operation treaty

302.7. Some grounds for opposition

302.7.1. The problem of limited *locus standi* to oppose, specially in relation to
inventions having potential of ecological and mass disasters

302.7.2. Wrongfully obtaining the invention

302.7.3. Prior publication or anticipation

302.7.4. Obviousness and the lack of inventive step

302.7.5. Insufficient description

302.8. Rights and obligations of a patentee

302.8.1. Patents as chose in action

- 302.8.2. Duration of patents : law and policy considerations
- 302.8.3. Use and exercise rights
- 302.8.4. Right to secrecy
- 302.8.5. The notion of "abuse" of patent rights
- 302.8.6. Compulsory licenses
- 302.9. Special Categories
 - 302.9.1. Employee Invention : Law and Policy Consideration
 - 302.9.2. International Patents, Transfer of Technology, Know-How and problems of self reliant development
- 302.10. Infringement
 - 302.10.1. Criteria of infringement
 - 302.10.2. Onus of Proof
 - 302.10.3. Modes of Infringement : the Doctrine of Colourable Variation
 - 302.10.4. Defences in suits of infringement
 - 302.10.5. Injunctions and related remedies.

III. Books recommended:

1. Stobbs, Gregory A., *Software Patents*, 2007/2nd, New Delhi, Wolters Kluwer.
2. Plomer, Aurora (ed.), *Embryonic Stem Cell Patents*, 2009, New York, Oxford University Press.
3. Cauley, Richard F., *Winning the Patent Damages Case*, 2009, New York, Oxford University Press.
4. Fisher, Matthew (ed.), *Fundamentals of Patent Law: Interpretation and Scope of Protection*, 2010, New Delhi, Mohan law House.
5. Miller, Joseph Scott (ed.), *Patents*, 2010, UK, Edward Elgar.
6. Kankanala, Kalyan C., *Indian Patent Law and Practice*, 2010, India, Oxford University Press.
7. Pottage, Alain , *Figures of Invention: A History of Modern Patent Law*, 2010, U.S . O.U.P
8. Gross, Marc S., *Biotechnology and Pharmaceutical Patents: Law and Practice (with CD)*, 2010, New York Aspen publishers.
9. Mueller , Janice M., *Patent Law*, 2009/3rd, New York Aspen publishers.
10. Barrett, Margreth, *Intellectual Property*, 2009/3rd, New York Aspen publishers.
11. Nard , Craig Allen, *Law of Intellectual Property*, 2008/2nd, New York Aspen publishers

**LAW OF TRADEMARKS
(LLM 302)**

I. Objectives

1. To study the evolution and development of trademarks protection
2. To study the law applicable to trademarks in India
3. To study and analyse judicial interpretations pertaining to trademarks
4. To critically analyse the contemporary issues involved in trademarks law

II. Modules to be covered:

- 301.1. Definition and concept of trademarks
- 301.2. The rationale of protection of trademarks as (a) an aspect of commercial and (b) of consumer rights.
- 301.3. Registration
- 301.4. Distinction between trademark and property mark
- 301.5. The doctrine of honest Current User
- 301.6. The doctrine of deceptive similarity
- 301.7. Protection of well-known marks
- 301.8. Passing off and infringement
- 301.9. Passing off as economic tort
- 301.10. Criteria of infringement
- 301.11. Standards of proof in passing off action
- 301.12. Remedies – Temporary and Permanent injunction, compensation etc.
- 301.13. Recent trends in trademark protection: Smell marks, Sound marks etc.
- 301.14. Law relating to Comparative Advertising

III. Books recommended:

1. Kitchin, David, *Kerly's Law of Trademarks and Trade Names*, 2007/14th ed., South Asia Thomson Sweet & Maxwell
2. Cornish, *William Intellectual Property: Patents, Copyright, Trademarks and allied rights*,

2010/7th ed., London Sweet & Maxwell.

3. Arora, *Manish*, Guide to Trademarks, 2007/2nd ed., Delhi, Universal
4. Ryder, Rodney D., *Trademarks, Advertising and Brand Protection*, 2006, New Delhi, McMillan
5. Beebe, Barton, *Trademarks, Unfair Competition and Business Torts*, 2011, New York, Aspen Publishers.
6. Lipton, *Jacqueline*, *Internet Domain Names, Trademarks and Free Speech*, 2010, UK Edward Elgar.

**LAW OF COPYRIGHT AND ALLIED RIGHTS
(LLM 303)**

I. Objectives:

The following are the objectives of the course:

1. To study the evolution and development of protection of copyright
2. To study laws applicable to copyright and allied rights
3. To study the meaning and scope of infringement
4. To understand the available exceptions and to revisit the exceptions
5. To study the available remedies for copyright holder
6. To study the mechanism to avail the said remedy and to critically analyse judicial interpretations pertaining to copyright and allied rights
7. To critically analyse the present legal regime relating to copyright and to revisit the exceptions available under the copyright regime.
8. To be able to critically examine the given facts and spell out the applicable laws
9. To be able to carry out independent research on the contemporary issues involving copyright and allied rights issues

II. Modules to be covered:

- 303.1. Historical evolution of the copyright
- 303.2. Meaning of copyright, Idea v Expression Dichotomy
- 303.3. Copyright in literary, dramatic and musical works
- 303.4. Copyright in sound records and cinematograph films
- 303.5. Copyright in computer programme
- 303.6. Ownership of copyright
- 303.7. Assignment of copyright
- 303.8. Author's special rights – Copyright v Moral Rights
- 303.9. Notion of infringement
- 303.10. Criteria of infringement
- 303.11. Infringement of copyright by films of literary and dramatic works.
- 303.12. Importation and infringement
- 303.13. Fair use provisions
- 303.14. Piracy in internet

303.15. Aspects of copyright justice

303.16. Remedies, especially, the possibility of Anton pillar injunctive relief in India.

III. Books recommended:

1. Sterling, J. L. A., *World copyright law*, 2008/3rd ed, London, Sweet & Maxwell.
2. Ahuja, V. K. , *Law of Copyright and Neighbouring Rights*, 2007, New Delhi, Lexis Nexis
3. Prasad, Akhil, *Copyright Law Desk Knowledge, Access and Development*, 2009, Delhi, Universal.
4. Mendis, Dinusha Kishani, *Universities and Copyright Collecting Societies*, 2009, Hague, T.M.C. Asser press
5. Cornish, William, *Intellectual Property : Patents, Copyright, Trademarks and Allied Rights*, 2010/7th, London sweet & Maxwll
6. Narayanan, P., *Intellectual Property Law*, 2001/3rd, Kolkata, Eastern law House.
7. Garnett, Kevin, *Copinger and Skone James on Copyright*, 2008/5th, London, Sweet & Maxwell.

**PROTECTION OF TRADITIONAL KNOWLEDGE AND GENETIC RESOURCES
(LLM 304)**

I. Objectives

1. To understand the meaning and scope of traditional knowledge and Geographical indications etc.
2. To understand the meaning and scope of TK and GI.
3. To appreciate the ways for preventing the monopolisation of traditional knowledge
4. To critically analyse the use of Traditional Knowledge databases in the overall IPR regime for greater public good
5. To appreciate the significance of documentation of TK
6. To study the laws applicable to protection of TK

II. Details of the modules:

Meaning and scope of Traditional knowledge

Over view of different forms of IP – interface and difference between intellectual property and traditional knowledge

Traditional knowledge and traditional cultural expressions - folklore - difference – theoretical perspectives

Need and significance of protection of TK, patentability and TK

International development of traditional knowledge protection

CBD

FAO

International Treaty on Plant Genetic Resources

Protection of folklore/cultural expressions by UNESCO

Developments in WIPO on traditional knowledge and traditional cultural expressions

Recognition and documentation as way of protection of TK – TKDL – databases – Siddha and other Indian systems of medicine – biodiversity registers, Annual Farmers' meets for seed exchange etc.

Statutory protection of TK in India

Patents

Plant variety and biodiversity

Geographical indications

Trade secrets

Test data protection

Genetic Resources and associated TK as property – nature of property in GR and associated TK – common heritage of mankind – CBD – permanent sovereignty

Ownership in GR & TK – elements of ownership – exclusivity and possession – nature of ownership of GR and TK in CBD, and Nagoya Protocol (PIC & BS)

Benefit sharing – different types of benefits and benefit sharing – beneficiaries – CBD, Nagoya Protocol and Indian law

Commercial exploitation of Indian TK - India's experience at the international arena

III. SUGGESTED READINGS:

1. Daniel F. Robinson *Confronting Biopiracy: Challenges, Cases and International Debates*, Earthscan, (2010)
2. Christoph Antons (ed.) *Traditional Knowledge, Traditional Cultural Expressions and Intellectual Property Law in the Asia Pacific Region*, Kluwer Max Planck Series, (2009)
3. Silke von Lewinski (ed.) *Indigenous Heritage and Intellectual Property: Genetic Resources, Traditional Knowledge and Folklore*, Kluwer Law International, (2008)
4. Jonathan Curci, *Protection of Biodiversity and Traditional Knowledge in the International Law of Intellectual Property*, Cambridge University Press, (2010)
5. Dutfield and Posey, *Beyond Intellectual Property: Toward Traditional Resource Right for Indigenous Peoples and Local Communities*, IDRC, (1996)
6. R. S. Bhalla, *The Institution of Property*, Eastern Book Company, Lucknow, (1984)

**ACCESS TO PATENTED KNOWLEDGE, PRODUCTS AND MEDICINE
(LLM 305)**

I. OBJECTIVES:

1. To study the effect law of Patents on access to knowledge, products and medicines (KPM)
2. To study the lawful ways to reduce the lack of access to KPM
3. To study the challenges faced by the public at large due to lack of access to KPM

II. DETAILS OF MODULES:

Module 1 - Development of international patent system – historical development of Paris Convention – basic principles of Paris Convention – minimum standards – revision of Paris Convention

Module 2 - TRIPS Agreement and patent system – historical development of TRIPS – general principles of TRIPS - patentable subject matter - term of protection - rights and limitations - transitional arrangements

Module 3 - Access to IP products – nature of exclusive rights and its impact on access – the significance of limitations and exceptions to IP rights and the concept of exhaustion of rights and parallel imports

Module 4 - Patenting of pharmaceutical inventions – new challenges to patent system – inventing new drugs – the process and challenges – issues on patenting – patenting improvements – ever greening of pharmaceutical patents – TRIPS flexibilities – patenting of pharmaceutical inventions under the Indian Patent Act – definition of new chemical entities – exclusions – limiting the scope of patentable subject matter and facilitating access to medicine

Module 5 - Facilitating access to medicine: Indian patent system and international obligations – limitations and exceptions – educational and research exceptions – bolar exceptions – parallel importation, Compulsory licences under the Indian Patent Act and TRIPS flexibilities

Module 6 - Doha Declaration and its implementations structure of the Indian pharmaceutical industries - limits of the patent law in facilitating access to new medicines at affordable cost.

Module 7 - Alternatives to IP – open source movement – general public licence – creative commons – open source drug discovery – limits - International Patents, Transfer of Technology, Know-How and problems of self reliant development.

LIST OF BOOKS RECOMMENDED:

1. Stobbs, Gregory A., *Software Patents*, 2007/2nd, New Delhi, Wolters Kluwer.
2. Plomer, Aurora (ed.), *Embryonic Stem Cell Patents*, 2009, New York, Oxford University Press.

3. Cauley, Richard F., *Winning the Patent Damages Case*, 2009, New York, Oxford University Press.
4. Fisher, Matthew (ed.), *Fundamentals of Patent Law: Interpretation and Scope of Protection*, 2010, New Delhi, Mohan law House.
5. Miller, Joseph Scott (ed.), *Patents*, 2010, UK, Edward Elgar.
6. Kankanala, Kalyan C., *Indian Patent Law and Practice*, 2010, India, Oxford University Press.
7. Pottage, Alain , *Figures of Invention: A History of Modern Patent Law*, 2010, U.S . O.U.P
8. Gross, Marc S., *Biotechnology and Pharmaceutical Patents: Law and Practice (with CD)*, 2010, New York Aspen publishers.
9. Mueller , Janice M., *Patent Law*, 2009/3rd, New York Aspen publishers.
10. Barrett, Margreth, *Intellectual Property*, 2009/3nd, New York Aspen publishers.
11. Nard , Craig Allen, *Law of Intellectual Property*, 2008/2nd, New York Aspen publishers

**LAW OF PATENT AND BIO-TECHNOLOGY
(LLM 306)**

OBJECTIVES:

1. To study laws applicable to bio-tech patents in India.
2. To study and critically analyse the ethical and legal issues involved in bio-tech patents..
3. To analyse the contemporary issues involved in application of International law of bio-tech patents.
4. To learn to conduct guided research in a focussed area of the subject and to present the findings in a clear and structured manner, both verbally and in writing; and
5. To learn to write a standard research paper based on extensive analysis of materials and synthesis

MODULES TO BE COVERED:

Introduction

Research and Development in Biotechnology

Plant Patent Protection

Protection of other Biological Inventions

Other Forms of Protection for Bio-Technology at International Level

Plant Patent Protection in India

Biotech Patents in India

Contemporary Bio-technology, gene and other patents

List of Books :

Iver.P. Cooper, *Biotechnology and the Law*, South Asian Edition

**MANAGEMENT AND UTILIZATION OF STATE AND PPP PATENTS:
POLICY, LAW AND PRACTICE
(LLM 307)**

OBJECTIVES:

1. To understand the meaning and scope of State and PPP Patents
2. To appreciate the research output and the unlocking the value of such output to the best advantage of the public
3. To appreciate the issues involved in collaborative research especially the foreign governments and institutions
4. To critically analyse the use of Patent regime for greater public good
5. To understand the methods of commercialisation including licensing, franchising etc.
6. To understand the interface between academic and non-academic use of output of public funded research and the existing Patent regime
7. To critically debate the changes required in the present regime for unlocking the value in the State and PPP Patents.

DETAILS OF THE MODULES:

Introduction

Origin and scope of public funded research

Changing framework of public funded research

State patents and patents obtained by PPPs

Ambit of public funded research

Strategic research

Research outputs with commercial value

Research done as part of academic pursuits

Employee research and the sharing of benefits

Ambit of collaborative research schemes including research done under PPP mode

Inter-University, Inter-state and inter-country collaboration in research and the issues involved in it

Research done under PPP Mode

Concept of commercialisation of IPR in public funded research

Issues involved under patent regime

Issues involved in other areas of IP regime

Emerging Challenges in commercialisation of State Patents

Issues relating to pharma research

Issues involved in Technology Transfer

Limitations in access to knowledge for effective PF research

Role of State and its agencies and instrumentalities in better utilisation of State patents

Role, Powers and Duties of Public servant in charge of State Patents; Accountability of such servants

LIST OF BOOKS:

To be Provided.

PATENT DRAFTING

(LLM 308)

OBJECTIVES:

1. To study the law of patents applicable to patent specifications drafting
2. To study the interface between the law of patents in India and the International Patent Laws vis-à-vis patent specifications drafting.
3. To analyse the contemporary issues involved in patent specifications drafting.
4. To learn actual drafting of patent specifications and to appreciate the implication of drafting in award and exploitation of patents.

MODULES TO BE COVERED:

Introduction

Fundamentals of drafting and Patent Specifications drafting

Identification of patentability requirements

Drafting specifications based on interdisciplinary approach

Jurisdiction specific , specifications requirements – An Analysis

Check list for patent specification drafting

Practical Training I

Practical Training II

Patent filing and procedural requirements in India and at International Level

Insights from patent claims useful for specific drafting

LIST OF RECOMMENDED BOOKS :

Author	Title	Publisher
Justine Pila	The Requirement for an Invention in Patent Law	OUP
Rosenberg	Patent Application Drafting	OUP
RK Jain	Patent Agent Examination	ULP
Sheetal Chopra	Patent Agent Examination	L&N
Mihai Lupu	Current Challenges in Patent information Retrieval	Springer

**INTERNATIONAL SALE OF GOODS
(LLM 401)**

I. Objectives:

1. To study the evolution and development of Law of International Sale of goods.
2. To study laws applicable to contracts of International Sale of goods.
3. To study and critically analyse judicial interpretations pertaining to International Sale of goods.
4. To study the interface between the International Sales law and the domestic law of sale of goods.
5. To analyse the contemporary issues involved in application of law of International sale of goods.
6. To study the legal issues vis-à-vis the International Sale of Goods from the conflict of Laws perspective.

II. Modules to be covered:

Unit 1 : Introduction

Unit II : Scope of CISG

Unit III : Formation of Sale Contract

Unit IV : Terms, Conditions , Representations and Warranties

Unit V : Passing of title and risk in the goods

Unit VI : Discharge of the parties

Unit VII : Breach of Contract

Unit VIII : Remedies

III. Books recommended:

Prof.J.C.T.Chuah	Law Of International Trade:Cross-Border Commercial Transaction	Sweet And Maxwell	London	2013
Adolf H.Hermann	International Trade Terms Standerd Terms For Contracts For The International Sale Of Goods	Graham And Trotmen/Martinus Nighoff	Landon	Not Specified
Dr Indra Carr And Prof R Kidner	Statuts And Conventions On International Trade Law	Cavendish Publishing Ltd	Landon	1993
John Felemegus	An International Approach To The Interpretation Of The Un Convention On Contracts For The Isg(1980)As Uniform Sales Law	Cambridge University Press	America	2007
Jason Chuah And Richard Earle	Statuts And Conventions On Private International Law	Cavendish Publishing Ltd	Usa	2004
Roy Gode And Herbert Kronke	International Instruments And Commentary	Oxford University Press	Usa	2004
Roy Goode,Herbert Kronke	Transnational Commercial Law	Oxford University Press	Usa	2007
Stefan Kroll, Luks Mistelis	Un Convention On Contracts For The International Sale Of Goods	C.H.Beck.Hart.Nomos	Uk	2011
Michael Bridge	The International Sale Of Goods	Oxford University Press	Usa	2007
James Fawcett, Michael Bridje	International Sale Of Goods In The Conflicts Of Laws	Oxford University Press	Usa	2004
Stefan Vogeneuer And Jan Klanheisterkamp	Commentry On The Unidroit Principles Of International Commercial Contracts	Oxford University Press	Usa	2008
Jj Fawcett, J M Carruthrs	Private International Law	Oxford University Press	Usa	2008

**INTERNATIONAL CARRIAGE OF GOODS BY SEA
(LLM 402)**

OBJECTIVES:

This course seeks to introduce the students to the contract of carriage, and its kinds, between parties from different jurisdictions and the liability in case of breach of such a contract. It will also give the exposure to students regarding the application of international conventions and limitations on the liability of the parties to the contract.

The course content is divided into the following modules:

MODULE DETAILS :

Module 402.1 – Introduction to carriers and common carriers

402.1.1 Contract of bailment

402.1.2 Liability of carriers; limitation of liability

402.1.3 Common carriers and nature of their liability

Module 402.2 – Carriage of goods by sea

402.2.1 Contract of affreightment; F.O.B and CIF

402.2.2 Parties to the contract and documentation

402.2.3 General clauses in a contract of affreightment

402.2.4 Applicable law

Module 402.3 – Charter parties

402.3.1 General principles

402.3.2 Seaworthiness

402.3.3 Deviation etc.

Time Charters

402.3.4 Description of vessel

402.3.5 Period of hire

402.3.6 Withdrawal for non-payment

402.3.7 Voyage charters

402.3.8 Freight

402.3.9 Commencement of lay time

402.3.10 Arrived ship

402.3.11 Lay time and demurrage

402.3.12 Recovery of freight, demurrage, or damages for detention

Module 402.4 – Bill of lading

402.4.1 Functions

402.4.2 Terms of carriage

402.4.3 Persons entitled to sue pursuant to a bill of lading

402.4.4 Damages for breach of terms

STATUTORY MATERIALS :

The Indian Bills of Lading Act, 1856.

The Multimodal Transportation of Goods Act, 1993.

The Merchant Shipping Act, 1958 amended up to date.

LIST OF BOOKS

Halsbury's Laws of India; Carriers; Shipping

Southampton Shipping Law, Institute of Maritime Law and Informa (2008)

John Schofield, Laytime and Demurrage, LLP (2005)

Girvin, Carriage of Goods by Sea, Oxford (2011)

Scrutto on Charterparties and Bills of Lading, Sweet and Maxwell (1996)

**INTERNATIONAL COMMERCIAL ARBITRATION
(LLM 403)**

I. INTRODUCTION :

In recent years, the International Trade and Commerce community has embraced commercial arbitration as a sole dispute resolution method given its advantages. As an alternate dispute resolution method it has both substantive and procedural law applicable and yet significantly different from the regular civil procedure law. Hence, any student of law intending to specialize in Corporate and Commercial Laws needs to study the law of International Commercial Arbitration.

With an objective to equip the student to learn the theory and practice of International Commercial Arbitration this course is designed.

II. OBJECTIVES:

1. To study the law applicable to International Commercial Arbitration.
2. To critically analyse the law and practice of International Commercial Arbitration.
3. To discuss and to evaluate the current issues in the Law of International Commercial Arbitration.

III. MODULES TO BE COVERED:

1. International Commercial Arbitration
2. Party Autonomy
3. Choice of Law in International Commercial Arbitration
4. Arbitrability
5. Seat Theory and Delocalised Arbitration
6. Severability
7. Competence of the Tribunal to Rule on its Own Jurisdiction
8. Arbitral Procedures- I
9. Arbitral Procedures- II
10. Interim and Emergency Relief in International Commercial Arbitration
11. Arbitral Awards- Form and Content

12. Challenge to Arbitral Awards

13. Enforcement of Foreign Awards as Decrees

Primary Reference:

1. Gary B. Born, *International Commercial Arbitration* (2014), Kluwer Law International (ISBN 9789041152190)
2. Jean-François Poudret and Sébastien Besson, *Comparative Law of International Arbitration* (2007), Sweet & Maxwell (ISBN: 9780421932104)
3. Peter Binder, *International Commercial Arbitration and Conciliation in UNCITRAL Model Law Jurisdictions*, Sweet & Maxwell; 2nd edition (2005)(ISBN-13: 978-0421861206)
4. Redfern & Hunter et al, *Redfern and Hunter on International Arbitration* (2009), Kluwer Law International (ISBN 9780199557189)
5. Savage and Gaillard (ed), *Fouchard Gaillard Goldman on International Commercial Arbitration* (1999) Kluwer Law International ISBN (9789041110251)

COMPETITION LAW
(LLM 404)

I.Objectives :

1. To study the evolution and development of Law of MRTP and the need for competition law.
2. To study the law applicable to anti-competitive agreements and to situations where a market player abuses its dominant position..
3. To study and critically analyse judicial interpretations competition laws.
4. To study the interface between the International competition law and the domestic law of competition.
5. To analyse the contemporary issues involved in application of competition law.
6. To learn to conduct guided research in a focussed area of the subject and to present the findings in a clear and structured manner, both verbally and in writing; and
7. To learn to write a standard research paper based on extensive analysis of materials and synthesis

MODULES TO BE COVERED:

MODULE 1 : INTRODUCTION – FROM *MOGUL STEAMSHIP CO. V. MCGREGOR GILL AND CO.* TO THE COMPETITION ACT, 2002

Unit 404.1.1 : Concept of Competition and its economic functions

Unit 404.1.2 : (Un)Fair Competition, Subjects, and State

the days of *damnum sine injuria*

the Common Law Doctrine of Restraint of Trade

Unit 404.1.3 : Origin and Objectives of the (Modern) Competition Law

Unit 404.1.4 : Sources of the Competition Law in India and elsewhere

The days of the MRTP Act, 1969 (IN)

The Competition Act, 2002 (IN)

EC Competition Law (EU)

The Clayton's Act,, The Sherman's Act,, etc. (U.S.)

Unit 404.1.5 : Scope and Limitations of Competition Law

Prohibited Anti-competitive agreements under the Competition Law

MODULE 2 : COMPETITION AUTHORITIES AND ENFORCEMENT OF COMPETITION LAW

Unit 404.2.1 : Competition Commission of India

Constitution of the Commission

Statutory Mandate of the Commission

Powers and Functions

Members and their powers

Director General

Comparison of CCI and National Competition Authorities in Select Jurisdictions

Unit 404.2.2 : Competition Appellate Tribunal (ComAT)

Constitution of the Appellate Tribunal

Jurisdiction

Judicial Review by the High Court and the ComAT

Unit 404.2.3 : Comparative study of the Competition Law Enforcement in India, the U.S.A. and the E.U. Private vs. state enforcement

MODULE 3 : PROHIBITED ACTIVITIES UNDER THE COMPETITION LAW

Unit 404.3.1 : Anti-competitive agreements

Unit 404.3.2 : Abuse of Dominant Position

Unit 404.3.3 : Other Unfair Trade Practices

Predatory Pricing

Bid Rigging

Tying

MODULE 4 : REGULATION OF COMBINATIONS

Unit 404.4.1 : Merger Control Regulations

Unit 404.4.2 : Merger Control Regulations – New Developments

MODULE 5 : INTERFACE BETWEEN THE COMPETITION LAW AND OTHER LAWS

Unit 404.5.1 : Interface between Competition Law and Intellectual Property Rights

Unit 404.5.2 : Competition Law and Other Regulatory Laws (SEBI, TRAI, IRDA, CERC etc.)

Unit 404.5.3 : Competition Law and welfare measures including subsidies of the State

MODULE 6 : INTERNATIONALISATION OF COMPETITION RULES

Unit 404.6.1 : Conflict of Competition Laws: The Way Forward

Unit 404.6.2 : Bilateral and Multilateral Approaches to Competition Law

Unit 404.6.3 : International Cooperation amongst the National Competition Law Enforcement Authorities – A Critical Analysis

Recommended Readings :

1. T. Ramappa, Competition Law in India, 2nd ed., Oxford, 2009.
2. Vinod Dhall (ed.), Competition Law Today, Oxford, 2007.
3. Pradeep S. Mehta (ed.), Towards Functional Competition Policy for India, Academic Foundation, 2005.
4. Jonathan Faull and Ali Nikpay (Rev.), The EC Law of Competition, 2nd ed., Oxford, 2007.
5. Brendan J. Sweeney, The Internationalisation of Competition Rules, Routledge, 2010.
6. Eugene Buttigieg, Competition Law : Safeguarding the Consumer Interest, Kluwer, 2009
- 1, 2, and 3 S. M. Dugar, Guide to the Competition Law, LBW,
7. Jurgen Basdeo and Wolfgang Wurmnest, Structure and Effects in EU Competition Law, Kluwer, 2011.

**LAW OF TRADEMARKS
(LLM 405)**

I. Objectives

1. To study the evolution and development of trademarks protection
2. To study the law applicable to trademarks in India
3. To study and analyse judicial interpretations pertaining to trademarks
4. To critically analyse the contemporary issues involved in trademarks law

II. Modules to be covered:

- 301.1. Definition and concept of trademarks
- 301.2. The rationale of protection of trademarks as (a) an aspect of commercial and (b) of consumer rights.
- 301.3. Registration
- 301.4. Distinction between trademark and property mark
- 301.5. The doctrine of honest Current User
- 301.6. The doctrine of deceptive similarity
- 301.7. Protection of well-known marks
- 301.8. Passing off and infringement
- 301.9. Passing off as economic tort
- 301.10. Criteria of infringement
- 301.11. Standards of proof in passing off action
- 301.12. Remedies – Temporary and Permanent injunction, compensation etc.
- 301.13. Recent trends in trademark protection: Smell marks, Sound marks etc.
- 301.14. Law relating to Comparative Advertising

III. Books recommended:

1. Kitchin, David, *Kerly's Law of Trademarks and Trade Names*, 2007/14th ed., South Asia Thomson Sweet & Maxwell
2. Cornish, *William Intellectual Property: Patents, Copyright, Trademarks and allied rights*,

2010/7th ed., London Sweet & Maxwell.

3. Arora, *Manish*, Guide to Trademarks, 2007/2nd ed., Delhi, Universal
4. Ryder, Rodney D., *Trademarks, Advertising and Brand Protection*, 2006, New Delhi, McMillan
5. Beebe, Barton, *Trademarks, Unfair Competition and Business Torts*, 2011, New York, Aspen Publishers.
6. Lipton, *Jacqueline*, *Internet Domain Names, Trademarks and Free Speech*, 2010, UK Edward Elgar.

**LAW OF COPYRIGHT
(LLM 406)**

I. OBJECTIVES:

The following are the objectives of the course:

1. To study the evolution and development of protection of copyright
2. To study laws applicable to copyright and its implications in commercial world
3. To study the meaning and scope of infringement
4. To understand the available exceptions and to revisit the exceptions
5. To study the available remedies for copyright holder
6. To study the mechanism to avail the said remedy and to critically analyse judicial interpretations pertaining to copyright
7. To critically analyse the present legal regime relating to copyright and to revisit the exceptions available under the copyright regime.
8. To be able to critically examine the given facts and spell out the applicable laws
9. To be able to carry out independent research on the contemporary issues involving copyright issues

II. MODULES TO BE COVERED:

- 303.1. Historical evolution of the copyright
- 303.2. Meaning of copyright, Idea v Expression Dichotomy
- 303.3. Copyright in literary, dramatic and musical works
- 303.4. Copyright in sound records and cinematograph films
- 303.5. Copyright in computer programme
- 303.6. Ownership of copyright
- 303.7. Assignment of copyright
- 303.8. Author's special rights – Copyright v Moral Rights
- 303.9. Notion of infringement
- 303.10. Criteria of infringement
- 303.11. Infringement of copyright by films of literary and dramatic works.
- 303.12. Importation and infringement
- 303.13. Fair use provisions
- 303.14. Piracy in internet

303.15. Aspects of copyright justice and the commercial world

303.16. Remedies, especially, the possibility of Anton pillar injunctive relief in India.

III. BOOKS RECOMMENDED:

1. Sterling, J. L. A., *World copyright law*, 2008/3rd ed, London, Sweet & Maxwell.
2. Ahuja, V. K. , *Law of Copyright and Neighbouring Rights*, 2007, New Delhi, Lexis Nexis
3. Prasad, Akhil, *Copyright Law Desk Knowledge, Access and Development*, 2009, Delhi, Universal.
4. Mendis, Dinusha Kishani, *Universities and Copyright Collecting Societies*, 2009, Hague, T.M.C. Asser press
5. Cornish, William, *Intellectual Property : Patents, Copyright, Trademarks and Allied Rights*, 2010/7th, London sweet & Maxwll
6. Narayanan, P., *Intellectual Property Law*, 2001/3rd, Kolkata, Eastern law House.
7. Garnett, Kevin, *Copinger and Skone James on Copyright*, 2008/5th, London, Sweet & Maxwell.

**LAW OF BANKING
(LLM 407)**

OBJECTIVES:

1. To study the evolution and development of Law of Banking.
2. To study laws applicable to banking transactions.
3. To study and critically analyse judicial interpretations of rights and obligations of the parties to banking transactions.
4. To learn to conduct guided research in a focussed area of the subject and to present the findings in a clear and structured manner, both verbally and in writing; and
5. To learn to write a standard research paper based on extensive analysis of materials and synthesis.

MODULES TO BE COVERED:

Introductory

Evolution of Banking Law

Evolution of Banking Institutions

Services of Banks

Functions of Commercial Banks

Historical Background of Banking Institutions in India

Rise of Joint Stock Banks in India

The Banking Regulation Act, 1949

Main Provisions

Social Control

Nationalisation of 14 Major Banks

Business of Banking Companies

Directors, Board of Directors and Chairman

Other Provisions of the Banking Regulation Act

Reserve Bank's Powers

Duality of Control – Conflict of Laws

The Reserve Bank of India

Functions of Reserve Bank of India

Organisation set up of Reserve Bank of India

Banker and Customer

Definition of Banker

Special features of relationship

Bankers as Borrowers

Discounting of Bills

Participation Certificates (PCs)

Bank Deposits

Deposit Insurance Corporation

Deposit Rates in India

Fixed Deposits

Opening of a New Account

Statement of Account or Pass-Book

Limitations of Powers to Borrow

Characteristics of Negotiable Instruments

Negotiable Instruments and their Characteristics

Characteristics of Cheques

Cheques

Origin of Cheque

Requisites of Cheque

Use of printed Cheque Forms

Dating of Cheques

Consideration

Crossed Cheques

Payment of Customer's Cheques

Payment of Customer's Cheques

Precautions

Payment in due course

When payment must be refused

Interference by Third Parties – Injunctions

Dishonour of Cheque

Criminal Liability of Drawer or Dishonour

Scope of Sections 138-140 for prosecution in General

General Principles

Liability of Firm's Partner

Defaulter or Complainant sole proprietary firm

Cognizance of offences

Quashing of complaints

Conviction and Sentences

Appropriation of Payments

Rule in Clayton

Execution

International Banking and Financial Services' Regulation – An Overview

Banks and the International Regulatory Regime

Regulated activities

Prudential Norms

Prevention of Money laundering and terrorist finance

LIST OF RECOMMENDED BOOKS :

Author	Title	Publisher
Tannan	Banking Law	L&N
Gopinath	Banking Principles & operations	SLOP
Kalpana Devi	Technology Trust & Ebanking adoption	Serial
Sundharam	Banking Theory	sultan
Paget	Law of Banking	Lexis Nexis
John K Villa	Banking Crimes - Vols. 1	Thomson
John K Villa	Banking Crimes - Vols. 2	Thomson
Blair	Banking And Financial Services Regulation 3Ed.	Tottel

**LAW OF INSURANCE
(LLM 408)**

OBJECTIVES:

1. To study the evolution and development of law of insurance
2. To study laws applicable to insurance contracts
3. To analyse the contemporary issues involved in the regulatory framework of insurance sector
4. To study and critically analyse judicial interpretations of insurance contracts
5. To learn to conduct guided research in a focussed area of the subject and to present the findings in a clear and structured manner, both verbally and in writing; and
6. To learn to write a standard research paper based on extensive analysis of materials and synthesis.

MODULES TO BE COVERED:

Introduction

The Contract of Insurance

- The Definition of Insurance
- Formal Requirements for Insurance Contracts
- Formation of Insurance Contracts
- The Assured

Insurable Interest

- The Significance of Insurable Interest
- The Principle of Indemnity
- The meaning and Scope of Insurable Interest

The Risk

- Commencement and duration of Risk
- Increase of Risk
- Proximate Cause
- Illegality and Misconduct

Utmost Good Faith

- Non-Disclosure and Misrepresentation
- Materiality and Inducement
- Utmost Good Faith and Agency
- Material Facts

Terms of Insurance Contracts

- Terminology
- Insurance Conditions
- Insurance Warranties

The Premium

- Payment of the Premium
- The amount of the Premium
- Renewal Premiums and Days of Grace
- Consequences of Non-Payment
- Return of Premium

Claims

- Claims Conditions
- Co-operation and Proof of Loss
- Fraudulent Claims
- Limitations of Actions
- Claims against insures by Third Parties
- Declaratory Relief

Indemnity

- Measure of Indemnity
- Limits of Recovery
- Reinstatement
- Settlements

The Regulation of Insures

- Regulatory Structure
- Insurance Business in India and in the United Kingdom
- IRDA

The Rights of Insures

- Subrogation
- Double Insurance and Contribution
- Abandonment and Salvage

List of Recommended books:

Robert Merkin, *Colinvaux's Law of Insurance*, Sweet and Maxwell Ninth Edition.
McGee, *The Modern Law of Insurance*, Lexis Nexis, Third Edition