

**SCHOOL OF LAW**  
**PONDICHERRY UNIVERSITY**



**MASTER OF LAWS (LL.M.)**

**2-YEAR REGULAR PROGRAMME (4-SEMESTER PATTERN)**

**CHOICE-BASED CREDIT SYSTEM (CBCS)**

**REGULATIONS AND SYLLABUS**

**(2023-2024 ONWARDS)**

**REGULATIONS FOR 2 YEARS LL.M. POST-GRADUATE DEGREE PROGRAMME**  
**REGULAR STREAM**  
**SEMESTER PATTERN WITH CHOICE BASED CREDIT SYSTEM**  
**WITH EFFECT FROM 2023 -2024**

**I. Eligibility for Admission:**

1. In order to be eligible for admission into the two years LL.M. an applicant should have successfully completed LL.B./B.A.LL.B. or equivalent recognized by Pondicherry University and the Bar Council of India.
2. Further, the candidates applying for admission to this course should have obtained LL.B. Degree or its equivalent with not less than 50% of marks (45% in case of SC/ ST) in the aggregate in all the 3 years/ 5years of B.L/ L.L.B Degree Course.

**II. Admission procedure:**

The in-take for LL.M. programme is 40. The admission to the above courses shall be made on the basis of Merit list generated from CUET score.

**III. Reservation:**

The rule of reservation set in force by Pondicherry University shall be followed.

**IV. Examination:**

- (1) The course of LL.M. Post-Graduate Degree shall be of two years duration comprising of four semesters. No student admitted to this course will be eligible for award of LL.M.post-graduate degree unless he or she successfully completes all the four semester examinations.
- (2) End Semester examination shall be conducted for all courses offered in the department. The duration of the end semester examination shall be 3 hours.
- (3) No student who has less than 70% attendance in any course shall be permitted to attend the end-semester examination and he/she shall be given FA grade – failure due to lack of attendance. He/she shall be required to repeat that course.
- (4) A student appearing for the semester examination will be declared successful only if he or she obtains not less than 50% of the marks in each of the subjects appeared. All other students shall be deemed to have failed in the examination.
- (5) Candidates who join this programme should pass all the courses prescribed for the programme within the time frame prescribed by Pondicherry University.

**V. Scheme of the Examination in all Theory Courses:**

**Internal Assessment is 40% of Marks**

The internal assessment marks shall be given as per the following breakup:

a.	Internal written exam:	20 marks
b.	Written assignment/ Project Submission:	10 marks
c.	Seminar Presentation and Viva Voce:	05 marks
d.	Attendance (as per SAMS)	05 marks
	<b>Total:</b>	<b>40 marks</b>

**End Semester examination is for 60%marks.** All examinations will be conducted by the

School of Law. End Semester Examination would be a 3-hour written test, consisting of Questions in Part A and Part B signifying long and short answer type questions. (Please see page no. 8)

**VI. Attendance:**

No student who has less than 70% attendance in any course shall be permitted to attend the end-semester examination and he/she shall be given FA grade– failure due to lack of attendance. He/she shall be required to repeat that course.

**VII. Passing Benchmark:** In order to declare the pass, a student should get:

- a. A minimum of 40% marks in end-semester exam, and
- b. A minimum of 50% marks in aggregate when Internal Assessment and End-Semester marks are added.

**VIII. Supplementary Examinations:**

- a. A failed student who meets the attendance requirement shall be permitted to register for the next end-semester examination in the following semester itself and/or in subsequent semesters.
- b. A student who fails in a course due to insufficient attendance should repeat the course as and when it is offered.
- c. A student who gets F or FA grade in a course shall be given an option either to retain the previously awarded Internal Assessment mark or to improve it, and the higher mark out of these two options will be considered for the supplementary exam.

**Note:(i) Maximum duration of the course and number of attempts:** Candidates who join the regular stream of two years LL.M. Post –Graduate Degree course should pass all the courses prescribed for the programme within the following time frame prescribed by Pondicherry University. The duration of the course is 2 years and thereafter, a 2-year time period is available to successfully complete the course, making it maximum of 4 years only.

(ii)At the end of two years, Master of Laws (LL.M.) degree will be awarded, provided the student has passed all the courses prescribed from the First semester to the Fourth Semester.

**IX. Course Structure:**

**Areas of Specialisation:** LL.M. Post-Graduate Degree programme is offered in the following areas of specialization subject to availability of resources, faculty and minimum demand.

- Specialisation – I Criminal Justice and Human Rights**
- Specialisation – II International Commercial Law**
- Specialisation – III Intellectual Property Laws**
- Specialisation – IV Corporate Laws**

**X. Subjects and Credits breakup:**

**PONDICHERRY UNIVERSITY  
SCHOOL OF LAW  
L L.M. 2-YEAR STRUCTURE**

**Specialisation – I Criminal Justice and Human Rights**

<b>Semester -I</b>			<b>Semester -II</b>		
<b>Courses</b>	<b>Credits</b>	<b>Marks</b>	<b>Courses</b>	<b>Credits</b>	<b>Marks</b>
Indian Constitutional Law: New Challenges	4	100	Judicial Process	4	100
Law And Justice In A Globalizing World	4	100	Research Methods and Legal Writing	4	100
General Principles of Criminal Jurisprudence	4	100	Human Rights in India	4	100
Human Society and Crimes	4	100	International Human Rights Law	4	100
Elective - 1	3	100	Elective - 2	3	100
Total	19	500	TP-I	2	50
			Total	21	550

<b>Semester -III</b>			<b>Semester -IV</b>		
<b>Courses</b>	<b>Credits</b>	<b>Marks</b>	<b>Courses</b>	<b>Credits</b>	<b>Marks</b>
Law relating to Evidence and Forensic Sciences	4	100	Criminal Justice Research and Policy Development	4	100
Victimology and Penology	4	100	Elective-4	3	100
International Criminal Law and Criminal Justice	4	100	Dissertation	8	200
Elective-3	3	100			
TP-II	2	50			
Total	17	450	Total	15	400

**Specialisation – II International Commercial Law**

<b>Semester -I</b>			<b>Semester -II</b>		
<b>Courses</b>	<b>Credits</b>	<b>Marks</b>	<b>Courses</b>	<b>Credits</b>	<b>Marks</b>
Indian Constitutional Law: New Challenges	4	100	Judicial Process	4	100
Law And Justice In A Globalizing World	4	100	Research Methods and Legal Writing	4	100
International Trade Law	4	100	Comparative Contract Law	4	100
International Carriage of Goods By Sea	4	100	International Sales of Goods	4	100
Elective - 1	3	100	Elective - 2	3	100
Total	19	500	TP-I	2	50
			Total	21	550

<b>Semester -III</b>			<b>Semester -IV</b>		
<b>Courses</b>	<b>Credits</b>	<b>Marks</b>	<b>Courses</b>	<b>Credits</b>	<b>Marks</b>
Law of International Taxation	4	100	International Banking and Finance	4	100
International Commercial Arbitration	4	100	Elective-4	3	100
International Investment Law	4	100	Dissertation	8	200
Elective-3	3	100			
TP-II	2	50			
Total	17	450	Total	15	400

**Specialisation – III Intellectual Property Laws**

Semester -I			Semester -II		
Courses	Credits	Marks	Courses	Credits	Marks
Indian Constitutional Law: New Challenges	4	100	Judicial Process	4	100
Law And Justice In A Globalizing World	4	100	Research Methods and Legal Writing	4	100
Law relating to Intellectual Property- A Comparative Perspective	4	100	Law Of Patents	4	100
Law Of Copyright & Allied Rights	4	100	Law Of Trademarks & Geographical Indications	4	100
Elective - 1	3	100	Elective - 2	3	100
Total	19	500	TP-I	2	50
			Total	21	550

Semester -III			Semester -IV		
Courses	Credits	Marks	Courses	Credits	Marks
Access To Patented Knowledge, Products And Medicine	4	100	Law relating to Industrial Designs and Semiconductors Lay-out Designs	4	100
Protection Of Traditional Knowledge And Genetic Resources	4	100	Elective-4	3	100
Plant Variety Protection and Farmers Rights	4	100	Dissertation	8	200
Elective-3	3	100			
TP-II	2	50			
Total	17	450	Total	15	400

**Specialisation – IV Corporate Laws**

Semester -I			Semester -II		
Courses	Credits	Marks	Courses	Credits	Marks
Indian Constitutional Law: New Challenges	4	100	Judicial Process	4	100
Law And Justice In A Globalizing World	4	100	Research Methods and Legal Writing	4	100
General Principles of Corp. Law	4	100	Corporate Regulation	4	100
Corporate Finance	4	100	Law Relating to Securities	4	100
Elective - 1	3	100	Elective - 2	3	100
Total	19	500	TP-I	2	50
			Total	21	550

Semester -III			Semester -IV		
Courses	Credits	Marks	Courses	Credits	Marks
Corporate Management and Governance	4	100	Insolvency and Bankruptcy Law	4	100
Law Relating to Mergers and Acquisitions	4	100	Elective-4	3	100
Banking and Insurance	4	100	Dissertation	8	200
Elective-3	3	100			
TP-II	2	50			
Total	17	450	Total	15	400

Total Number of Credits	:	72
Total Marks	:	1900
Total Number of Hardcore courses	:	14
Total Number of Softcore courses	:	4
Total Number of Term Papers	:	2
Total Number of Compulsory courses	:	14
Total Number of Elective courses	:	4

**The LL.M. Programme** would bear 72 Credits. There would be four common and eight specialisation-specific courses that will be compulsory and will be hard core courses bearing 4 Credits each. Also, four soft core courses; that will be elective across the branches; bearing 3 Credits each. There would be two term papers– one each in the second and the third semester bearing 2 Credits each. Dissertation in the fourth semester will bear 8 Credits. Thus, totaling up to 72 Credits.

**Hard core Courses** will be compulsory. These may be common for all branches or be a part of a specialization and will bear 4 Credits each.

**Soft core Courses** will be elective in nature. From amongst the four specialized branches, two courses from each branch are available; one in the odd semester and the other in the even semester. Students are allowed to choose any four courses out of this entire pool considering the availability of that course in the concerned semester. The election of such course should be made in the end of the preceding semester. For the first year students, this option must be made within one week of the beginning of classes. Any soft core course would be offered only if a minimum of 5 students opt for it. Students may also opt for a soft course offered in another department or a MOOC course that is equivalent to a soft core course and is validated by the School of Law. Each Soft core Course will bear 3 Credits.

**Term Papers:** There shall be two term papers bearing 2 Credits each and would be hard-core courses. One each in the second and third semester respectively. They will be evaluated out of a maximum of 50 marks only. 40 marks for the evaluation of the document by the appointed faculty-mentor and 10 marks for viva-voce which will be conducted by a panel of two members consisting of one External Examiner and a faculty member other than the mentor. Viva voce is mandatory but there is no minimum passing mark for the viva. If any student fails to attend the said viva-voce, he/she shall be treated as absent for the said paper (Term Paper) and he/she should be required to undergo the same as and when it becomes due subsequently.

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

## XI. Letter Grades and CGPA:

After consolidating Internal Assessment marks and marks secured in the End-semester examinations, the University shall declare Results both in letter grades and in Figures. The letter grades refer to the following distribution of marks:

Letter Grades	Weightage in calculating CGPA
O	10
A+	9
A	8
B+	7
B	6
C	5
F	0
FA	0

**CGPA:** Cumulative Grade Point Average (CGPA) will be calculated as a weighted average of number of Credits that a course carries and the value of Grade Point, averaged for all the courses.

**Conversion formula from CGPA to percentage:**  $CGPA \times 10$

**XII. Declaration of Results:** Pondicherry University shall declare the results of this course on the basis of the following Pass classes:

Pass Class	
CGPA	RESULT
9.0 and above (in the first attempt)	Distinction
7.0 and above	First Class
5.00 to 6.99	Second Class

**QUESTION PAPER PATTERN:**



**PONDICHERRY UNIVERSITY  
SCHOOL OF LAW**

**PROGRAMME NAME SEMESTER NUMBER  
END TERM EXAMINATION MONTH/ YEAR  
COURSE CODE COURSE NAME**

*Duration: 3 hours*

*Max. Marks: 60*

**PART A Attempt any five questions.**

**5x8 = 40**

1. Long Question
2. Long Question
3. Long Question
4. Long Question
5. Long Question
6. Long Question
7. Long Question

**PART B Attempt any four questions.**

**4x5 = 20**

8. Short note
9. Short note
10. Short note
11. Short note
12. Short note
13. Short note



**I SEMESTER**  
**COURSE 1**  
**INDIAN CONSTITUTIONAL LAW: NEW CHALLENGES**

**LLM**

**4 Credits**

**Course Objectives**

- To understand the constitutional interpretation involves a technique of adapting the law to meet changing social mores.
- To understand new trends is essential for a meaningful understanding of the legal system and processes.

**Course Modules**

**Module I – Federalism and the Democratic process**

Allocation and share of resources – Distribution of grants – in – aid – The inter-state dispute on resources – Centre’s responsibility and internal disturbance within states – Directives of the Centre to the State under Article 356 and 365 – Federal comity – Relationship of trust and faith between Centre and state- Electoral Reforms - Election Commission and its role in democratic process, Coalition Government- stability and durability, Grass root Democracy and its implementation

**Module II – Separation of Power and Rule of Law**

Doctrine of Separation of Powers and checks and balances - Constitutional framework - Judicial interpretation and practice, Judicial Activism, Judicial Restraint and Judicial independence - PIL: Implementation, Judicial autonomy and independence, accountability of Executive, Legislature and Judiciary, Appointment and Removal of Judges

**Module – III The State, Rights, Remedies and Freedoms**

Need for widening the definition in the wake of Liberalization – Right to equality- Privatization and impact on affirmative action – Empowerment of women. Freedom of press and challenges of new scientific development – freedom of speech and right to broadcast and telecast, Freedom of speech and expression, Right to broadcast and telecast, Impact of Information Technology Act, 2000, Right to strikes, hartal and bandh

**Module – IV Emerging regime of new rights and remedies**

Reading Directive Principles and Fundamental Rights into Fundamental Duties- Compensation jurisprudence – Right to Education – commercialization of Education and its impact – Right of Minorities to establish and administer Educational institutions and state control.

## **Module – V Indian Constitution: Issues and challenges**

Good Governance – Judicial Governance, Issues in implementation- Balancing rights in judicial governance, Pendency of Cases, Challenges to Indian Democracy – Illiteracy- Poverty- Gender Discrimination - Role of Media and Press - Right to Privacy - Casteism, Communalism, Religious Fundamentalism – Corruption – Criminalization of Politics – Political Violence – Secularism and Religious Fanaticism

### **Learning Outcomes**

In the successful completion of this course the student will reach out the following

- To analyze the role of Indian Constitution in transforming governance of social, economic and political justice.
- To understand the interrelationship in the golden triangle of Fundamental Rights, Directive Principles of State Policy and the Preamble.
- Understand the constitutional perspective of positive law and constitutional morality, the privileges of parliamentarian, and the procedure of amendments.
- To appreciate as to how the Indian Constitution has passed the test of time and provides the foundation for the effective functioning of Indian democracy and its polity.

### **Suggested readings**

1. D.D.Basu, Commentary on the Constitution of India Lexis Nexis Butterworths, Wadhwa, Nagpur (2009)
2. M. P. Jain- Indian Constitutional Law- (Lexis Nexis2014)
3. H.M.Seervai, Constitutional Law of India, Vol.1-3,Universal Law Publishing - An imprint of LexisNexis; 4th edition (2015)
4. M.P.Singh (ed.), V.N.Shukla's Constitution of India (EBC, Lucknow,2017)
5. Constituent Assembly Debates Vol. 1 to 12 (1989)
6. Mahendra P. Singh, V. N. Shukla's Constitution of India (11th ed., 2008)
7. D.D.Basu, Commentary on the Constitution of India, Lexis Nexis, 9th Edition 2014
8. M.P.Jain Revised by Justice JastiChelameswar and Justice Dama Seshadri Naidu, Indian Constitutional Law, Lexis Nexis, 8th Edition 2018

**I SEMESTER**  
**COURSE 2**  
**LAW AND JUSTICE IN A GLOBALISING WORLD**

**LLM**

**4 Credits**

***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.

***Course Modules:***

**Module I:**

Fundamentals of Jurisprudence: Divine Law; Natural Law; Empiricist Philosophy and its Connection with Natural Science; Classical Positivism Modern Positivism – The Impact of HLA Hart; Judicial Thinking as a Consequence of Socialisation – Pound, Holmes, Cardozo; The Marxist View of Law

**Module II:**

What is Globalisation; Globalisation in Our Everyday Lives; Cultural, Economic, Social, Political Dimensions of Globalisation

**Module III:**

Law and Justice – An Overview; Theories of Justice; Dimensions of Justice; Plato’s Concept of Justice; Aristotle’s Concept of Justice; Distributive Justice and its Connection with Law; Modern Conceptions of Distributive Justice – A Comparison of Nozick and Rawls; Indian Judicial Thinking in the Light of Realist School: Judicial Activism; Public Interest Litigation; Judicial Lawmaking

**Module IV:**

The Impact of Globalisation on Law and Justice: Globalisation and Law; Transforming Notions of Sovereignty; Transforming Notions of Justice; Transforming Notions of Entitlement and Community Ownership, Community Rights, and Globalisation

**Module V:**

Law as the traditions and culture – Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India; Need for social transformation; Non-legal strategies for social transformation (Gandhism, Sarvodaya, Marxist etc.)

Caste as a ‘divisive factor’; Regionalism as a ‘divisive factor’;

Gender injustice and its forms; Empowerment of women; Constitutional and legal provisions; Feminism;

Reform of court processes; Criminal law – Plea bargaining, compounding and payment of compensation to victims; Civil law–Concept of ADR, Mediation, conciliation and Lok Adalats

Social transformation in rural and urban societies of India – Local self-governments (Panchayats and Municipalities) and their contribution to social change; Impact of MGNREGA, BharathNirman, NRHM, JNNURM, Infrastructure project, Educationalprogrammes.

### ***Learning Outcomes:***

After undergoing the study, the student will be able to understand the following:

- To understand various perspectives of globalisation.
- To understand various perspectives of justice.
- To understand various perspectives of law and social change in India.

### ***Suggested readings:***

- i.* Marc Galanter (ed.) - Law and Society in Modern India (1957), Oxford.
- ii.* Robert Lingat - The Classical Law of India (1998), Oxford.
- iii.* U. Baxi - The Crisis of the Indian Legal System (1982), Vikas, New Delhi.
- iv.* U. Baxi (ed.) - Law and Poverty: Critical Essays (1988), Tripathi, Bombay.
- v.* H.M. Seervai - Constitutional Law of India (1996)
- vi.* D.D. Basu - Shorter Constitution of India (1996), Prentice Hall of India (P) Ltd.,
- vii.* Indian Law Institute - Law and Social Change: Indo – American Reflections,
- viii.* Ishwara Bhatt- Law and Social Transformation.
- ix.* Gandhi, J S, Ed., Law and Social Change, Rawat Publications, Jaipur, 1989.
- x.* Singh, S N, Law and social change: Essays on labour laws and welfare, Research methodology and environmental protection, P G Krishnan Memorial Foundation, Delhi, 1990.
- xi.* Roach Anleu, Sharyn L, Law and Social Change, Sage Publications, London, 2000.

**II SEMESTER**  
**COURSE 1**  
**JUDICIAL PROCESS**

**LLM**

**4 Credits**

***Course Objectives:***

The Constitution, a living document is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. This course aims to study the nature of judicial process and the role of the judges as policy makers and as the participants in evolving political principles of governance in the comparative aspects. Another objective of this course is the study comparative view of how the Judiciary manages itself for its effective productive results.

***Course Modules:***

**Module I:** Nature of judicial process; Judicial process as an instrument of social ordering; Introduction Constitutional scheme and practice; Rule of law and its importance; Independence of judiciary; separation of powers and checks and balances; role and status of judiciary (Constitutional courts) in a democracy; jurisdiction and powers of the court; structure of judicial system in India; Alternative adjudication; NyayaPanchayats; Gram Nyayalayas Act,2008.

**Module II:** Nature of judicial process Methods of judicial interpretation; Legislative intent; rule making powers of the court; judges as legislators versus ‘law declared’ the Supreme Court of India; Constitutional provisions for judicial review; power to review; extra constitutional means and powers.

**Module III:** Management Selection and appointment of judges; transfer of judges; manpower planning; Judicial impact Assignment; Mounting arrears and the reasons; work load; patterns of court management; Major recommendations by the Law Commission of India; Use of Information and Communication Technology by courts, its problems and solutions; training of judges; role of national and state judicial academies.

**Module IV:** Process Interpretative techniques; judicial doctrines as tools of interpretation; Due process of law; procedure established by law; judicial discretion in judicial reasoning; judicial review; Judicial activism; self restraint; public interest litigation;*ratio decidendi*;*obiter dicta*; precedent;*stare*

*decisis*; prospective overruling; basic structure; colourable legislation; harmonious construction; jurimetrics; territorial nexus and the like compensatory jurisprudence Judicial creativity *vis-a-vis* the Constitution.

**Module V:**Judicial accountability; constitutional schem; subordinate judges; removal; disclosure of assets and liabilities; contemporary challenges to check judicial power of the courts and judges; transparency; Contempt power and issues relating to the exercise of contempt power; The judge as legislator; conscious and sub conscious elements in the judicial; process social philosophy of the judges and its impact on judicial divisions; committed judiciary.

***Learning Outcomes:***

After undergoing the study, the student will be able to understand the following:

- Nature of Judicial Process and its techniques.
- Role of Judges as Policy makers and as participants in evolving political principles of governance.
- Comparative aspects of Judicial Management and Administration.
- Legal progression and creativity through legal reasoning under statutory and codified systems.

***Suggested readings:***

- i.* Benjamin N. Cardozo, The Nature of Judicial Process, Universal LawPublishing.
- ii.* Henry J. Abraham – the Judicial Process (1998),Oxford.
- iii.* Julius Stone – The Province and Function of Law (2000), Universal LawPublishing.
- iv.* UpendraBaxi – the Indian Supreme Court and Politics (1980), Eastern BookCo.
- v.* Rupert Cross and J. W. Harris – Precedent in English Law, ClarendonPress.
- vi.* AbhinavChandrachud, Due Process of Law, Eastern BookCo.
- vii.* G. P. Tripathy, Judicial Process: Legal Aid and LokAdalats, CentralLaw Publications.
- viii.* S. P. Sathe, Judicial Activism in India, Oxford India Paper back.
- ix.* A. Lakshminath, Precedent in Indian Law, Eastern Book Co.,Lucknow.

## II SEMESTER

### COURSE 2

#### RESEARCH METHODS AND LEGAL WRITING

LLM

4 Credits

#### Course Objectives

- To study the meaning, scope and significance of research
- To study various methods of research and methodology
- To acquaint the students with the use of empirical research methods and to encourage them to use such empirical methods in legal research
- To train them in proper legal writing and foot noting, editing etc.

#### Course Modules

##### Module I – Introduction to Research Methods

Research: Meaning, Objectives and Scope -Research Methods vis-à-vis Research Methodology Scientific Method – Meaning and Significance - Legal Research: Meaning, Scope and purpose - Law and Society and Law in Society

##### Module II – Types of Research

Kinds: Doctrinal and Non-Doctrinal (empirical); Field research and Laboratory research - Analytical and Descriptive - Participatory and Non-Participatory - Comparative, Historical Critical, Socio-Legal; Mono Disciplinary and Inter-Disciplinary (Multi-Disciplinary) - Quantitative and Qualitative - One time and Longitudinal - Social Sciences and Legal Research – Similarities and Differences. Legal Research for Professional Service - Legal Research in Absence of Law and for Scholarship - Legal Research for Law Reforms.

##### Module III - Research Design

Steps in Research: Research Process - Research Problem: Identification and Formulation – Hypothesis - Use of Library, Use of Modern Technology/Computer Assisted Research - Tools and Techniques for Collection of Data - Literature Review - Observation Method – Questionnaire - Interview - Case study. Sampling –Jurimetrics -

Compilation/Collating, Analysis and Interpretation of Data - Use of Deductive and Inductive Methods in Research - Preparation of Research Report and Writing of Research Report - Budgeting of Research

#### **Module IV – Empirical Legal Research**

Empirical Research - Research Design - Measurement: Measuring concepts, evaluation Measures and Measurement Methods - Collecting Data - Coding Data – Analyses and Interpretation: Analyzing Data - Summarizing Data – Variables - Tools for Summarizing Variables - Statistical Inference - The Logic of Statistical Inference - Confidence Intervals - Hypothesis Testing - Cross-Tabulation and Tests for Tables - Regression Analysis – Lines and Linear Relationships – Statistical Inference – Introduction to SPSS.

#### **Module V – Legal Writing**

Synopsis writing - Title, Research Question, Identifying Relevant Areas of Law - Identifying Literature including Case Laws, Analysis, Discussion - Recommendation and Conclusion - Bibliography: Organisation of Legal and Other Materials - Writing of Research Proposal - Writing of dissertation/thesis - Academic/Scholarly Writing - Publication of Reviews, Articles, Books etc. - Reference, Footnoting and Citation Formats - Editing and Proofreading - Ethical and legal Issues: Plagiarism and Copyright Violation.

#### **Learning Outcomes**

On successful completion of this course, the students will be able to:

- Demonstrate an understanding on the evolutionary principles relating to intellectual property law.
- Demonstrate a foundation International and National perspectives on Intellectual Property.
- Analyze the significance of Intellectual Property Jurisprudence.
- Understand and interpret the vary forms territorial aspects of Intellectual Property.



## **Suggested Reading**

1. S.K. Verma and M. AfzalWani, Legal Research and Methodology, (2<sup>nd</sup> Ed. 2001, Reprint 2006), Indian Law Institute, NewDelhi.
2. Bikram Kumar Das, Legal Education and Research Methodology (2012)
3. C R Kothari, Research Methodology: Methods and Techniques – (2014)
4. D R Kapoor, Research Methodology: Methods and Techniques – (2013)
5. Ranjit Kumar, Research Methodology: A Step-by-step Guide for Beginners – 2013 (2013)
6. Berelson B: Content Analysis in Communication Research.
7. Beveridge WIR-Art of Scientific investigation.
8. Black & Champion-Research Methodology.
9. C. M. Coroll and Frederic Coroll: Methods of Sociological Research.
10. Campbell, Fox Kentey-Students guide to Legal writing.

## IV SEMESTER

### COURSE 3

#### DISSERTATION

LLM

8 Credits

#### I. STYLE AND FORMATTING:

The dissertation should be the original work of the student. It should be clearly typed, with

- Font style- Times NewRoman,
- Font size-12,
- Headings-14,
- Line spacing- 1.5 line spacing on single side of paper
- Alignment-Justified,
- Citation format- ILI citation style
- Hardbound in White with black letterings
- The Dissertation shall contain a Certificate from the Guide assigned.
- The Dissertation shall contain a declaration by the student *qua* its originality.
- The word limit for the body of the Dissertation (excluding the title, acknowledgments, abbreviations, bibliography, etc.) shall be approximately 100 – 120pages.

#### II. WRITING A DISSERTATION:

For consistency, students are supposed to conform to the format approved by School of Law, Pondicherry University as follows:

##### i. COVER PAGE AND SPINE:

The final copy of the thesis/dissertation must be hardbound in white with black. As for the cover, the title of the dissertation, author's name, name of institution, and year of submission must be printed in uppercase with font size of 14 pitch in Arial, and centrally aligned. The words in title must be arranged in the inverted pyramid shape.

As for the spine, the title of the thesis/dissertation, author's name, the Degree for which the thesis is submitted, and the year in upper case to be printed on the spine. If the title of the thesis cannot fit the space in the spine, smaller font is allowed.

The Cover Page of the Dissertation must contain the following

- Title of the Dissertation (as approved)
- Name of the Student, Registration No.
- Name of the Guide (with proper Designation)
- Name of the University and place with logo of the University
- Month and Year of Submission

**ii. TITLEPAGE:**

Same as Point No. i (above)

**iii. CONTENTS:**

Certificate

Declaration

Acknowledgment

List of Statutes

List of Cases

List of Abbreviations

Introduction

- a. Scope of work and objectives
- b. Research questions
- c. Hypothesis
- d. Review of literature
- e. Limitations
- f. Chapterisation
- g. Conclusion & Suggestions
- h. Bibliography

#### **iv. BIBLIOGRAPHY:**

There must be a Bibliography at the end. A Bibliography is a list of readings, ordinarily those which were used in writing the project assignment. However, there is no restriction as such to provide readings that were not used in writing the project. The Bibliography may be arranged with clear classification of various types of materials used in writing the project (E.g., primary, secondary, or documents and reports, books, articles, newspapers, etc.). There is nothing wrong if classification is not attempted at, but the references must be arranged in ALPHABETICAL order, and chronological order, if there are more titles of the same author.

#### **III. PROGRESS REPORT**

The students must submit a monthly Progress Report stating the details of the work progress and they are also supposed to meet once a week with the supervisors assigned.

#### **IV. PRESENTATION AND VIVA:**

It is mandatory to present the dissertation with the help of Power Point presentation during the viva- voce.

## **SPECIALISATION ONE**

### **CRIMINAL JUSTICE AND HUMAN RIGHTS**

**I SEMESTER**  
**COURSE 3**  
**GENERAL PRINCIPLES OF CRIMINAL JURISPRUDENCE**

**LLM**

**4 Credits**

***Course Objectives:***

Criminal Justice refers to the agencies of government charged with enforcing law, adjudicating crime, and correcting criminal conduct. The criminal justice system is essentially an instrument of social control: society considers some behaviour so dangerous and destructive that it either strictly controls their occurrence or outlaws them outright. It is the job of the agencies of justice to prevent these behaviours by apprehending and punishing transgressors or deterring their future occurrence. Although society maintains other forms of social control, such as the family, school, and church, they are designed to deal with moral, not legal, misbehaviour. Only the criminal justice system has the power to control crime and punish criminals. The central purpose of the Criminal Justice System is to deliver an efficient, effective, accountable and fair justice process for the public.

***Course Modules:***

**Module I:** Essential elements of a crime; Stages in the commission of crime; Exceptions to the rule of mens rea- strict liability; Principle of Legality-*Nulla Poena Sine Lege and nullum crimen sine lege*; Other Principles of liability: *the presumption of innocence; Burden of proof; Right against self-incrimination; right against Double jeopardy.*

**Module II:** General Principles of Joint and Constructive liability, common intention and Unlawful Assembly; General Principles of Abetment, Criminal Conspiracy and attempt under Indian Penal Code, 1860; Jurisdiction and challenges in International criminal law.

**Module III: *Trial Processes***-Taking Cognizance by courts and committal proceedings – Hierarchy of Criminal Courts and types of trials; Framing of Charge and Discharge Proceedings; Acquittal or Conviction – Revision, Appeal and transfer of case for trial

**Module IV:** Concept, definition, nature, forms and purposes of punishments, Different Punishments under Indian Legal System; Capital Punishment: Constitutionality, Judicial Attitude and Law Reforms; Sentencing process – Process and Policies in India; Mitigating & Extenuating circumstances in the decision making of sentence , Plea Bargaining, Compounding of offences

**Module V:** Operation of section 6 of Indian Penal Code, 1860 and Chapter IV of Indian Penal Code, 1860; Excusable Acts; A mistake of Fact under section 76 and 79; Accident under Section 80;

Infancy – Section 82 and 83; Insanity – Section 84; Intoxication – Section 85 and 86; Justifiable Act: An act of Judge and Act performed in pursuance of an order under Section 77 and 78; Consent under Section 87 – 89 and Section 90 and 92; Communication under Section 93; Duress under Section 94; Trifles under Section 95; Private Defence under Section 96 – 106; Burden of Proof under Indian evidence Act, 1872: sections 101 to 117.

***Learning Outcomes:***

After undergoing the study, the student will be able to understand the following:

- To understand the jurisprudential basis of crime, criminal justice system and administration in India
- To acquire an understanding on correctional system and alternatives to imprisonment within the realm of criminal justice administration.
- To understand the role played by different functionaries in the criminal justice administration to meet the challenges of the modern India.
- The need for reforms and new challenges in the wake of growing importance and realisation of victim's rights and necessity to involve all the stakeholders for ensuring justice to all.

***Suggestive readings:***

- i. Edwin H. Sutherland, Donald R. Cressey, David F. Luckenbill, AltaMira Press, 01-Jan-1992.
- ii. Ahmed Siddiqui, Criminology: Problems and Perspectives, 4<sup>th</sup> Edition, Eastern Book Co. Lucknow 2014.
- iii. Van Ness, Daniel W., and Karen Heetderks Strong. Restoring justice: An introduction to restorative justice. Routledge, 2014.
- iv. Ahmad, Dr. "A Brief Analysis of Theories of Punishment in India." Available at SSRN 3561458 (2020).
- v. Maguire, Morgan and Reiner, The Oxford Handbook of Criminology, 3<sup>rd</sup> Edition, Oxford Univ Pres, New York 2015
- vi. Criminology and Penology , Rajendra K. Sharma , Atlantic Publishers and Distributors Pvt Ltd; 1st edition (19 December 2017)

## I SEMESTER

### COURSE 4

#### HUMAN SOCIETY AND CRIMES

LLM

4 Credits

#### *Course Objectives:*

Criminal Justice refers to the agencies of government charged with enforcing law, adjudicating crime, and correcting criminal conduct. The criminal justice system is essentially an instrument of social control: society considers some behaviour so dangerous and destructive that it either strictly controls their occurrence or outlaws them outright. It is the job of the agencies of justice to prevent these behaviours by apprehending and punishing transgressors or deterring their future occurrence. Although society maintains other forms of social control, such as the family, school, and church, they are designed to deal with moral, not legal, misbehaviour. Only the criminal justice system has the power to control crime and punish criminals. The central purpose of the Criminal Justice System is to deliver an efficient, effective, accountable and fair justice process for the public.

#### *Course Modules:*

**Module I: Introduction** - Meaning and Concept of society, culture, informal means of social control (norms, mores, folkways, taboos), social deviance, groups, community, social organization and disorganization, social structure and process; Crime and criminology definitions, Historical development, Nature, origin and scope; Criminology and its relationship to other disciplines; Social construction of deviance and crime; Definition of victims of crime and victims of abuse of power.

**Typology of Crime and Criminal Behaviors** - Crime against person; Crime against property; White collar crime; Organized crime; Cybercrime; Environmental crime; Crime and media; Habitual offenders; Professional criminals; Violent offences; Recidivism; Crimes under IPC, 1860.

**Module II: *Organized Crimes*** -Definition & scope of organized crime; Types & characteristics of organized crime; Illicit trafficking of women & children, prostitution; Terrorism & Narco terrorism Close linkage between organized crime and terrorism; Maharashtra Control of Organized Crime Act, 1999 & Gujarat Control of Terrorism and Organized Crime Bill 2015; Issues & law related to Internal Security, The National Security Act, 1980, Armed Forces (Special Powers) Act (AFSPA) 1958

***Economic Crimes*** - money laundering, scams, Hawala & Counterfeiting of Currency



**Module III: *Police Deviance*** - Indian Police Act, 1861; Structures of legal restraint on police power in India, Unconstitutionality of “third-degree” methods and use of fatal force by Police-Judicial decisions on “Encounter” killings, Custodial Violence and Custodial Deaths, Torture in Prison; Attributing Responsibility Police Violence, Defences including “Superior Orders”, etc. Rape and related forms of gender-based aggression by police and para- Military forces

***Professional Deviance by Doctors and Lawyers and Journalists*** -Medical Negligence and the law in India; The Lentin Commission Report-Malpractices and other Unethical practices at the Indian bar; Media Ethics, The Press Council on unprofessional and unethical journalism

**Module IV: *Narcotic Drugs and Psychotropic Substances (NDPS) Act*** - Its Legislative Intent; National drug control framework, National Crime Records Bureau (NCRB); United Nations Office on Drugs and Crime (UNODC); Criminal Justice System, Crime Control Institutions, National Coordination Scheme

***Enforcement Mechanism: Drug Laws Enforcement*** - Judicial Response; Identifying and Tracing the forfeitable properties; International Narcotic Control Strategy Report; Special Narcotic Courts; Doctrine of Onus Probandi, Punitive or Reformatory; Reformation of Narcotic Legislation (NDPS Act)

***National Action plan for Drug Demand Reduction*** - Social Impact of Drug Abuse; The Role of Community in Combating Drug Addiction; Regulatory Systems; Law Reform Initiatives; Social justice

**Module V: *Gender Related Crimes*** -Child marriage; Prostitution and Trafficking; Female foeticide; Sexual harassment of Women at workplace; dowry; domestic violence; crimes under IPC etc.

***Children and Crime*** - Definition; Nature and patterns of delinquency; Causes; Salient features of the Juvenile Justice (Care and Protection of Children) (amended) Act, 2006; Salient features of Protection of Children from sexual offences Act, 2012

***Learning Outcomes:***

After undergoing the study, the student will be able to understand the following

- To understand the jurisprudential basis of crime, criminal justice system and administration in India.
- To acquire an understanding on Meaning and Concept of society, culture, informal means of social control.

- To understand the various Typology of Crime and Criminal Behaviors.
- To understand Professional Deviance, Drug Control, Protection of women and Children Indian Legal System.

***Suggested readings:***

1. Ahmed Siddiqui, Criminology: Problems and Perspectives, 4<sup>th</sup> Edition, Eastern Book Co. Lucknow 2014.
2. Criminology and Penology, Rajendra K. Sharma, Atlantic Publishers and Distributors Pvt Ltd; 1st edition (19 December 2017).
3. Polich, J. Michael. Strategies for controlling adolescent drug use. Publications Department, The Rand Corporation, 1700 Main Street, PO Box 2138, Santa Monica, CA 90406 – 2138, 1984.
4. Dorn, Nicholas, Karim Murji, and Nigel South. Traffickers: Drug markets and law enforcement. Psychology Press, 1992.
5. Jacobs, Bruce A. Robbing drug dealers: Violence beyond the law. Transaction Publishers, 2000.
6. Galeotti, Mark, ed. Global crime today: the changing face of organised crime. Routledge, 2014.
7. Allum, Felia, and Renate Siebert, eds. Organised crime and the challenge to democracy. Routledge, 2004.
8. Ellis, Stephen. This present darkness: A history of Nigerian organized crime. Oxford University Press, USA, 2016

**II SEMESTER**  
**COURSE 3**  
**HUMAN RIGHTS IN INDIA**

**LLM**

**4 Credits**

***Course Objectives:***

The rights of every man are diminished when the rights of one man are threatened. Understanding Human Rights in National level is important. This course modules focuses on Human Rights in India, various policies in India with respect to its evolution through various social movement, identifying enforcement mechanism of the National and State Human Rights Commissions. The role of civil society and NGOs in the protection of human rights. Constitutional measures for the protection of human rights in India and Special Laws enacted under Positive discrimination. To Identify constitutional remedies, scope of judicial review in protection of human rights. Conceptualize basic structure of the Constitution. Constitutional orientation and response to social transformation. Identify affirmative actions necessary for social transformation. And to conceptualize modernization of law and social institutions.

***Course Modules:***

**Module I:** Historical and Constitutional Development of Human Rights in India; Poverty and Human Rights in India; Fundamental Rights under the Indian Constitution.

**Module II:** Protection of Human Rights through Directive Principles of State policy and Fundamental Duties under the Indian Constitution.

**Module III:** Protection of Vulnerable Sections of Society in India (Tribal, Women, Minorities, Children, Aged, Disabled, Prisoners etc.)

**Module IV:** Judicial Activism and Development of Human Rights Jurisprudence; Right to Human dignity, livelihood, Freedom from torture, Right to Food, Right to Education, Right to Health, Right to development, Right to clean environment and public safety.

**Module V:** Human Rights and Statutory Machinery; National Human Rights Commission; State Human Rights Commission; Law Commission; National Commission for women, SC/ST; minorities

and National Commission for the protection of Child Rights; Role of NGOs in protection of Human Rights in India.

***Learning Outcomes:***

After undergoing the study, the student will be able to understand the following:

- Understanding human rights in India
- Policies in India which promotes and protects human rights
- Commissions and their contribution in promoting human rights in national level.
- Constitutional protections and special enactments for promoting human rights.
- Need for social transformation.

***Suggested readings:***

- i. JatindraKuman Das, Human Rights Law and Practice (PHI Learning, New Delhi) 2016.
- ii. D.D. Basu, Commentary of the Constitution of India (Vol. 1,2&3), 8th Ed., (Lexis Nexis, Nagpur), 2007 & 2008.
- iii. D.D. Basu, Human Rights in Constitutional Law', 3rd Ed., (Lexis Nexis, Nagpur), 2008
- iv. K.P. Sakesena, Human rights & the Constitution: vision and the reality', (Gyan Publishing house), 2003.
- v. Chiranjivi.J. Nirmal, Human rights in India: Historical, Social and Political perspectives', (Oxford University Press, New Delhi), 2002.
- vi. J.S. Verma, The New Universe of Human Rights', (Universal Law Publications, New Delhi), 2011
- vii. Gopal Bhargava, Meaning & sources of Human Rights', (Kalpaz publications, India), 2003.
- viii. Corradetti Claudio (Ed.), \_Philosophical Dimensions of Human Rights', (Springer publications), 2012.
- ix. Michael J. Perry, \_Toward a theory of Human Rights: Religion, Law, Courts' (Cambridge University Press), 2007.
- x. Ishay Micheline, The History of Human Rights', (Orient Blackwan), 2008.

**II SEMESTER**  
**COURSE 4**  
**INTERNATIONAL HUMAN RIGHTS LAW**

**LLM**

**4 Credits**

***Course Objectives:***

To make students to learn and understand the Legal Dimensions of Human Rights in International Law, Normative order in United Nations Charter. Distinguish between Charter based human rights and treaty-based human rights. To acquaint the students with Legal Framework relating with the Subject. To develop the vision and insight of Students about the Subject. Help students to apply the Law upon the ground realities. The concept of innovation in the Human Rights - ways to think innovatively liberally using thinking techniques. This course describes status of individual under traditional international law, Significance of International Bill of Rights. Implementation, functioning and obligation to promote and protect Human Rights. Define nature and basic principles of international humanitarian law. The problems and challenges of implementation of international humanitarian law. Distinguish between Hague and Geneva Rules. The idea of human rights as Jus Cogens. The course structure is designed to cover origins of IHL, law relating to protected persons and protected objects, means and methods of warfare within the framework of Geneva Law and The Hague Law, and contemporary issues such as war on terror, cyber warfare and drone attacks. The course content also includes literature which would help students to critically evaluate the origin, development, and application of IHL. The course is intended to offer students a comprehensive view of the subject of international humanitarian law (IHL) or the law of armed conflict and its broad interrelationship with some of the other branches of international law. It is also intended to lay a foundation for studying international criminal law.

***Course Modules:***

**Module I: *Introduction*** - The Historical Development of Human Rights Law, Human Rights Concepts and Discourse, Human Rights Movements, Rights-Duties and Dilemmas of Universalism. Normative Foundation of International Human Rights: Universal Declaration of Human Rights, International Covenant on Civil and Political Rights along with its optional protocols and International Covenant on Economic, Social and Cultural Rights along with its optional protocol.

**Module II: *International Human Rights Organisations*** - The UN Human Rights System, Treaty Bodies, Regional Arrangements (Comparison of Universal and Regional Systems, The European Convention System, Inter- American System and the African System, the Role of the High Commissioner for Human Rights.

**Module III:** International protection against Racial Discrimination, Discrimination against Women, The Rights of Child, The Right against Torture, Enforced Disappearance, The Right to Development and Rights of Persons with Disability. Vertical and Horizontal Interpretation to Human Rights Law and Its Enforcement; Human Rights, Development and Climate Change; National Security, Terrorism and Limitation on Human Rights; Indigenous Communities: IPR and Human Rights.

**Module IV: *Introduction to International Humanitarian Law*** - Nature and Definition of IHL; Inter-state resort to force and international law, Prohibition and Exceptions; Use of Force and International Humanitarian Law (IHL), Relationship between *jus ad bellum* and *jus in bello*; Development of the Geneva Conventions and Additional Protocols; Fundamental Rules of IHL Applicable in Armed Conflict; Concept of War, International and Non-International Conflicts; Relationship between IHL and International Human Rights Law (IHRL); The Problem of Applicability of Human Rights Law in Armed Conflict; Limitation on Means and Methods of Warfare: General Limitations on the Conduct of War, Limits on the Choice of Methods and Means of Warfare, Specific Weapons, Chemical, Biological, Nuclear etc.; Protection of Defenceless: The General Obligations of Humane Treatment, Role of ICRC, Wounded, Sick and Shipwrecked persons; Combatant Status; Protection of POW's; Women and Children and Other Vulnerable Groups including Refugees. Protection of Cultural Property and Natural Environment.

**Module V: *Implementation of International Humanitarian Law*** - National Implementation of IHL, Status in South Asia; Role of National Legislation; Role of Military Law; Representation of Breaches; International Implementation of IHL; Protecting Power Concept and Role; Other International Measures War Crime Tribunals and Developments in International Criminal Law; Law of Non-International Armed Conflicts: Historical Development and Conditions of Application-Article 3; Additional Protocol II to the Geneva Conventions of 1949; A Critical Evaluation; Situation of Internal Disturbances and Violence; IHL and Human Rights; Contemporary Challenges to IHL: Lethal Autonomous Weapons System and Cyber War.

### ***Learning Outcomes:***

After undergoing the study, the student will be able to understand the following

- Students will know the legal dimensions of human rights
- Knowledge in normative order
- International framework in human rights
- Implementation, functioning and obligation to promote human rights
- Differentiate between charter based and treaty based human rights
- Comprehensive view on International humanitarian law

### ***Suggested readings:***

- i.** Agarwal, H. O., Implementation of Human Rights Covenants with Special Reference of India (Kitab Mahal, Allahabad, 1983).
- ii.** Anand, R. P., Compulsory Jurisdiction of the ICJ (Asia Publishing House, New Delhi, 1986).
- iii.** Ram Prakash Anand, Development of Modern International Law and India (Nomos, Germany, 2005).
- iv.** Anand, R. P., Origin and Development of the Law of the Sea (MartinusNijhoff, The Hague, 1983).
- v.** New States and International Law (Vikas Publications, New Delhi, 1994).
- vi.** Dixit, R.K. & Jayaraj, C, Dynamics of International Law in the New Millennium (Manak Publications, New Delhi,
- vii.** Dixit, R.K., Shankardass, R.K.P., Jayaraj, C & Sinha, Manoj K., International Law: Issues and Challenges ( ISIL & Hope India Publications, New Delhi, 2009)
- viii.** Mani, Bhatt and Reddy, Air Law and Policy in India (Lancers Books, New Delhi, 1994).
- ix.** Mani, V. S., Basic Principles of Modern International Law (Lancers Book, New Delhi, 1993).
- x.** Oppenheim's, International Law of Peace, vol. 1, 9th ed. (London, 1992).
- xi.** Verma, S. K., 50 Years of Supreme Court of India: Its Grasp and Reach (Oxford, 2008).
- xii.** Agrwal, H.O. International Law and Human Rights.
- xiii.** Kapoor S.K. International law
- xiv.** Basu, Durga Das, Human Rights in Constitutional Law (Prentice Hall, New Delhi, 1994).

**III SEMESTER**  
**COURSE 1**  
**LAW RELATING TO EVIDENCE AND FORENSIC SCIENCES**

**LLM**

**4 Credits**

***Course Objectives:***

Forensic science is any kind of science used in the legal or justice system to support and uphold the law. When a crime has been committed and evidence is collected at the scene, scientists analyze it, arrive at scientific results and give expert court testimony about their findings. Forensic science concentrates on facts that prove something did or did not happen in a criminal or civil case. Regardless of their scientific specialty, all forensic scientists have the same goal: examining evidence from a crime scene using strictly scientific knowledge and principles in order to find facts about a criminal case. Because the outcomes are objective facts, forensic science can be useful both to the prosecution and the defense. Any discipline of forensic science can prove whether and how suspects and victims are linked to each other or to the crime scene itself. Criminalistic and scientific investigation has become one of the most important parts of any criminal case.

***Course Modules***

**Module I:**

***Role of Evidence in Criminal Justice System***-Relevancy and admissibility, of facts –Facts Ss 1-16 , Admissions and Confessions Ss 17-31, Statements by Persons who cannot be called as witnesses Ss 32-33, Statements made under special Circumstances Ss 34-38, How much of a statement is to be proved S- 39, Judgment of Courts of Justice when relevant Ss 40-44, Opinions of Third Persons when relevant Ss 45-51, Character Ss 52-55, Facts which need not be proved Ss 55-58

Relevancy and admissibility Of Oral Evidence Ss 59-60, Of Documentary Evidence Ss 61-90, Of the Exclusion of Oral by Documentary Evidence Ss 91-100, Of the Burden of Proof Ss 101-114-A, Estoppel Ss 115-117, Of Witnesses Ss 118-134, Of the Examination of Witnesses Ss 135-166, Of Improper Admission and Rejection of Evidence S- 167

**Module II:**

***Forensic Science and Crime Scene Management*** - Forensic Science Unit; Tools and techniques in Forensic Science; Jurisprudence of Forensic Evidence and Constitutional Challenges; Human Rights



and Comparative Forensic Analysis; Forensic Photography; Crime Scene Management; Collection, Handling, Admissibility and Challenges

***Forensic Dermatoglyphics and other impressions*** - Fingerprints and Palm prints; Biometrics; Foot / Footwear / Tyre impressions; Lip prints, Ear prints and their significance; Collection, Handling, Admissibility and Challenges

***Forensic Chemistry and Toxicology*** - Forensic Chemistry; Explosives; Ballistics; Forensic Toxicology and Pharmacology – Drugs of Abuse; Collection, Handling, Admissibility and Challenges

### **Module III:**

***Questioned Documents***-Introduction to Document Examination – Handwriting and Signature examination; Typewritten and Printed Documents – Forgery Detection; Collection, Handling, Admissibility and Challenges

### **Module IV:**

***Forensic Anthropology*** -Personal Identification; Human Growth and Development; Forensic Morphometry of Skeletal Remains; Forensic Odontology; Collection, Handling, Admissibility and Challenges

***Forensic Medicine and Psychology***- Medico legal aspects of death; Injuries and investigations; Forensic Entomology – Forensic Psychology; Collection, Handling, Admissibility and Challenges

### **Module V:**

***Forensic Biology and DNA Profiling***-Serology and Immunology, Forensic Biology, DNA Profiling – DNA Polymorphism, Collection, Handling, Admissibility and Challenges

***Digital Forensic and Cyber Crime*** - E – data analysis, Types of cyber crimes; Audio – video examination – Speaker Identification, Collection, Handling, Admissibility and Challenges

### ***Learning Outcomes:***

After undergoing the study, the student will be able to understand the following:

- Make students familiar with the field of forensic science which includes investigating a crime by applying forensic science principles.

- Enhance knowledge, in depth understanding and application of forensic science, policing and criminal investigation by teaching and research.
- Develop critical and analytical subject specific skills involving the principles, practices and techniques of specific field.
- Develop competence in research methods and presentation of information.

***Suggested readings:***

- i.** Houck, M.M & Siegel, J.A; Fundamentals of Forensic Science, Academic Press, London, 2006.
- ii.** Sharma, B.R; Forensic Science in Criminal Investigation & Trials, Universal Publishing Co., New Delhi, 2019
- iii.** J.P. Modi ,A Textbook of Medical Jurisprudence and Toxicology, Lexis Nexis Butterworth India 2019
- iv.** Nanda B.B and Tewari, R.K; Forensic Science in India – A vision for the Twenty First Century, Select Publisher, New Delhi, 2001
- v.** Saferstein; Criminalistics – An Introduction of Forensic Science, Prentice Hall Inc, USA,2007.

**III SEMESTER**  
**COURSE 2**  
**VICTIMOLOGY AND PENOLOGY**

**LLM**

**4 Credits**

***Course Objectives:***

The law relating to the victims of crime has undergone drastic changes in the recent times. Though quite late, but yet the legislature has recognized the importance of the victims in the Indian Criminal Justice System and has, therefore, given them various rights by making amendments in the Cr P C 1973 from time to time. At the same time the Indian judiciary has become very sensitive towards the rights of the victims and has changed the interpretation of various important aspects of criminal jurisprudence to include the victims as a part of it such as right to “fair trial” of an accused. An important role has been played by various institutions and bodies such as Victimology and World Society of Victimology in the growth of Victimology in India.

***Course Modules:***

**Module I: Philosophy of Crime and Criminal Justice System**

Meaning, Nature, Scope and Characteristic features of crime; Essential elements of crime; Classification of Crime; Theories of crime; Factors / Causations leading to crime; Reactions to crime; Prevention of crime

The Constitution and Criminal Justice System; Challenges of Criminal Justice System; Reform Strategy; Ethics in Criminal Justice System; Issues in Criminal Justice System

Principles of criminal law; Criminal law and its role

Stages of criminal justice process; Judicial Approach in Criminal Justice System

**Module II: Criminal Justice system – Its components and functions**

Investigative agency; Police; Custodial torture; Police Public cooperation; Judicial opinions on police force; Modernization of police force; Role of police in International Issues; Role of police in administration of criminal justice system; Directions of the Supreme Court relating to police reforms.

Prosecution; Defence Counsel; Courts; History of the Prosecution of India; Nature, Scope and Role of Prosecution; Constitutional Provision of Role of Prosecution; Powers and Duties of Prosecutor; Role of Judiciary; Critical Analyses of Role of Prosecutor; Role of Prosecution in Other Countries

Prison Administration and Prison Management; Prison Reforms; Rights of Prisoners

### **Module III: Penology**

Definition, objectives and scope of penology; Concept, definition, nature, forms and purposes of punishments; Different Punishments under Indian Legal System; Capital Punishment: Constitutionality, Judicial Attitude and Law Reforms

Sentencing process; Process and Policies in India; Mitigating & Extenuating circumstances in the decision making of sentence; Plea Bargaining; Compounding of offences

Therapeutic Response to Crime: Probation, Parole, Furlough and After-care; Alternatives to punishment- Community Service as a Punishment

### **Module IV: Victimology**

Definition, nature and scope of victims and victimology; Categorization of the victims; Criminal and Victim Relations; Theories of victimology; Victim of crime and victim of Abuse

Victims in Indian Criminal Justice System; Rights to the Victims of Crime; Access to justice and fair treatment; Compensation and Assistance; The Right to Protection; Victim and Witness Rights through Assistance Programmes

Rights of Victims of Crimes in the United Nations Instruments

### **Module V: Restorative Justice Process in Contemporary Criminal Justice**

History, Definition, Principles, Root and Values of Restorative Justice;

Compensation to Victims of Crime; Victim Compensation Scheme in United Kingdom & United States of America; The Criminal Injuries Compensation Authorities; Victim Compensation under the Code of Criminal Procedure, 1973;

Compensation to the Victim / Dependents in Heinous Crimes; Rehabilitation of Victims; Special Compensatory Provisions; The Probation of Offenders Act, 1958; – The Motor Vehicles Act, 1988; The Fatal Accidents Act, 1855; Victims of Medical Negligence

### ***Learning Outcomes:***

After undergoing the study, the student will be able to understand the following

- Basic knowledge in different theories of victimology.
- Understanding and knowledge of who is a victim of crime, their legal status, situation and needs

- Knowledge on social protection, support and redress for crime victims
- General knowledge and understanding of what distinguish and unites different types of crime victims.

***Suggested readings:***

- i.** *21st Century Criminology: A Reference Handbook*, Edited by J. Mitchell Miller (Sage Publication, 2009).
- ii.** Ahmed Siddique, *Criminology*, Edited by S.M.A. Qadri, 5th Edition (Eastern Book Company, 2015).
- iii.** Bruce A. Arrigo & Dragan Milovanovic, *Revolution in Penology: Rethinking the Society of Captives* (Rowman & Littlefield Publishers, INC., 2009).
- iv.** *Criminology Theory: Past to Present: Essential readings*, Edited by Francis T. Cullen, Robert Agnew and Pamela Wilcox (Oxford University Press, 2014).
- v.** David Scott, *Penology* (Sage Publications, 2008).
- vi.** Eamonn Carrabine, Pam Cox, Maggy Lee Ken Plummer and Nigel South, *Criminology: A Sociological Introduction*, 2nd Edition (Routledge, 2009).
- vii.** Edwin H. Sutherland, Donald R. Crassey and Davic F. Luckenbill, *Principles of Criminology*, 11th edition (General Hall Inc., U.S., 1992).

**III SEMESTER**  
**COURSE 3**  
**INTERNATIONAL CRIMINAL LAW AND CRIMINAL JUSTICE**

**LLM**

**4 Credits**

***Course Objectives:***

Since the inception of mankind, the egoistic patterns of human life unleashed violence resulted in the case of humans destructing fellow human beings itself. Exceptionally, the promotion of evil ideology to rule the world on the basis of artificial racist supremacy by the humans across time and space, to state, the Nazist led Germanisation, the European Colonial System and similar Statist led Nationalism and Regionalism based Ideologies have threatened the existence of human kind on earth itself. The criminal behaviour of such gross dehumanization and genocidal violence has resulted in the need for establishing a specific field of knowledge known as International Criminal Law (ICL). Thus, ICL is devoted to the study of the subjective element of international criminal behaviour aimed at the prevention of the commission of international crimes and thereby establish universal peace and justice amongst human societies. Hence, the course work will introduce to the students the foundational perspectives of international crimes, its evolutionary character, contemporary challenges and remedies towards re-humanisation.

***Course Modules:***

**Module I: *International Criminal Law*** - Meaning, History and sources; Objective and Principles; International crime and types (brief introduction) such as Criminal offenses against the world community, genocide, war crimes, crimes against humanity, crimes of aggression, act of terrorism and Transnational criminal acts, drug trafficking, trans-border organized criminal activity, counterfeiting, money laundering, financial crimes, willful damage to the environment, and cybercrimes.

**Module II: *Salient Features of important UN Conventions relating to International crimes*** - Genocide Convention 1948; the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988; United Nations Convention against Transnational Organized Crime and the Protocols, 2000

**Module III: *International crime Investigating agency***- INTERPOL; Jurisdiction under International Criminal Law; Responsibility under International Criminal Law and Immunity to state officials as per Diplomatic Convention, 1961; Extradition and Mutual Legal assistance;

**Module IV: *International criminal Tribunals and Special courts***- Nuremberg Tribunal; Tokyo Tribunal; International Criminal tribunal for Yugoslavia (ICTY); International Criminal Tribunal for Rwanda (ICTR); Special Courts in Sierra Leone and Lebanon

**Module V: *International Criminal Court (ICC)*** - Rome Statute of ICC, Jurisdiction (genocide, war crimes, Crimes against humanity, Crime of aggression); Applicable Law; Composition, Mandate and Principles; Penalties; Appeal and Revision; Enforcement; Assembly of States Parties; Reservations; Amendments; Review of Statute; Important cases decided by ICC.

***Learning Outcomes:***

After undergoing the study, the student will be able to understand the following:

- The foundational perspectives on the international element of crimes vis a vis criminological pattern.
- The evolutionary jurisprudence on the substantive and procedural aspects of international crimes.
- The impact of ad hoc and permanent international criminal justice delivery systems.
- The need to develop preventive studies on international crimes especially, to combat the ever – increasing patterns of State criminality and promote welfare approaches for the human family.

***Suggested readings:***

- i. Julius Stone, “Legal contract of International Conflicts”
- ii. JG Starke “Introduction to International Law”
- iii. Dr.S.KKapoor “International Law and Human Rights”
- iv. Ian Brownli “principles of International Law”
- v. Malcolm Shaw “International Law”
- vi. L Oppenheim “Principles of International Law”
- vii. Charles Fenwick “International Law”
- viii. Phillip C Jessup “A Modern Law of Nations”

## **IV SEMESTER**

### **COURSE 1**

#### **CRIMINAL JUSTICE RESEARCH AND POLICY DEVELOPMENT**

**LLM**

**4 Credits**

#### **COURSE OBJECTIVES:**

Criminal justice research and policy development will introduce research methods used in criminology and criminal justice. The nature of scientific inquiry, issues in research methods, and statistical concepts used in quantitative analyses will be explored. The content is designed to familiarize with the basic ideas, techniques, and problems associated with conducting criminological and criminal justice research. The study will provide with the analytical, critical thinking skills necessary to understand empirical research and the tools necessary to conduct research project. The subject should be of interest and benefit to the intended policymakers in assessing the benefits of investing in criminal justice research, and, to researchers and practitioners who wish to become familiar with major research findings and methods for improving the research – to practice link.

#### **COURSE OUTLINE**

##### **MODULE – I: Scientific Inquiry and Field Research**

- a) Criminal Justice Inquiry – Personal Human Inquiry, Errors in Personal Human Inquiry – Foundations of Social Science – Purposes of Research – Differing Avenues for Inquiry
- b) Field Research, Appropriate topics – The Various Roles of the Observer – Asking Questions
- c) Gaining Access to Subjects – Recording Observations – Linking Field Observations and Other Data – Validity, Reliability, Generalizability of Field Research.

##### **MODULE – II: General Issues in Research Design**

- a) Research Design – Causation in the Social Sciences – Criteria, Causes
- b) Validity and Causal Inference – Introducing Scientific Realism – Units of Analysis – Social Artifacts – The Ecological Fallacy – Reductionism
- c) The Time Dimension in Research – Designing a Research Project – Preparing a Research Proposal

##### **MODULE – III: Concepts, Operationalization, Measurement and Survey Research**

- a) Conceptions and Concepts – Operationalization Choices – Measurement, types, Levels, Implications – Reliability, Validity – Composite Measures – Typologies, An Index of Disorder
- b) Topics Appropriate to Survey Research – Guidelines for Asking Questions, Question types,



Statements, Biased Items and Terms, Designing Self – Report Items

c) Questionnaire Construction – Self – Administered Questionnaires – Software applications used – In – Person Interview Surveys – Role of Interviewer, General Rules, Software applications – Telephone Surveys, Video Conference – Specialized Interviewing, Focus Groups

#### **MODULE – IV: Experimental and Quasi – Experimental Designs**

a) Experimental and Quasi – Experimental Designs; The Classical Experiment, Variables, Pretesting and Post – testing, Experimental and Control Groups, Double – Blind Experiments, Selecting Subjects, Randomization – Experiments and Causal Inference – Experiments and Threats to Validity, Variations in the Classical Experimental Design – Variations in Time – Series Designs.

b) Variable – Oriented Research and Scientific Realism

c) Agency Records, Content Analysis, and Secondary Data; Types of Agency Records – Units of Analysis and Sampling – Reliability and Validity; Content Analysis – Units, Sampling, Coding, Illustrations – Secondary Analysis.

#### **MODULE – V: The Influence of Criminal Justice Research**

a) Role of Criminal Justice Researches conducted in India.

b) Policing – Patrol Operations, Criminal Investigation, Specialized Offender / Offense Operations – Prosecution – The Case – Attrition Problem, Dealing with Career Criminals – Sentencing – Reassessing Sentencing Objectives, Sentencing Reform – Corrections – Prison Crowding, Releasing Pretrial Detainees from Jail, Parole Issues, Attempts to Make Probation a Safer Sentencing Alternative

c) Product – Oriented Research – Products for Policing Applications, Technical Research for Prosecution and the Courts, Other Technical Research – Assessing the Benefits of Research and Increasing the Return on Research Investment.

#### **Learning Outcomes:**

- *To understand the basic principles, overview of scientific inquiry in criminal justice, identify scholarly research, and field research methods.*
- *To understand causation, operationalize, conceptualize, measure in research methods and different levels of measurement in research methods.*
- *To understand various research methods used to study criminology, including how to critically review criminological research*
- *To recognize strengths and weaknesses of research designs.*

***Suggested readings:***

1. Maxfield, M. G., & Babbie, E. R. (2014). Research methods for criminal justice and criminology. Cengage Learning.
2. Research Methods in Criminal Justice and Criminology Paperback, Callie Marie Rennison (Author), Timothy Christopher Hart (Author), SAGE Publications, Inc; 1st edition (20 February 2018)
3. Vito, G. F., Kunselman, J. C., & Tewksbury, R. (2014). Introduction to criminal justice research methods: An applied approach. Charles C Thomas Publisher.
4. Maxfield, M. G. (2015). Basics of research methods for criminal justice and criminology. Cengage Learning.
5. Dantzker, M. L., Hunter, R. D., & Quinn, S. T. (2016). Research methods for criminology and criminal justice. Jones & Bartlett Learning.

**(ELECTIVE – 1)**  
**GENDER AND CRIME**

**LLM**

**3 Credits**

***Course Objectives:***

Understanding Human Rights of women at International and National level is important. This course's modules focus on Human Rights of women in India with specific regard to crimes committed against them, To Identify constitutional remedies, scope of judicial review in protection of human rights of women in India and to conceptualize modernization of law and social institutions.

***Course Modules:***

**Module I: *Women: International Endeavours For Securing Rights of Women*** - Need for focused study; Magnitude of issues faced by women across the globe; Feminism and Women Empowerment; International Perspectives on the Protection of Rights of Women; Implementation mechanism: (Development until CEDAW and post CEDAW)

**Module II: *Concept of Gender***-Biological Distinction; Constitutional Safeguards for women and Role of Judiciary in India; Role of National Commission for Women; Convention on Elimination of All Forms of Discrimination Against Women- Implementation Mechanism and Monitoring bodies

**Module III: *Gender Related Crimes under Special Legislations*** The Immoral Traffic (Prevention) Act, 1956; The Dowry (Prohibition) Act, 1961; The Child Marriage Restraint Act, 1929; The Indecent Representation of Women (Prohibition) Act, 1986; The Commission of Sati (Prevention) Act, 1987; Protection of Women from Domestic Violence Act, 2005; The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

**Module IV: *Gender Related Crimes under IPC*** - Acid Attack (Sections 326A and 326B); Rape (Sections 375, 376, 376A, 376B, 376C, 376D and 376E); Attempt to commit rape (Section 376/511); Kidnapping and abduction for different purposes (Sections 363–373); Murder, Dowry death, Abetment of Suicide, etc. (Sections 302, 304B and 306); Cruelty by husband or his relatives (Section 498A); Outraging the modesty of women (Section 354); Sexual harassment (Section 354A); Assault on women with intent to disrobe a woman (Section 354B) ; Voyeurism (Section 354C); Stalking (Section 354D); Importation of girls up to 21 years of age (Section 366B); Word, gesture or act intended to insult the modesty of a woman (Section 509)

**Module V: *Emerging areas in Gender Justice*** - Gender and Sexual Minorities; Understanding the LGBTQ+ community; Yogyakarta; Recognition of the Third Gender; Decriminalisation of Sec. 377 - The Transgender; Persons (Protection of Rights) Bill, 2016; Recognition of civil rights of the LGBTQ+ Community.

***Learning Outcomes:***

After undergoing the study, the student will be able to understand the following

- Understanding human rights of women in India
- Policies in India which promotes and protects their human rights
- Constitutional protections and special enactments for promoting human rights.
- Criminal Law in protecting women.

***Suggested readings:***

- i.** Aggarwal, Bina Patriarchy and the Modernizing State: An introduction, in Aggarwal Bina(ed.) Structures of Patriarchy, Kali for Women, New Delhi, 1988.
- ii.** Julia Cleves Mosse, half the World, half a Chance: An Introduction to Gender Development, What is Gender? Oxford, UK 1993.
- iii.** Myneni, S.R. Women and Law, Asia Law House, Hyderabad, 2005.
- iv.** Merry, Sally Engle, Human Rights and Gender Violence Translating International Law into Local Justice, Oxford University Press, New Delhi, 2009.
- v.** Tripathi, S.C., Law Relating to Women and Children, Central Law Publication Allahabad, 2008.
- vi.** Chakrabarti, N.K., Gender Justice, R. Cambay and Company, Kolkata, 2007 Towards Equality- Report of the Committee on the Status of Women (Govt. of India).
- vii.** Mamta Rao- Law relating to Women and Children.
- viii.** Monica Chawla - Gender Justice- Law Relating to Women in India

**(ELECTIVE – 2)**  
**CYBER CRIMES**

**LLM**

**4 Credits**

***Course Objectives:***

Cyber law is a branch pertaining to evidence found in computers and digital storage media. The goal of cyber law is to examine digital media in a forensically sound and constructive manner with the aim of identifying, preserving, recovering, analyzing and presenting facts and evidence in a court of law. The courses are designed with a focus on strengthening students' knowledge in all areas of cyber security and digital forensics. This course provides hands – on experience in different computer forensics situations that are applicable to the real world. Students will learn different aspects of digital evidence: ways to uncover illegal or illicit activities left on disk and recovering files from intentionally damaged media with computer forensics tools and techniques.

***Course Modules:***

**Module I: *Introduction*** -Overview of information technology, Law and Technology, Law and Technology, Digitization and Society; Origin of cyberspace; Significance of cyber law; Cyber jurisprudence at Indian and International level.

***Regulating the Digital Environment*** -Protecting Human Dignity in the Digital Age; Human Right in Cyberspace; Information Technology Act, 2000: Scope, Objectives and Criticisms of the Act, Jurisdictional perspectives and challenges, Issue of jurisdiction in cyberspace, Types and prerequisites of jurisdiction, Tests of jurisdiction, Jurisdiction under Information Technology Act, 2000, Dispute resolution authorities, Amendments and liabilities under the Act.

**Module II: *Cybercrimes*** - Hacking; cracking; DoS – Viruses, worms, malwares, bombs, email bombing, data diddling, salami attacks, phishing, steganography, cyber stalking, spoofing, cyber grooming and bullying; Morphing; web-jacking; phishing; Digital forgery; cyber pornography; Identity theft and fraud; cyber terrorism; cyber defamation; cyber warfare; crime in social media, social engineering, Credits card frauds and financial frauds, telecom frauds.etc.; offences under IT Act, 2000

***Cybercrime – The present and the future*** -Cyber war – The present and the future; Cryptocurrency, Bitcoins, Ethereum, Blockchain; Ransomware; Deep Web and Dark Web – Counter measures to overcome challenges.

### **Module III: *Cyber Forensic Investigation***

*Cyber/Digital forensics* – Cyber forensics life cycle; Chain of custody; Search, seizure and preservation of digital evidence; Forensic Examination Process, Methods in Forensic Analysis; Benefits of Cyber Forensics, Classification of Cyber Forensics.

*Challenges of Digital Forensics in Cyber Security* - Data privacy issues – Cryptography, Cybercrime cells, Cyber appellate authorities.

**Module IV: *Digital Evidence*** Duplication and Preservation of Digital Evidence; Acquisition and Handling of Digital Evidence; Analysis and Admissibility of Digital Evidence; Challenges with Digital Evidence

### **Module V: *Legal Issues, Information and Human Security***

Law Enforcement / Criminal Prosecutions – Evidentiary Issues, Organizations and Standardizations; Information security – Information processing, Secure program administration; Organizational and Human Security – Information security professionals; International Human Rights; Cybercrime a comparative analysis.

#### ***Learning Outcomes:***

After undergoing the study, the student will be able to understand the following:

- To demonstrate foundational knowledge and skills in Cyber forensics.
- To explain the role of digital forensics and the relationship of digital forensics to traditional forensic science, traditional science and the appropriate use of scientific methods
- To learn investigation tools and techniques, analysis of data to identify evidence, Technical Aspects & Legal Aspects related to cybercrime.
- Describe the procedures for selecting appropriate security components in preventing cybercrimes.

#### ***Suggested readings:***

- i. Cyber forensics: A field manual for collecting, examining, and preserving evidence of computer crimes, Marcella A Greenfield R, CRC Press, 2002
- ii. Cyber Forensics in India: A Legal Perspective, Nishesh Sharma, LexisNexis, 2017
- iii. Christof Paar, Jan Pelzl, Understanding Cryptography: A Textbook for Students and Practitioners, 2nd Edition, Springer's, 2010
- iv. Ali Jahangiri, Live Hacking: The Ultimate Guide to Hacking Techniques & Countermeasures for Ethical Hackers & IT Security Experts, Ali Jahangiri, 2009
- v. Computer Forensics: Investigating Network Intrusions and Cyber Crime (Ec – Council Press Series: Computer Forensics), 2010

## **SPECIALISATION TWO**

# **INTERNATIONAL COMMERCIAL LAW**

**I SEMESTER**  
**COURSE 3**  
**INTERNATIONAL TRADE LAW**

**LLM**

**4 Credits**

**COURSE OBJECTIVE:**

This course focuses on the legal aspects of international trade. Although a key theme of the course is world trade law, the subject cannot be seen in isolation from private international law aspects of cross-border trade activities. Thus the course will focus in particular on the legal architecture of WTO and its working. The role and function of other international organisations in facilitating trade will also be considered in separate modules. This course will be of interest to students who have studied other aspects of commercial law. A strong background and interest in the scope and use of the core aspects of business and commercial law is expected of the students.

**COURSE MODULES**

**MODULE I: INTRODUCTION TO INTERNATIONAL TRADE LAW**

Origin and Development, Unification of International Trade Law– Lex Mercatoria – International Sales of Goods, Foreign Direct Investments (FDI) and Foreign Institutional Investors (FII)- Transnational Companies, Elements of International Transaction.

**MODULE II: ROLE OF INTERNATIONAL ORGANIZATIONS IN DEVELOPING FOREIGN TRADE**

International Trade Organisation (ITO), Brettonwood Conference- International monetary Fund (IMF)- International Bank for Reconstruction and Development (IBRD), Various rounds of WTO, New International Economic Order (NIEO).

**MODULE III: LEGAL STRUCTURE OF GATT, WTO AND UNITED NATIONS ON TRADE**

Formation of GATT and its relevance, Rounds of GATT, Structures and Functions of WTO, Covered Agreements under WTO covered agreements – United Nations Committee on Trade and Environment (UNCTE), United Nations Committee on trade and Development (UNCTAD) and UNCITRAL – Regional Trade Agreements

**MODULE IV: TRADE REMEDIES AND DISPUTE SETTLEMENT**

Alternative Dispute Resolution (ADR- includes Mediation, Conciliation and Arbitration), International Trade (UNCITRAL Model of Settlement of Dispute)



## **MODULE V: BILATERAL AND REGIONAL TRADE**

Regional Arrangements under the United Nations, Most Favoured Nation (MFN) Clause, South Asian Association for Regional Cooperation (SAARC), Association of South East Asian Nations (ASEAN), European Union (EU), Organisation for Petroleum exporting countries (OPEC)

### **LEARNING OUTCOMES:**

On successful completion of this course, the students will be able to-

1. To demonstrate awareness and understanding of the basic principles of international trade and the working of WTO agreements.
2. To describe the key differences between globalism and protectionism with respect to trade and explain the applicable exceptions to the principle of non-discrimination
3. To be familiar with the role and relevance of international economic institutions that promotes international trade including that of regional organisations.
4. To describe and explain the key aspects of the private international law aspects of international business transactions.
5. To develop an awareness about the dispute settlement understanding and analyse a range of decisions from the WTO dispute settlement body.

### **SUGGESTED READINGS:**

1. Anupam, Goyal, 'The WTO and International Environmental Law: Towards Conciliation' (2006) Oxford University Press, New Delhi.
2. B S Chimni, 'Law and Organization of Dunkel Proposals' (1992) 13 World Focus 13.
3. Di Lieto G, Treisman D. International trade law, (The Federation Press, 2018)
4. Dr. S.R. Myneni, International Trade Law (International Business Law) (3rd edn.) Allahabad Law Agency (2014)
5. Guzman, Andrew T., and Joost Pauwelyn, 'International Trade Law', (Wolters Kluwer Law & Business, 2012).
6. Jason Chuah, Law of International Trade, (5th edn.) Sweet & Maxwell (2013)
7. Jason Chuah, 'Law of International Trade: Cross-Border Commercial Transactions', (Sweet & Maxwell/Thomson Reuters, 2019).
8. Khurshid Hasan Hyder (1968) "Equality of Treatment and Trade Discrimination in International Law, Ed.1. Springer Science+Business Media Dordrecht, Martinus Nijhoff, The Hague, Netherlands.
9. Lester SN, Mercurio B, Davies A. World trade law: text, materials, and commentary, (Hart Publishing, 2018)
10. Matsushita M, Schoenbaum TJ, Mavroidis PC. The World Trade Organization: law, practice, and

policy, (Oxford University Press, 2003)

11. Michael Trebilcock, Robert Howse, Antonia Eliason, *The Regulation of International Trade*, 4th edition (Routledge:2012)

12. Peter Van den Bossche and Werner Zduoc (2013), 'The Law and Policy of the World Trade Organization' (CUP: Cambridge), 674-711 and 734-737

13. Raj Bhala, *International trade law: theory and practice* (Lexis Pub, 2001)

14. T N Srinivasan, 'Non-discrimination in GATT/WTO: Was There Anything to Begin with and is There Anything Left' (2005) 4 *World Trade Review* 69.

## **I SEMESTER**

### **COURSE 4**

#### **INTERNATIONAL CARRIAGE OF GOODS BY SEA**

**LLM**

**4 Credits**

#### **COURSE OBJECTIVE:**

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.

#### **COURSE MODULES**

##### **MODULE I: INTRODUCTION TO CARRIERS AND COMMON CARRIERS**

Contract of Bailment- Public and Private Carriers - Duties of Common Carriers-Charter parties and Bills of lading - Types of voyage charter Parties - Owner's obligations, Condition, Warranties, in Nominated Terms, Representations and Charterer's Obligations.

##### **MODULE II: CARRIAGE OF GOODS BY SEA**

Contract of Affreightment; Free on Board (F.O.B) and cost, insurance and freight (CIF)-Parties to the contract and documentation - General clauses in a contract of Affreightment -Applicable law

##### **MODULE III: CHARTER PARTIES**

General principles - Seaworthiness - Deviation etc. -Time Charters-Description of vessel- Period of hire-Withdrawal for non-payment-Voyage charters-Freight-Commencement of lay time-Arrived ship-Lay time and demurrage-Recovery of freight, demurrage, or damages for detention

##### **MODULE IV: BILL OF LADING**

Bill of Lading and functions- As a Contract, as a Receipt, as a Document of Title, Provisions regarding to Rights and Obligations of Parties in Bills of Lading Contract- Hague-Visby Rules, Hamburg Rules and Rotterdam Rules.

##### **MODULE V: CARGO LIABILITY REGIMES**

Breaches and Remedies - Breach of Implied undertakings - Liability for Loss or Damages to Goods - Limits of Liability- Exclusion of liability for Loss. Carriage of Passengers and their luggage-by sea-law of general average – York Antwerp Rules- particular average and Particular Charges.

## LEARNING OUTCOMES

After successful completion of this Course, Students will learn:

1. To appreciate the need for an internationally agreed framework of law governing carriage of goods by sea.
2. To understand the differences between the law involved in private carriage through charter parties and common carriage viz., liner bills of lading.
3. To appraise the legal issues involved in the carriage of goods by sea including contract types, uniform laws, and cargo liability regimes.
4. To apply knowledge acquired for resolution of disputes relating to the COGSA
5. To pursue research and write research papers

### Suggested readings:

1. Chorley & Giles, Shipping Law, Pitman, London (1987) Chapter IV & V, pp. 84-214
2. Churchill, R. R. and Lome, A. V., The Law of the Sea (Manchester University Press, Manchester, 1983).
3. David M. Sasson, C.I.F & F.O.B Contracts, London (1995)
4. Girvin, Carriage of Goods by Sea, Oxford University Press (2007)
5. John F. Wilson, Carriage of Goods by Sea, Pearson (2010)
6. Martin Dockray, Cases and Materials on the Carriage of Goods by Sea, Cavendish Publishing Co (2004)
7. Meltem Deniz GunerObzek, The United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea : An Appraisal of the “Rotterdam Rules”, Springer (2011)
8. Payne & Ivamy, Carriage of Goods by Sea, Butterworth’s, London (1989)
9. P. Chandrasekhara Rao & P.H Gautier, “The Rules of International Tribunal for the Law of the Sea, MartinusNijhoff (2006)
10. David Freestone, Richard Barnes and David Ong ‘The Law of the Sea: Progress and Prospects’ Oxford University Press, (2006).
11. R. P. Anand, Origin and Development of the Law of the Sea (MartinusNijhoff, The Hague, 1983).
12. Scrutton, Charter Parties and Bill of Lading, Sweet & Maxwell, London (2008)
13. Carver, Carriage by Sea, Vol.I& II, Butterworth’s, London (1983)
14. T.Kochuthomman, Bills of Lading in International Law and Practice, Eastern Book Company (1986)
15. William Tetley, Marine Cargo Claims, Carswell (2008)

**II SEMESTER**  
**COURSE 3**  
**COMPARATIVE CONTRACT LAW**

**LLM**

**4 Credits**

**COURSE OBJECTIVE:**

This course focuses on the contractual law. Although a key theme of the course is transaction law, the subject cannot be seen in isolation from international commercial law aspects of cross-border trade activities. Thus the course will focus in particular on the legal architecture of Contract and its working. The role and function of other international transaction laws in facilitating Contractual role and liabilities will also be considered in separate modules. This course will be of interest to students who have studied other aspects of commercial law. A strong background and interest in the scope and use of the core aspects of business and commercial law is expected of the students.

**COURSE MODULES**

**MODULE I: PRELIMINARY ASPECTS: HARMONIZING INTERNATIONAL CONTRACT LAW**

Introduction to Comparative Contract Law –Historical and Theoretical foundations of Comparative Contract Law – International Commercial Contracts- Basis for Enforcement and tendencies for Developments-The role of organizations involved in International Contract Law development: Hague Conference on Private International Law (Hague Conference), United Nations Commission on International Trade Law (UNCITRAL), International Institute for the Unification of Private Law (UNIDROIT), International Chamber of Commerce (ICC), other regional and national organizations - Key instruments developed by international organizations.

**MODULE II: TYPES OF INTERNATIONAL CONTRACTS**

Distribution and agency contracts- Leasing contracts- Factoring and franchising agreements- International carriage of goods by land and by sea (Hague-Visby Rules, Hamburg- Rules, Rotterdam Rules, the Warsaw System, Montreal Convention)- E-commerce, blockchain and smart contracts- Joint ventures, mergers and acquisitions- Financial contracts and international payments.

**MODULE III: CONTRACT FORMATION, INTERPRETATION AND OBLIGATIONS**

Formation of sales contracts under the CISG, Offer and acceptance, Battle of the forms, General Conditions and Standard Terms under the CISG, Drafting international contract clauses: language and structure - Determining the contractual intent of parties under the CISG, Objective and subjective

standards of interpretation, Parole evidence rule and its correlation with the CISG, Contra Proferentem rule of contract interpretation, Application of UNIDROIT Principles and other authorities to contract interpretation.

#### **MODULE IV: REMEDIES**

Remedies for Breach of Contract by the Seller under the CISG (performance, avoidance of the contract, reduction of the purchase price, Damages, Right to Suspend Performance)- Remedies for Breach of Contract by the Buyer (performance, avoidance of the contract).

#### **MODULE V: CONTRACT TERMINATION AND SETTLEMENT OF DISPUTES**

Fundamental, Anticipatory and Partial breach of contract under the CISG -Exemptions from liability under the CISG - Mitigation of losses, Mediation, Arbitration and Court Claims.9. - Choice of law clauses in international contracts.

#### **LEARNING OUTCOMES:**

On successful completion of this course, the students will be able to-

1. Demonstrate awareness and understanding of the basic principles of General Contract Law.
2. Describe the key differences between globalism and protectionism with respect to transaction and explain the applicable exceptions to the general contract law
3. Be familiar with the role and relevance of international comparative international contract and including that of India.
4. Describe and explain the key aspects of the General Contract Law aspects of international business transactions.
5. Develop an awareness about the dispute settlement understanding and analyse a range of decisions from the Contractual or Transaction dispute or issue that arises.

#### **Suggested readings:**

1. Beatson, Anson's Law of Contracts, 29th ed.
2. Ethan Mobley, Understanding Boilerplate: A Riveting Guide to Common Contract Clauses Independently Published ISBN-13 : 979-8649074346 (2020)
3. Gareth Spark Vitiating of Contracts: International Contractual Principles and English Law, Cambridge University Press, 2013.
4. Giuditta Cordero-Moss, International Commercial Contracts: Applicable Sources and Enforceability, Cambridge University Press (2014)
5. Henry Chan and Raymond Lee and Tharam Dillon and Elizabeth Chang, E-Commerce, Fundamentals And Applications, John Wiley (2007)

6. Jean Ho, *State Responsibility for Breaches of Investment Contracts: 136* (Cambridge Studies in International and Comparative Law, Series Number 136) (2020)
7. Karla C. Shippey, *International Contracts* World Trade Press (2009)
8. Makoto Yono *Blockchain and Crypto Currency*, Springer (2020)
9. [Marcel Fontaine](#) and [Filip De Ly](#), *Drafting International Contracts: An Analysis of Contract Clauses* MartinusNijhoff (2009)
10. Mckendrick, *Contract Law*, 9th ed., 2011.
11. Pollock & Mulla, *Indian Contract and Specific Relief Acts*, Vol. 1 & 2, 13th ed. (2013)
12. [Professor Hugh Beale](#) *Chitty on Contracts*, (Vols 1, 2 & 2nd Supplement) 2020

**II SEMESTER**  
**COURSE 4**  
**INTERNATIONAL SALES OF GOODS**

**LLM**

**4 Credits**

**COURSE OBJECTIVES**

The primary aim of the course is to enable students to understand and analyse relating to the sale of goods, from a domestic perspective with a brief introduction to international sales law. It will help students to explore the remedy of damages in international sales contracts. It will enable student to develop wider legal thinking and to know the theory and practice of sale contracts for handling of complex legal problems related to the subject.

**COURSE MODULES**

**MODULE I: ESSENTIAL FEATURES OF CONTRACT OF SALE**

Subject matter of sale – supply of goods otherwise than by sale – International legal aspects  
Convention on International Sales of Goods (CISG).

**MODULE II: FEATURES OF SALES CONTRACT AND REMEDIES**

Terms in sale and supply contracts – Express and Implied terms - Sellers duties – Conditions ,  
Representations and Warranties

**MODULE III: CONTRACTUAL INTERPRETATION AND REMEDIES**

Performance of sales contract -Contractual Interpretation- Passing of title and risk in the goods -  
Breach and remedies- Discharge of the parties

**MODULE IV: USE OF ELECTRONIC COMMUNICATIONS IN INTERNATIONAL CONTRACTS**

Understanding United Nations Convention on the Use of Electronic Communications in International Contracts (The Electronic Communications Convention), the UNCITRAL Model Law on Electronic Commerce and the UNCITRAL Model Law on Electronic Signatures- Electronic Transfers

**MODULE V: LIMITATION PERIOD IN THE INTERNATIONAL SALE OF GOODS**

Legal proceedings from the contract or relating to its Breach- Termination or Validity- Relevance,  
Purpose and Scope of the Convention on the Limitation Period in the International Sale of Goods (the



Limitation Convention ).

## **LEARNING OUTCOME**

On completion of the course the student will be able to:

1. To analyse the fundamental principles governing international sales contract.
2. Cognizes the limitations of national law in the regulation of the international sale of goods
3. Determine awareness on importance of the international conventions regulating international sales law
4. Get better job opportunities to work in Banks and Insurance Companies

## **SUGGESTED READINGS:**

1. A.Ramaiya, 'The Sale of Goods Act', Eastern Law Book Company (1995).
2. Atiyah, P. S., J. N. Adams, and Hector L. MacQueen., 'The Sale of Goods' (Pearson/Longman, 2005).
3. Bridge, M. G., 'The Sale of Goods' (Oxford University Press, 2019).
4. Clayton P. Gillette and Steven D. Walt, 'The UN Convention on Contracts for the International Sale of Goods: Theory and Practice', Cambridge University Press, (2016)
5. DiMatteo, Larry A., 'International Sales Law: A Global Challenge', (Cambridge University Press, 2014).
6. Goode, Royston Miles, and Ewan McKendrick, 'Goode on Commercial Law', (LexisNexis, 2016).
7. Harvey, Brian W., and Deborah L. Parry., 'The Law of Consumer Protection and Fair Trading', (Butterworths, 2000).
8. Jorge Balmaceda 'The Harmonisation of the International Sale of Goods through Principles of Law and Uniform Rules', Cambridge Scholars Publishing ( 2020)
9. Michael Bridge 'The International Sale Of Goods', Oxford University Press, (2007)
10. Twigg-Flesner, Christian, Rick Canavan, Hector L. MacQueen, et al., 'Atiyah and Adams' Sale of Goods', (Pearson Education Limited, 2016)
11. United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980) (CISG)
12. Convention on the Limitation Period in the International Sale of Goods (New York, 1974)
13. United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)
14. UNCITRAL Model Law on Electronic Commerce (1996) with additional article 5 bis as adopted in 1998

### **III SEMESTER**

#### **COURSE 1**

### **LAW OF INTERNATIONAL TAXATION**

**LLM**

**4 Credits**

#### **COURSE OBJECTIVE:**

This course focuses on introducing the basis of International Taxation. The Globalisation and cross-border investments has initially created lots of confusion and uncertainty as to which jurisdiction has the taxing authority and it has even paved way for double taxation and in certain cases avoidance of tax. The course will also include the International context of taxation aiming to enable understanding about an equitable share of tax revenues from cross-border transactions and how much importance falls on Domestic provisions in International Taxation. This course will be of interest to students who have studied other aspects of commercial law. A strong background and interest in the scope and use of the core aspects of investment and commercial law is expected of the students.

#### **COURSE MODULES**

##### **MODULE I : IMPORTANCE OF INTERNATIONAL TAXATION**

Meaning of International Taxation – Scope of International Taxation in the era of Globalization- Source v. Resident Rule of Taxation - Destination v. Origin Method of Taxation- Relevancy in India.

##### **MODULE II: TAXATION OF EXPATRIATES AND FOREIGN INCOME**

Meaning of Expatriates: Taxation of Inbound and Outbound Expatriates- Procedural compliance such as PAN, Advance Tax, Self-Assessment Tax. Foreign Income: Various Categories such as Royalty, Fee for Technical Services, Shipping, Aircraft- Provisions of Income Tax Act, 1961 relating to Deemed Accrual, Business- Withholding of Taxes – Allocation of Deductions - Efficiency in Savings Decisions.

##### **MODULE III - PERMANENT ESTABLISHMENT AND PLACE OF EFFECTIVE MANAGEMENT**

Permanent Establishment – Tests in Determining PE Status – OECD and UN Model Conventions – Provisions under the Income Tax Act, 1961. Contemporary Issues in Determination of Permanent Establishment – Equalisation Levy. Place of Effective Management (POEM) – POEM as a Tie Breaker Rule in Determining the Residential Status of a Company. Guidelines in Determining POEM – CBDT Guidelines – Active Business Outside India (ABOI) - Primary and Secondary Factors. Understanding the difference between POEM and PE.

## **MODULE IV - TRANSFER PRICING**

Associated Enterprises – Deemed Associated Enterprises - Transfer Pricing – International Transactions – Specified Domestic Transactions. Arm’s Length Price – Steps in arriving at ALP - Methods in Determining ALP – Tolerance Band - Safe Harbour Rules – Eligible Assessee – Eligible International Transactions –Ineligible Transactions. Advance Pricing Agreements – Purpose – Provisions under the Income Tax Act, 1961 –Effect.

## **MODULE V - Double Taxation AND CONTEMPORARY DEVELOPMENTS**

Meaning of Double Taxation – Double Taxation Avoidance Agreement (DTAA) - Interpretation and Scope of Tax Treaties. Importance of DTAA in the era of Globalization – OECD and UN Model Tax Treaties. Scope of DTAA under the Income Tax Act, 1961 – Treaty Shopping - General Anti-Avoidance Rules (GAAR). Recent Issues in International Taxation – Efficiency, Equilibrium, Tax Competition and Tax Incentives in Developing Countries. Base Erosion and Profit Shifting Action Plans.

### **LEARNING OUTCOMES:**

On successful completion of this course, the students will be able to-

1. To Introduce the basis of International Taxation.
2. To enable the understanding on the importance of Domestic provisions in International Taxation.
3. To enlighten on the role played by International Organisations in facilitating International Taxation to be conducted in a smooth manner.
4. To Provide and insight on the emerging areas in the arena of International Taxation.

### **SUGGESTED READINGS:**

1. Amar Mehta, Permanent Establishment in International Taxation, Taxman Publications Pvt. Ltd.
2. Anuschka Bakker, Marc M. Levey (Eds.), Transfer Pricing and Dispute Resolution.
3. Ashish Karundia, Law & Practice relating to Permanent Establishment, Taxman’s.
4. Avi-Yonah, Reuven, ‘The Structure of International Taxation: A Proposal for Simplification’, (1995-1996) 74 Texas Law Review 1301.
5. CA Amit Maheswari & CA Sumit Gupta, Expatriate Taxation Decoding the Complexity,19(Wolters Kluwer).
6. Crivelli, Ernesto, Ruud De Mooij& Michael Keen, “Base Erosion, Profit Shifting and Developing Countries”. IMF Working Paper, 2015

7. D.P.Mittal, Law of Transfer Pricing in India , Taxmann Publisher Pvt. Ltd.
8. Divakar Vijayasarathy , Law & Practice of Transfer Pricing, Bharat Law House Pvt Ltd; 5th edition (2020).
9. Duff Phelps, Transfer Pricing and Dispute Resolution. Guide to International Transfer Pricing: Law, Tax Planning and Compliance Strategies, Wolters Kluwer pvt. Ltd, 8<sup>th</sup> Edition (2018).
10. Girish Ahuja- (2019), Law and Procedure- Professional approaches to Direct Taxes and International Taxation, Wolters Kluwer India Pvt Ltd.
11. IRS O P Yadav ,Transfer Pricing in India: Principles and Practice, OakBridge Publishing; First Edition (2019).
12. Lynne Oats, Angharad Miller & Emer Mulligan, Principles of International Taxation, Bloombury Professional.
13. Nigam Nuggehalli, International Taxation – The Indian Prespective , Springer Robert Feinschreiber& Margaret Kent, Transfer Pricing Handbook: Guidance on the OECD Regulations, Wiley.
14. Nilesh Modi, The Law and Practice of Tax Treaties – An Indian Perspective , Wolters Kluwer.
15. Ravi Kant Gupta, Recent Trends in Transfer Pricing Intangibles, GAAR and BEPS.
16. Tamer budak, “The Transformation of International Tax Regime: Digital Economy”,8 Inonu U. L. Rev. 297 (2017)
17. Taxman’s Law Relating to Transfer Pricing with Transfer Pricing Audit & Multilateral
18. Convention 2019 to Implement BEPS.
19. U. Schreiber; D. (Dirk) Simons; S. Greil; M. Lagarden, “Why Arm’s Length Principle should be Maintained” (2020) International Transfer Pricing Journal.
20. Vaibhav Choudhary, “Electronic Commerce and Principle of Permanent Establishment Under the International Taxation Law” ,37 Int’l Tax J. [i] (2011)

**III SEMESTER**  
**COURSE 2**  
**INTERNATIONAL COMMERCIAL ARBITRATION**

**LLM**

**4 Credits**

**COURSE OBJECTIVE:**

This course provides a rigorous introduction to the field of international commercial arbitration, which has become the default means of settling international disputes. The course will deal with the internationalist elements of the subject matter, but will also examine international commercial arbitration from an Indian perspective. Students can expect to review both international and national commentaries, statutes and case law on the subject. Additionally, it intends to provide an overall knowledge of the world's leading arbitration institutions, and their rules of procedure. Apart from the principles of arbitration, the course will also cover, in brief, the rules of conciliation and the role of this method in resolving disputes.

**COURSE MODULES**

**MODULE I: INTRODUCTION**

Dispute resolution in international trade – history and growth of international commercial arbitration – theoretical foundation - Institutional and Ad Hoc Arbitration- UNCITRAL Arbitration Rules- ICC Arbitration Rules - LCIA Arbitration Rules - SIAC Arbitration Rules.

**MODULE II: PRELIMINARY ISSUES IN ARBITRATION**

Definition of International, Commercial, etc – Arbitration Agreement and its validity – Composition of Arbitration Tribunal & its Status – Jurisdiction - Choice of Law in International Commercial Arbitration, Subjective and Objective Arbitrability.

**MODULE III: ARBITRAL PROCEEDINGS**

Conduct of Proceedings – Law applicable – Rules of Procedure, Place and Language, Concept and Relevance of ‘Seat’ – De-localised Arbitration – Role of National Courts during Proceedings – experts by Tribunal – Competence of the Tribunal to Rule on its Own Jurisdiction

**MODULE IV: POST-AWARD REMEDIES**

Arbitration Award – Categories – Forms and Content- Validity – Application of the Principle of Res judicata – Recognition Enforcement and Challenges of Arbitral Awards

## **MODULE V: INTERNATIONAL ARBITRATION IN INDIA**

ICA in India – Procedure under Indian Law – Applicability of Arbitration And Conciliation Act, 1996 Procedural Law Governing An Arbitration Interim Relief from the Court- Application For Enforcement / Challenge of the Award- Appeals Arising from Orders of Interim Relief or Orders of Enforcement of Foreign Awards.

### **LEARNING OUTCOMES:**

After completing this course, the students should be able to-

1. Demonstrate a specialised knowledge on the working of Indian arbitration law and the related international treaties and conventions that may applicable in a transnational context
2. Advise in relation to international commercial arbitration, the merits and demerits, the practice and procedure.
3. Evaluate the various procedures that may be adopted and the interim measures and the final remedies that may be available in arbitration.
4. Critically analyse the judicial interventions in relation to the enforcement of arbitration agreements and awards.

### **SUGGESTED READINGS**

1. Blackaby, Nigel, Constantine Partasides, Alan Redfern, et al. 'Redfern and Hunter on International Arbitration' (Oxford University Press, 2015).
2. Born, Gary. 'International Arbitration: Law and Practice' (Kluwer Law International, 2016).
3. Lew, Julian D. M., Loukas A. Mistelis, and Kröll, Stefan, 'Comparative International Commercial Arbitration' (Kluwer Law International, 2003).
4. Malhotra, O. P. 'The Law and Practice of Arbitration and Conciliation: The Arbitration and Conciliation Act 1996' (LexisNexis, 2002)
5. Moses, Margaret L. 'The Principles and Practice of International Commercial Arbitration', (Cambridge, Cambridge University Press, 2012).
6. Nigel Blackaby, Constantine Partasides, Alan Redfern, Martin Hunter. Redfern and Hunter on International Arbitration (6th Edition), 2015.
6. Poudret, Jean-Francois, Sebastien Besson, Stephen Berti, et al. 'Comparative Law of International Arbitration' (Sweet & Maxwell, 2007).

**III SEMESTER**  
**COURSE 3**  
**INTERNATIONAL INVESTMENT LAW**

**LLM**

**4 Credits**

**COURSE OBJECTIVE:**

This course focuses on the complex legal aspects of the transnational Investment Law and Arbitration course. Although a key theme of the course is both the substantive standards and the procedural issues arising in investment arbitrations as well as aspects of cross-border trade activities. Thus the course will focus on the Cross-border investments as well as international relations since they have significant impact on development of countries, environment, trade and communities. The States increasingly regulate various aspects of such investments both by national laws and by entering into bilateral and multilateral treaties. These Treaties and laws governing protection of foreign investment, insurance of cross-border investment, implementation of investment-related regulations may have impact on trade, laws governing access of foreign investors. However other aspects, such as lack of effective control over foreign investors and lack of their accountability for human rights and environmental law violations, also raise important concerns. The course will also include the investment dispute settlement reform having separate modules. This course will be of interest to students who have studied other aspects of commercial law. A strong background and interest in the scope and use of the core aspects of business and commercial law is expected of the students.

**COURSE MODULES**

**MODULE I:**

**INTRODUCTION TO INTERNATIONAL INVESTMENT LAW: VARIOUS AREAS AND VARIOUS REGIMES**

Introduction to the History and Legal Framework of Investment Law – International and national law rules applicable to foreign investments: access of foreign investors, promotion and protection, insurance of foreign investment – Trade-related aspects of foreign investment-

**MODULE II:**

**APPLICATION OF GENERAL INTERNATIONAL LAW TO FOREIGN INVESTMENT**

Customary international law on access and protection of foreign investment – Interpretation of treaties governing international investment – Responsibility of States and rules governing protection of foreign investment. – Diplomatic protection and human rights law rules – Nature of the investor's rights under bilateral and multilateral treaties.

### **MODULE III:**

#### **PROTECTION OF FOREIGN INVESTMENT: SCOPE OF APPLICABLE TREATIES AND EXPROPRIATION**

Definition of investment and national laws, bilateral and multilateral treaties - Definition of investor- Treaty structuring and abuse of process- Temporal scope of protection - Application of treaties to legacy investments and termination of protection (sunset clauses) - Compatibility of rules on protection of foreign investment with other international law obligations of the State (EU, human rights law); Definition, Condition of Expropriation and Police powers doctrine.

### **MODULE IV: STANDARDS OF TREATMENT**

The plurality of standards of protection under BITs- Importance of the wording and other factors that affect interpretation- Minimum standard of treatment under customary international law- Fair and equitable treatment and prohibition on arbitrary measures- Full protection and security- Global administrative law: the standards applicable to assessment of regulatory actions of States- Standards based on prohibition of discrimination, key elements- National treatment and exceptions from the general grant of national treatment. Most-favored national treatment- umbrella clauses under various BITs- Rules on freedom of transfers, restrictions on the freedom of transfers under National law and WTO rules.

### **MODULE V:**

#### **SETTLEMENT OF INVESTMENT DISPUTES AND OBLIGATIONS OF FOREIGN INVESTOR AND THEIR ENFORCEMENT**

National courts as a forum for settlement of investment disputes- International Center for the Settlement of Investment Disputes- Arbitration under the UNCITRAL Rules. Permanent Court of Arbitration- Arbitration Institute at the Stockholm Chamber of Commerce and its rules- A permanent investment court- Proposals for the reform of the current system of investor-state dispute settlement. Stages of a typical investor-state dispute settlement- Jurisdictional and admissibility objections- Fork-in-the-road, cooling-off period, exhaustion of local remedies- The role of the investor's home State Rules governing access of foreign investors- Obligations of Foreign Investors in bilateral and multilateral treaties and national laws- Enforcement of investor's obligations in arbitration: counterclaims and claims by host states- Enforcement of investor's obligations through the courts of investor's home State- Non-governmental rules and standards on conduct of investors.



## **LEARNING OUTCOMES:**

On successful completion of this course, the students will be able to-

1. To demonstrate awareness and understanding of the different procedural and strategic considerations at play at various stages of investment arbitration, including key defences available to States.
2. To describe the principles governing damages quantification and basics of enforcement of arbitral awards.
3. To be familiar with the Understanding of the legal, economic, political, and historical context of investment treaty arbitration.
4. To describe and explain the key aspects of the relevant substantive standards of protection, and how they apply to investment claims.
5. To develop an awareness about the jurisdictional issues arising from an investment claim.

## **SUGGESTED READINGS:**

1. Repousis O., Fry J., Armed Conflict and State Succession in Investor-State Arbitration, *Columbia Journal of European Law*, Volume 22, 2015-2016, pages 421-456,
2. Campbell McLachlan and others, 'Expropriation' in *International Investment Arbitration: Substantive Principles* (2nd edition, OUP 2017)
3. Christoph Schreuer, 'Consent to Arbitration' in Peter Muchlinski, Federico Ortino and Christoph Schreuer (eds), *The Oxford Handbook of International Investment Law* (OUP 2008)
4. Foreign Investment Disputes in Reisman and others (eds), *Foreign Investment Disputes: Cases, Materials and Commentary* (Kluwer Law International 2014) 1-20
5. Hussein Haeri (2011), 'A Tale of Two Standards: 'Fair and Equitable Treatment' and the Minimum Standard in International Law: The Gillis Wetter Prize', *Arbitration International*, Volume 27, Issue 1, 1 March 2011.
6. LY Fortier and SL Drymer, 'Indirect Expropriation in the Law of International Investment: I Know it When I See it, or Caveat Investor' (2004) 19 ICSID Rev- FILJ 293
7. Mark Friedman and Floriane Lavaud (2018), 'Damages Principles in Investment Arbitration', in *The Guide to Damages in International Arbitration - Second Edition* (Law Business Research Ltd 2018)
8. Mortenson J., *The Uneasy Role of Precedent in Defining Investment* // U of Michigan Public Law Research Paper No. 344

**IV SEMESTER**  
**COURSE 1**  
**INTERNATIONAL BANKING AND FINANCE**

**LLM**

**4 Credits**

**COURSE OBJECTIVE:**

This course focuses on the understanding of the legal aspects of the International Banking system. Existence of monetary and banking system in the light of its historical background, Will enable students to be aware of international banking system. Thus the course will focus on the Concept of Money Market. The course will also including the international banking operating system and various regulations existing in international banking having separate modules. This course will be of interest to students who have studied other aspects of commercial law. A strong background and interest in the scope and use of the core aspects of business and commercial law is expected of the students.

**COURSE MODULES**

**MODULE I: INTRODUCTION**

Concept of Money Market, Developed and Less developed Money - Market, Their Characteristics & Importance- English Banking System – Bank of England, Origin and Growth, Organizational Structure, Functions, Monetary Policy, Commercial Banking System

**MODULE II: FEDERAL RESERVE SYSTEM**

Origin, Organizational Structure and Working, Commercial - Banking in USA, Unit Banking and Branch Banking and Factors for its Growth in USA- New York Money Market – Constituents and Working, Comparison between London - Money Market and New York Money Market- London Money Market - Market Constituents working and Credits Instrument- Euro Dollar.

**MODULE III: FUNDAMENTALS OF INTERNATIONAL FINANCE AND MONETARY UNION**

Meaning and Scope of International Finance- Balance of Payment, Components, Deficit in Balance of Payment. International Monetary System, SDRs, European Monetary System. European Monetary Union -European Central Bank, Organization Structure and Functions- Bank of Japan- Structure and Working, Commercial Banking system of Japan, Industrial Banking in Japan- Asian Development Bank- Functions, Structure and Working.

## **MODULE IV: FOREIGN EXCHANGE MARKET**

Introduction, Market and Market Participants, Foreign Exchange Management in India, Retail and Whole Sale Component of Indian Foreign Exchange Market, Role of FEDAI, FEMA and Regulatory Framework, Dealing Room Operations

## **MODULE V INTERNATIONAL BANKING OPERATIONS**

Introduction, Definition, Features of International Banking- Reasons for Growth of International Banking, Recent Trends in International Banking- Emergence of Crypto currency - Overview, Brief Overview of Bitcoin and other Crypto Currencies, Note on Mining and Crypto Currency Exchanges, Advantages, Disadvantages of Crypto Currency.

### **LEARNING OUTCOMES:**

On successful completion of this course, the students will be able to-

1. To demonstrate awareness and understanding of the need for banks to comply with international laws and regulations.
2. To demonstrate awareness and understanding of the various regulations existing in international banking.
3. To describe the principles governing Market and Market Participants
4. To be familiar with the Fundamentals of International Finance
5. To describe and explain the key aspects of the legal and regulatory aspects of international banking.

### **SUGGESTED READINGS:**

1. Sayers R.S. – Modern Banking
2. Basu S.K. – Contemporary Banking Trends.
3. Saxena K.B. – International Banking: Banking Theory and Principal Banking Systems (Hindi)
4. Machenize K. – Banking Systems of Great Britain, French, Germany and U.S.A.
5. Goswami V.K. – International Banking
6. Bhalla .V.K.- International Financial Management

**(ELECTIVE 1)**

**BUSINESS ETHICS AND HUMAN RIGHTS**

**LLM**

**3 Credits**

**COURSE OBJECTIVE:**

This course focuses to provide an understanding on the environment of globalization and commercial transaction activities beyond trade barriers. The course will focus on human rights in development of trade. The course will focus to provide the Core understanding on ethics and business so students can learn to analyze and research on the substantive understanding of its legal Perspective.

**COURSE MODULES**

**MODULE I: GLOBALIZATION, DEVELOPMENT, JUSTICE AND HUMAN RIGHTS**

Meaning, nature and scope of globalisation – Dimensions and agents of globalisation – Sovereignty and globalisation - Concept of justice on globalised legal order – Theories of global justice. Economic Justice - Concept of Development – Right to Development as a Human Right – Theories of Development - New International Economic Order – Development and trade off on human rights - WTO legal framework for trade related human rights measures – Impact of GATT and WTO - Trade-related Intellectual Property Rights - Unfair terms of trade in human rights violation - Political Justice - Globalisation of Democracy - Instruments of International Pressure. Global Justice - Economic Theory of Trade Integration – Free Trade - Fair Trade - Role of International/Regional Trade Institutions on Justice and Human Rights –Impact of global trade and trade liberalisation on distributive justice, poverty, inequalities – Business Ethics and Globalisation - Environmental Justice - Environment as a human right - Anthropocentric ethics and non-anthropocentric ethics

**MODULE II: INTERNATIONAL COOPERATION ON TRADE AND HUMAN RIGHTS GOVERNANCE AND PRACTICE**

Role of World Organisations – UN – UNCITRAL - UNGP - World Bank, IMF, WIPO, UNDP, UNIDO - The work of the UN Human Rights Bodies - Human rights impact assessment – Trade incentives - Cooperation with other International Organizations. Role of Transnational Corporations – Monopolies and right to development - Control, code of conduct of TNCs - Consumer rights and human rights – Destruction of environment and human rights. Human rights in trade and investment agreements – IPR and human rights - Sanctions in third world – Social Clause - Conditional aid, trade sanctions, blockades, shame campaigns – Soft Diplomacy – Interferences – Military Interventions – Destabilisation of foreign governments, dictatorships (Arab Spring) – Impact of destabilisation of foreign governments on domestic interests

### **MODULE III: ENVIRONMENT, SUSTAINABLE DEVELOPMENT AND HUMAN RIGHTS**

Right to environment in international legal order – Sustainable development – Intergeneration equity. Legal and institutional framework on human rights and environment – Precautionary, polluter pays and public trust doctrine - Stockholm Conference, Rio de Janeiro Conference Johannesburg Conference and Rio +20. International Environmental Organisations and Dispute Settlement Mechanisms – Conflict management

### **MODULE IV: HUMAN RIGHTS NORMS RELATING TO PROTECTION OF ENVIRONMENT**

Procedural and substantive obligations relating to human rights – Sustainable development. Right to environment – Right to food – Right to water – Right to health - Right of nonhuman persons - Right of natural bodies not be polluted. Climate change – Obligation relating to marginalised and those in vulnerable situations - Impact of environmental damage on food security, health and global poverty

### **MODULE V: TRADE, ENVIRONMENT AND HUMAN RIGHTS GOVERNANCE IN INDIA**

Indian trade policy – Foreign direct investments – Trade pacts - Indian trade agreements and its effect on local traders and small farmers – Regulatory framework b) Right to access to medicines in India – Indian Patent Amendment Act 2005 – Traditional knowledge (Turmeric, Basmati Rice, Neem). Biopiracy – Trade secret – Transfer of technology - Judicial activism. Human rights law and institutions in India relating to environment – Fundamental rights – Directive principles of state policy. Human Rights Act 1993 – Environment Protection Act 1986 - The Water Act, 1974 - Air Act 1981. Role of judiciary in protection of human rights – Judiciary on Right to environment and Right to development – Constitutional Remedies

### **LEARNING OUTCOMES:**

On successful completion of this course, the students will be able to-

1. To develop students basic understanding on the rules making compliance and enforcement of human rights in commercial perspective.
2. To analyse the existing international level complexities surrounding human rights and its challenges
3. To study the challenging approach existing in the environment of trade and development.
4. To skill students to contribute, through research, in Law and Policy making in the field of Business and Human Rights both at international and national level

5. To acquaint the students about the understanding of model Commercial Law in perspective of human rights

**SUGGESTED READINGS:**

1. Andrew F. Lowenfeld – International Economic Law
2. Anupam Goyal - The WTO and International Environmental Law Towards Conciliation
3. Boyle, A. E., and Anderson M.R. (Eds.), Human Rights Approaches to Environmental Protection (Oxford: Clarendon Press 1996)
4. Gear, Anna, Research handbook on human rights and the environment (Edward Elgar 2015)
5. Hiskes, R.P., The Human Rights to a Green Future (Cambridge: Cambridge University Press 2009)
6. John H. Jackson, Sovereignty, the WTO and the changing fundamentals of International Trade Law
7. Karin Buhmann, Björn Fasterling & Aurora Voiculescu, Business & Human Rights Research Methods, Nordic Journal of Human Rights, 36:4, 323-332 (2018)
8. Kravchenko, Svitlana and John e. Bonine, Human Rights And The Environment: Cases Law, and Policy (Carolina Academic Press 2008)
9. Krishen Koul - Guide to the WTO and GATT
10. Woods, K., Human Rights and Environmental Sustainability (Cheltenham: Edward Elgar 2010)

**(ELECTIVE 2)**

**LAW OF E-COMMERCE AND CONSUMER PROTECTION**

**LLM**

**3 Credits**

**COURSE OBJECTIVE:**

This subject aims at an understanding of the basic principles of E-Commerce and gives an insight into the application of this important area. It also analyses the impact of other areas such as IP and attempts a holistic view. It would make the students aspiring for corporate jobs more up-to-date.

**COURSE MODULES**

**MODULE I: INTRODUCTION TO E- COMMERCE & CONTRACTS IN ELECTRONIC ENVIRONMENT**

Concept of e- commerce and differences with e- business; Advantages and disadvantages of e-commerce; Types of e- commerce; Medium and Transactions in e- commerce; UNCITRAL Model Law on e-commerce; Information Technology Act,2000. E-contracts – concept, offer and acceptance; Acceptance of contract: applicability of postal rule; E-commerce directives and Regulations; Incorporation of terms; Identity of contracting parties; E-contracts: extent of details;Breach of contract

**MODULE II: ELECTRONIC SIGNATURE & PAYMENT ISSUES**

Provisions under IT Act; Provisions under IT Act; Issuing authorities; Public-key infrastructure(PKI); Electronic Signature Certificate (ESC); Grant, Revocation and withdrawal of ESC. Modes and mechanism of payment in electronic environment; Fraud Risk and Protection; Breach of contract; Charge back agreements; EDI; Electronic fund transfer

**MODULE III: CONSUMER PROTECTION**

Concept of the rights of consumer; Problems of protection of consumers in virtual world; Consumer Protection Act, 1986; EC Directive on distance selling; E-commerce Directives and consumer protection

**MODULE IV: IPR ISSUES AND DOMAIN NAME IN E-COMMERCE**

Digital copyright, linking, caching; Digital rights management, DMCA, Patents, Trademarks and domain names; Brand identities, search engines and secondary market; ICANN; Database Right – Digital Copyrights; Open Source; Software Patents; Right to forgetting

## **MODULE V: JURISDICTION ISSUES IN E- COMMERCE**

Theoretical framework to address multiple jurisdictions- Application of the principles of Private International law- Hague Convention, EC Regulations (Brussels & Rome)- Minimum contact test, Effect test, Zippo Test; Current trends

### **LEARNING OUTCOMES:**

On successful completion of this course, the students will be able to-

1. To demonstrate awareness and understanding of the technology and legal regime of e-commerce.
2. To discuss the contractual issues related to e-commerce and distinguish them from ordinary contracts.
3. To discuss the differences between secured and unsecured electronic documents, encryption of documents and the provisions of law related thereto.
4. To identify risks involved in online payments and the legal provisions related to the same.
5. To demonstrate the consumer related issues of e-commerce.
6. Be familiar and explain the intellectual property in digital media

### **SUGGESTED READINGS:**

1. Paul Todd. Law of E-commerce. London: Cavendish, 2008.
2. Sharma, Vakul. Information Technology: Law and Practice. 2nd ed. New Delhi: Universal Law Publishing Co., 2007.
3. Ramappa, T. Legal Issues in Electronic Commerce. Delhi: Macmillan, 2003.
4. Schellekens, M. H. M. Electronic Signatures: Authentication Technology from a Legal Perspective. The Hague: T. M. C. Asser Press, 2004.
5. Ahmad, Tabrez. Cyberlaws, e-commerce & m-commerces. New Delhi: A. P. H. Publishing Corporation, 2009.
6. Phillips, Jeremy. Butterworths E-commerce and IT Law Handbook. 4th ed. London: LexisNexis Butterworths, 2007.
7. Seth, Karnika. Cyber Laws in the Information Technology Age. New Delhi: LexisNexis ButterworthsWadhwa, 2009.
8. Ryder, Rodney. Guide to Cyber Laws. 3rd ed. New Delhi: Wadhwa& Co., 2007.



## **SPECIALISATION THREE**

### **INTELLECTUAL PROPERTY LAW**

## **I SEMESTER**

### **COURSE 3**

#### **LAW RELATING TO INTELLECTUAL PROPERTY: A COMPARATIVE PERSPECTIVE**

**LLM**

**4 Credits**

#### **Course Objectives**

- To understand the jurisprudential and theoretical concept of IPRs
- To study IP laws in India and to compare with select jurisdictions
- To critically analyse judicial interpretations pertaining to various IP laws
- To familiarize the international conventions relating to IPR
- To learn to use comparative methodology in the study of IP law.

#### **Course Modules**

##### **Module I - Introduction**

Historical basis, Nature and Concept of Intellectual Property - Types of Intellectual Property - Different Intellectual Property Rights - Monopolistic perspective, Economic Perspective, Public Welfare Perspective. Theoretical justification for protection of IP: Western theories, Marxian theory, Indian theories on private property and IP –International Conventions on IP -Constitutional values - Indian economy and Intellectual Protection.

##### **Module II –Law relating to Copyright**

Legal basis of Copyright – Copyright provisions: Indian & Global perspective - Comparison of copyright provisions in India and USA - Contemporary issues under Copyright.

##### **Module III – Law relating to Trademarks & Geographical Indication**

Legal basis of Trademarks – Trademark Registration and provisions: Indian & Global perspective - Comparison of Trademark related provisions in India and USA – Contemporary issues under Trademarks.The Geographical Indications of Goods (Registration and Protection) Act, 2000

##### **Module IV – Law relating to Patents**

Legal basis of Patents – Patent provisions: Indian & Global perspective - Comparison of Patent

related provisions in India and USA – Contemporary issues under Patent Laws. Protection of Plant Varieties and Farmers Rights Act, 2001, Bio Diversity Act 2002. Industrial Designs: The Semiconductor Integrated Circuits Layout-Design Act, 2000.

## **Module V - Comparative Overview of IPR**

Comparing the varied IP rights - Key differences between Copyright – Trademarks - Patents and their Infringements - Difference between copyright infringement and plagiarism.

### **Learning Outcomes**

On successful completion of this course, the students will be able to:

- Demonstrate an understanding of the principles relating to Intellectual Property.
- Demonstrate a foundation International and National perspectives on Intellectual Property.
- Demonstrate a foundation on International Conventions relating to IP and analyze the significance of these conventions and treaties.
- Understand and interpret the vary forms of practices that affect the consumers

### **Suggested readings**

1. N.S. Gopalakrishnan & T.G. Agitha, Principles of Intellectual Property (2009), Eastern Book Company, Lucknow
2. V.K. Ahuja, Law Relating to Intellectual Property Rights (2009) 18
3. International Encyclopaedia of Laws: Intellectual Property (Kluwer Law International, 1997) 1997 vols. 1-5
4. Adeney, Elizabeth. The Moral Rights of Authors and Performers: An International and Comparative Analysis (Oxford University Press, 2006).
5. 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).
6. 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)
7. Catherine Colston, Principles of Intellectual Property Law, Cavendish Publication Ltd.
8. Frederick M. Abbot (Ed) - International Intellectual property in an Integrated World Economy, Wolters Kluwer
9. R.S. Bhalla, The Institution of Property : Legally, Historically and Philosophically Regarded, Eastern Book Co., (1984)

**I SEMESTER**  
**COURSE 4**  
**LAW OF COPYRIGHT & ALLIED RIGHTS**

**LLM**

**4 Credits**

**Course Objectives**

- To understand the jurisprudential aspects of copyrights
- To discuss the significance of copyright in enriching the cultural heritage
- To discuss the neighbouring rights connected with Copyright
- To study the contemporary issues relating to copyright and its infringement

**Course Modules**

**Module I - Introduction**

Historical Backdrop - Origin and Development of Copyright and Allied Rights in India – International Conventions and Treaties on Copyright.

**Module II - Subject-matter of Copyright**

Concept of Originality – Idea-Expression dichotomy in Copyright law – Fixation and other doctrinal requirement - Works covered under Copyright: Copyright in literary, dramatic and musical works, Copyright in sound records and cinematograph films, Copyright in computer programme - Economic and Moral Rights - Co-existence of rights.

**Module III - Rights of Copyright Owners**

Ownership of Copyright: First Owners – Joint Authorship – Assignment of Copyright – Licensing of Copyright - Author's special rights – Copyright v Moral Rights. Neighboring Rights: Types and Significance – Performers Rights – Broadcasting Rights – National and International Perspective.

**Module IV - Infringement & Remedies**

Notion of infringement: Criteria of infringement - Infringement of copyright by films of literary and dramatic works - Importation and infringement - Fair use provisions – Comparative perspectives on Fair-use provisions – Limitations and exceptions to copyright protection – Remedies: Civil, Criminal and Administrative remedies.

**Module V - Emerging Issues**

Copyright in Cyberspace – Copyright and Computer software's– Copyright in Internet and Multimedia – Anti-Circumvention law - Database protection – Piracy in internet – Copyright issues

in Live Streaming – Copyright in Industrial Designs, Lay-out Designs and Integrated Circuit Designs.

### Learning Outcomes

On successful completion of this course, the students will be able to:

- Demonstrate an understanding of the principles relating to competition law.
- Demonstrate a foundation Anti-trust practices and unfair Trade practices.
- Analyze the significance of Fair Competition in market.
- Understand and interpret the vary forms of practices that affect the consumers

### Suggested readings

1. Dr. Mathew Thomas, *Understanding Intellectual Property*, Eastern Book Company, Lucknow (2016).
2. Elizabeth Verkey, *Intellectual Property law and Practice* (Eastern Book Company)2015
3. Sterling, J. L. A., *World copyright law*, 2008/3<sup>rd</sup> ed, London, Sweet &Maxwell.
4. Prasad, Akhil, *Copyright Law Desk Knowledge, Access and Development*, 2009, Delhi, Universal.
5. Mendis, DinushaKishani, *Universities and Copyright Collecting Societies*, 2009,Hague,
6. Cornish, William, *Intellectual Property : Patents, Copyright, Trademarks and Allied Rights*, 2010/7<sup>th</sup>, London sweet &Maxwll
7. Narayanan, P., *Intellectual Property Law*, 2001/3<sup>rd</sup>, Kolkata, Eastern lawHouse.
8. Garnett, Kevin, *Copinger and Skone James on Copyright*, 2008/5<sup>th</sup>, London, Sweet & Maxwell.
9. Taraporevala V J, *Law of Intellectual Property*,(2nd Edition) Thomason Reuters, 2013.
10. Dr. Irini A. Stamatoudi& Paul L.C..Torremans, *Copyright in the New Digital Environment: The need to redesign Copyright*, Sweet & Maxwell, London, 2000

**II SEMESTER**  
**COURSE 3**  
**LAW OF PATENTS**

**LLM**

**4 Credits**

**Course Objectives**

- To study and critically analyse judicial interpretations pertaining to patent
- To study the exceptions to patent rights and limitations of patent law
- To analyse the contemporary issues involved in public health protection and patent protection
- To critically analyse the ethical-legal issues involved in bio-patents etc.

**Course Modules**

**Module I - Introduction**

Overview and Historical development of Patent System – Treaties relating to Patent protection – International Patent System and its impact on National System - Concepts: Novelty, Utility, Inventiveness/Non-obviousness.

**Module II - Patentability**

Patentable Subject Matter: Concept of Invention and its changing dimensions - Patentability Criteria - Role of Judiciary in determining patentable subject matter – Patent protection of computer programme.

**Module III - Patent Procedures**

Process of obtaining a patent: application, examination, opposition and sealing of patents: general introduction - Procedure for filing patents - Patent co-operation treaty - Some grounds for opposition – Specification and Claims – Disclosure procedures - Rights of Patentee.

**Module IV - Enforcement and Infringement**

Claim Interpretation-Interpretive Methodology and sources of Evidence - Assignment and Compulsory Licensing - Infringement: Doctrines of Infringement-The Literal Rule, Doctrine of Equivalence /Pith and Marrow and Patent Misuse Doctrine - Criteria of infringement, Onus of Proof, Modes of Infringement - Defences in suits of infringement, Injunctions and related remedies.

**Module V - Emerging Issues**

Patents on: Genetically Modified Organisms, Terminator technology and its consequences, GURT (genetic use restriction technology) - Patent pooling - Patent thickets - Patent trolls - Patents and Anti-competitive practices - Software Patents – Bio-Tech Patents

### **Learning Outcomes**

On successful completion of this course, the students will be able to:

- Demonstrate an understanding on the evolutionary principles relating to Patent systems and law.
- Demonstrate a foundation International and National perspectives on Patent spheres and analyze the claims and subject matter of patents.
- Understand and interpret the varied contemporary areas in patenting.

### **Suggested readings**

1. Cook, Trevor. Pharmaceuticals Biotechnology and the Law. 2nd ed, LexisNexis, 2009
2. Donald S. Chisum, Chisum on Patent Law, LexisNexis, 2008
3. Gopalakrishnan, N. S. & Agitha T. G, Principles of Intellectual Property, Eastern Book Company, 2009
4. Grubb, Philip W. and Thomson, Peter, Patents for Chemicals, Pharmaceuticals and Biotechnology: Fundamentals of Global law, Practice and Strategy, Oxford university Press, New York, 2010
5. P. Narayana, Patent Law, Wadhwa Publication.
6. Brian C. Reid, A Practical Guide to Patent Law, 2nd Edition, 1993
7. Brinkhof (Edited), Patent Cases, Wolters Kluwer
8. Prof. Willem Hoyng & Frank Eijsvogels, Global Patent Litigation, Strategy and Practice, Wolters Kluwer
9. Gregory Stobbs, Software Patents Worldwide, Wolters Kluwer
10. Feroz Ali Khader, The Law of Patents – with a special Focus on Pharmaceuticals in India, LexisNexis Butterworths Wadhwa, Nagpur.

**II SEMESTER**  
**COURSE 4**  
**LAW OF TRADEMARKS & GEOGRAPHICAL INDICATIONS**

**LLM**

**4 Credits**

**Course Objectives**

- To understand the jurisprudential aspects of Trademarks and GI
- To discuss the significance of Geographical indications
- To study and analyse judicial interpretations pertaining to trademarks
- To critically analyse the contemporary issues involved in trademarks law

**Course Modules**

**Module I - Concept of Trademarks**

Historical development of the concept of Trademark and Trademark law-National and International - Need for Protection of Trademarks - International Legal Instruments on Trademarks.

**Module II - Registration of Trademarks**

Kinds of Trademarks - Well known Trademark - Registration of Trademarks - Grounds of refusal of registration: Absolute grounds, Relative grounds - Procedure for registration of Trademarks - Opposition - Rights of Registered trademark owners - Assignment and licensing of Trademarks

**Module III - Infringement of Trademarks**

Infringement of Trademarks - Passing Off – Defences - Remedies for Infringement and Passing Off - Civil remedies and Criminal remedies.

**Module IV - Geographical Indications**

Historical Backdrop of Geographical Indications – Need for protection – Concept of Appellations of Origin, Indication of Source and Geographical Indication - International Convention - The Geographical Indications of Goods (Registration and Protection) Act, 2000 -Procedure for Registration, Duration of Protection and Renewal - Infringement, Penalties and Remedies

**Module V - Emerging Issues**

Trademarks in Cyberspace: Domain Names Disputes – Metatagging - Key Word



advertisements - ICANN-Uniform Domain Resolution Policy (UDRP) - Role of National Courts - Protection of Nonverbal Marks - Character merchandising - Comparative Advertisements - Parallel Importation - Right of publicity- celebrity right - Counterfeit Goods: Counterfeit mark and Counterfeiting remedies.

### **Learning Outcomes**

On successful completion of this course, the students will be able to:

- Understand the significance of Trademarks in the commercial sphere
- Demonstrate a foundation International and National perspectives on Trademarks, Service marks and other related rights.
- Analyze the significance of Geographical Indications' Jurisprudence.
- Understand and interpret the forms of Trademark Filings.

### **Suggested readings**

1. Kerly's Law of Trade Marks and Trade Names, 14th Edition, Thomson, Sweet & Maxwell.
2. A. K. BanSal, Law of Trade Marks in India (2009 Edition) Institution of Constitutional and Parliamentary Studies and Centre for Law, Intellectual Property and Trade, New Delhi.
3. Marsha A. Echols, Geographical Indications for Food Products, International Legal and Regulatory Perspectives (2008), Wolters Kluwer.
4. N.S. Gopalakrishnan& T.G. Agitha, Principles of Intellectual Property (2009), Eastern Book Company, Lucknow
5. Mary La France, Understanding Trademark Law, Lexis Nexis (2017)
6. Kailasam, Law of Trade Marks and Geographical Indications (2nd ed. 2009)
7. V.K. Ahuja, Law Relating to Intellectual Property Rights (2009) 18
8. Ashwani Kr. Bansal, Law of Trade Marks in India ( 2009)
9. Johan Flodgren, 'Geographical Indications and Trademarks: Synergies and Conflicts in the International Market' (2009)

**III SEMESTER**  
**COURSE 1**  
**ACCESS TO PATENTED KNOWLEDGE, PRODUCTS AND MEDICINE**

**LLM**

**4 Credits**

**Course Objectives**

- To study and critically analyse judicial interpretations pertaining to patent
- To study the exceptions to patent rights and limitations of patent law
- To analyse the contemporary issues involved in public health protection and patent protection
- To study the challenges faced by the public at large due to lack of access to KPM

**Course Modules**

**Module I - Development of IP System and Access to IP Products**

Development of Paris Convention – TRIPS Agreement and Patent system – TRIPS on patentable subject matter - Term of protection - Rights and Limitations – transitional arrangements. 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 II - 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 III - 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 IV - Doha Declaration**

Implementation structure of the Indian pharmaceutical industries - limits of the patent law in facilitating access to new medicines at affordable cost.

## **Module V - 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.

## **Learning Outcomes**

On successful completion of this course, the students will be able to:

- Interpret the principles relating to accessing the medicines.
- Demonstrate on voluntary and compulsory licenses relating issues
- Analyze the significance of research exemptions provided under the laws.
- Understand and interpret the alternatives to Intellectual Property.

## **Suggested readings**

1. Stobbs, Gregory A., *Software Patents*, 2007/2<sup>nd</sup>, New Delhi, WoltersKluwer.
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

**III SEMESTER**  
**COURSE 2**  
**PROTECTION OF TRADITIONAL KNOWLEDGE, GENETIC RESOURCES &**  
**BIODIVERSITY**

**LLM**

**4 Credits**

**Course Objectives**

- To understand the meaning and scope of Traditional Knowledge
- To appreciate the prevention the monopolization of Traditional Knowledge
- To analyse the use of Traditional Knowledge databases in the IP regime
- To study the laws applicable to protection of TK

**Course Modules**

**Module I - Concept of Traditional Knowledge and Traditional Cultural Expression**

Meaning and scope of Traditional knowledge - Over view of different forms of IP – interface and difference between intellectual property and traditional knowledge - Traditional Cultural Expression/Folklore: Definition, characteristic and Public domain - Legal and Cultural Protection of TCE/Folklore – Difference between TK and TCE.

**Module II - International Development of Traditional Knowledge**

International development of traditional knowledge protection – Convention on Biological Diversity – FAO International Treaty on Plant Genetic Resources – Developments in WIPO on traditional knowledge - International Treaties and Convention for Protection of Culture, Folklore and Cultural Diversity.

**Module III - Legislative Protection of Traditional Knowledge in India**

Statutory protection in India: Patent Laws, Trade-secrets, Geographical Indications, Plant variety protection laws and the Bio-diversity Act – Test Data Protection.

**Module IV - Protection of Traditional Knowledge**

IP protection of TK - Positive and Defensive protection - Protection of TK in India -Documentation of Traditional Knowledge - Traditional Knowledge Digital Library “TKDL” -AYUSH Systems of Medicines - biodiversity registers, Annual Farmers' meets for seed exchange.

**Module V - Protection of Genetic Resources and Associated Traditional Knowledge**

Genetic Resources and associated TK as property - Common Heritage of mankind- CBD - permanent

sovereignty- nature of ownership of GR and TK in CBD, and Nagoya Protocol (PIC & BS) - Role of Indigenous and local communities - Benefit Sharing – Bonn Guidelines - Interface between IPR and GR –TRIPS – CBD conflict and proposed solution.

### **Learning Outcomes**

On successful completion of this course, the students will be able to:

- Demonstrate an understanding on Traditional Knowledge and the related issues.
- Demonstrate a foundation International and National perspectives on Traditional Knowledge protection in the IP sphere.
- Analyze the significance of Indigenous communities and the associated knowledge and protecting Genetic Resources.
- Understand and interpret the mechanisms in protecting Traditional Knowledge.

### **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. Christoph Belman and Graham Dutfield, *Trading in Knowledge: development Perspectives on TRIPS, Trade and Sustainability*, Earthscan Publications Ltd. (2003)
6. Timothy M. Swanson (ed), *Intellectual Property Rights and Biodiversity Conservation: An Interdisciplinary Analysis of the Values of Medicinal Plants*, Cambridge University Press (1995)
7. Dutfield and Posey, *Beyond Intellectual Property: Toward Traditional Resource Right for Indigenous Peoples and Local Communities*, IDRC,(1996)

**III SEMESTER**  
**COURSE 3**  
**PLANT VARIETY PROTECTION AND FARMERS RIGHTS**

**LLM**

**4 Credits**

**Course Objectives**

- To understand the meaning and scope of Plant variety protection
- To study and appreciate the rights of farmers and protecting their varieties.
- To analyse the use of registration of new varieties of plants.
- To study the laws applicable to protection of plant varieties

**Course Modules**

**Module I - INTRODUCTION**

Introduction to Plant Varieties – Law & Science - Evolution of Plant Patents & Plant Varieties Protection - Justification for IP Protection - Essential Requirements. International instruments relating to plant variety protection.

**Module II – THE IMPLEMENTATION OF ACT**

Objectives of the Act – implementation of the Act –General functions of the authority – Convention Countries – UPOV.

**Module III – REGISTRATION**

Definition of variety- Kinds of Varieties - Registration of Varieties -rights of breeder, farmers and researchers - Farmers' rights vs. Rights of Communities.

**Module IV – RIGHTS & LIMITATIONS**

Protection period - Compulsory Licence –Legitimately procured parental material - Benefit Sharing – Integrated implementation.

**Module V – REMEDIES**

Infringement –protection of innocent infringement by farmers - Access to biological diversity- sustainable use of diversity - Transfer of technology and equitable sharing of benefits – National Gene Fund.

## **Learning Outcomes**

On successful completion of this course, the students will be able to:

- Demonstrate an understanding on Farmer's rights and the related issues.
- Demonstrate a foundation International and National perspectives on protection of new varieties of plants in the IP sphere.
- Analyze the significance of breeder's rights and Farmer's rights.
- Understand and interpret the mechanisms in protecting and preserving plant varieties.

## **Suggested readings**

1. Elizabeth Verkey, Law of Plant Varieties Protection, Eastern Book Company, 2007
2. Anthony J. Stenson and Tim S. Gray, The Politics of Genetic Resource Control, Macmillan Press Ltd., London, 1999
3. Michael Haelwood, Ed., Farmer's Crops varieties and Farer's Rights, Taylor and Francais, 2016.
4. Laurence R Helfer, Intellectual property rights in plant varieties – International legal regimes and policy options for national governments. FAO 2004.
5. Saxena, S. and Dhillon, B. S., A critical appraisal of the Protection of Plant Varieties and Farmers' Rights Act 2001, India. NATPTrainers Training Jan 2002, Compilation of Experts lecture notes,NBPGR, New Delhi, 2002, p. 9 (in press).
6. National Seed Policy 2002, Department of Agriculture and Co-operation, Ministry of Agriculture, Govt. of India, 2002

## **IV SEMESTER**

### **COURSE 1**

#### **LAW RELATING TO INDUSTRIAL DESIGNS & SEMICONDUCTORS LAY-OUT DESIGNS**

**LLM**

**4 Credits**

##### **Course Objectives**

- To understand the meaning and scope of Industrial designs
- To study and appreciate registration of Industrial designs.
- To analyse the use of Integrated Circuits as protectable IP right.
- To study the laws applicable to protection of Semiconductors.

##### **Course Modules**

###### **Module I - INTRODUCTION**

Introduction - Evolution of Industrial Designs - Justification for IP Protection - Essential Requirements. International instruments relating to Design protection- Convention Countries - Paris Convention - Hague Agreement - Locarno Agreement - TRIPS

###### **Module II – THE IMPLEMENTATION OF ACT**

Objectives of the Act – implementation of the Act – General functions of the authority – Essential and Valid, Admissible Designs.

###### **Module III – INDUSTRIAL DESIGNS ACT**

Industrial Design Act, 2000 –Nature of Industrial Designs – Subject matter of Industrial designs - Interface Between Design, Copyrights and Trademarks–Interface between Industrial Design and Unfair Competition - Procedure for registration of Designs – Effect of Registration.

###### **Module IV – THE SEMICONDUCTOR INTEGRATED CIRCUITS LAYOUT-DESIGNS ACT, 2000**

Integrated Circuits – Layout – Designs - Rights conferred under the Act – Register & Conditions of Registration – Application & withdrawal – Duration of Registration – Effect of Registration.

###### **Module V – INFRINGEMENT & REMEDIES**

Offences – Penalties – Procedures – Appellate Board – Power of Registrar - Remedies. Comparing Designs Act of other countries: UK, USA, Singapore.



## **Learning Outcomes**

On successful completion of this course, the students will be able to:

- Demonstrate an understanding on Industrial Designs and the related issues.
- Demonstrate a foundation International and National perspectives on protection of Integrated Circuits of Layout Designs.
- Analyze the significance of Design's rights and registration of such designs.
- Understand and interpret the mechanisms in infringement of designs and protecting through remedies under the act.

## **Suggested readings**

1. Ashwani Kumar Bansal, Design Law, Universal Law Publishing Company, 2012.
2. P. Narayana, Patent Law, Wadhwa Publication.
3. Merges, Patent Law and Policy: Cases and Materials, 1996
4. Industrial Designs Act
5. The Semiconductor Integrated Circuits Layout-Designs Act, 2000
6. Industrial Designs Rights – An International Perspective, 2<sup>nd</sup> Ed by Brian W.Gray, Rita Gao, Wolters Kluwer
7. George Wei Sze Shun., Industrial Designs Law in Singapore, Academy Publishing 2012.

**(ELECTIVE 1)**

**PATENT DRAFTING**

**LLM**

**3 Credits**

**Course Objectives**

- To study the law of patents applicable to patent specificationsdrafting
- To study the interface between the law of patents in India and the International Patent Laws vis-à-vis patent specificationsdrafting.
- To analyse the contemporary issues involved in patent specificationsdrafting.
- To learn actual drafting of patent specifications

**Course Modules**

**Module I - Introduction**

Fundamentals of Patents – Patentable subject-matter – International conventions on Patents – Role of Prior Art searches - Drafting and Patent Specifications

**Module II - Drafting**

Identification of Patentability requirements – Preparing the Patent Application – Parts of Patent Application – Preparation and Filing of Patent Application.

**Module III - Patent Procedures**

Filing of International patent Applications: Paris Convention Treaty – Patent Cooperation Treaty – European Patent Filing – Patent Filing in United Kingdom and United States

**Module IV - Specifications and Jurisdiction aspects**

Patent Specification - Specifications based on interdisciplinary approach – Descriptions – Patent Claims Drafting.

**Module V - Practical Training**

Patent filing and procedural requirements in India and at International Level - Insights from patent claims useful for specific drafting – Role of Patent Agents, Assisting Organisation and Scientists.

**Learning Outcomes**

On successful completion of this course, the students will be able to:

- Demonstrate on drafting's of patents and the claims relating to innovations
- Draft patent claims and understand the different forms to be filled-up.

- Analyze the significance of National and International Patent Filing.
- Understand and interpret the varied jurisdictional aspects of Patent drafting.

### **Suggested readings**

1. Justine Pila, *The Requirement for an Invention in Patent Law*, Oxford University Press
2. Rosenberg, *Patent Application Drafting*, Oxford University Press
3. MihaiLupu, *Current Challenges in Patent information Retrieval*, Springer
4. Grubb, Philip W. and Thomson, Peter, *Patents for Chemicals, Pharmaceuticals and Biotechnology: Fundamentals of Global law, Practice and Strategy*, Oxford university Press, New York, 2010
5. P. Narayana, *Patent Law*, Wadhwa Publication.
6. Merges, *Patent Law and Policy: Cases and Materials*, 1996
7. Grubb, Philip W. and Thomson, Peter, *Patents for Chemicals, Pharmaceuticals and Biotechnology: Fundamentals of Global law, Practice and Strategy*, Oxford university Press, New York, 2010
8. Brian C. Reid, *A Practical Guide to Patent Law*, 2nd Edition, 1993
9. Brinkhof (Edited), *Patent Cases*, Wolters Kluwer
10. Dr.Myneni S.R. *Patent Drafting and Specification Writing*, New Era Law Publication 2018.

**(ELECTIVE 2)**

**PATENTS AND BIO – TECHNOLOGY**

**LLM**

**3 Credits**

**Course Objectives**

- To study laws applicable to bio-tech patents in India.
- To Examine the difficulty in the assertion of Intellectual Property Rights in the new technologies through the traditional enforcement mechanisms
- Understand the necessity of effective Intellectual Property protection in the new trends of innovation.
- To analyse the contemporary issues involved in application of the current Intellectual Property mechanisms to protect the emerging technologies at the national and international levels

**Course Modules**

**Module I - Introduction**

Development in Science and Technology - Impact of Science and technology on human rights and preservation of human health - Nature of Intellectual Property Rights in protecting the new technologies.

**Module II - Bio-Technology**

Meaning of Biotechnology - Evolution of Biotech Patent Law - Nature doctrine - Microorganism as a patentable subject matter - Gene patent.

**Module III - Agricultural Biotechnology**

Green Technology-Bio safety and biodiversity - conservation of biological diversity - Impact of biotechnology on biological diversity - Plant Patent Protection in India - Legal regulation on Farmers' Right.

**Module IV - Bio – Safety Concerns in Biotechnology**

Cartagena protocol on bio-safety and WTO - Bio safety clearing house, precautionary principle - Genetically modified organisms (GMO) and Living Modified Organisms (LMO)

## **Module V - Emerging Issues and Challenges**

Protection of other Biological Inventions - Other Forms of Protection for Bio-Technology at International Level - Biotech Patents in India - Contemporary Bio-technology, gene and other patents

### **Learning Outcomes**

On successful completion of this course, the students will be able to:

- Demonstrate an understanding on Patents relating to Bio-technology.
- Demonstrate a foundation Agricultural, bio-technological and Plant Patents.
- Analyze the significance of Intellectual Property Jurisprudence.
- Understand and interpret the vary forms emerging patents in Gene technology.

### **Suggested readings**

1. Justine Pila, Bound Futures: Patent Law and Modern Biotechnology, 9 B.U. J. Sci. & TECH. L. 326 (2003).
2. John W. Schlichter, Biotechnology and the Patent System; Patent Law and Procedures for Biotechnology, Health Care and Other Industries, 4 U. BALT. INTELL. PROP. L.J. 121 (1996).
3. Shaoyi Alex Liao, Resolving the Dilemmas between the Patent Law and Biotechnology: An Analysis of Three Recent Biotechnology Patent Cases, 11 Santa CLARA COMPUTER & HIGH TECH. L. J. 229 (1995).
4. Blockchain and the Law: A Critical Evaluation, 2 Stan. J. BLOCKCHAIN L. &POL'y 1 (2019).
5. Jose Carlos Erdozain, How Will the IP World Respond to the Rise of AI, 281 MANAGING INTELL. PROP. 56 (2019).

# **SPECIALISATION FOUR**

## **CORPORATE LAWS**

## I SEMESTER

### COURSE 3

#### GENERAL PRINCIPLES OF CORPORATE LAW

LLM

4 Credits

#### COURSE OBJECTIVES:

The purpose of this course is to study the fundamental Concepts central to Company Law, with an overview of the History and Evolution of the modern-day developments in Company law.

#### DETAILS OF THE COURSE OUTLINE

##### MODULE 1. COMPANY FORM AND STRUCTURE

Corporate Personality, personification – Concept, Theories of Corporate Personality –Jurisprudential aspects, Company – Definition, Nature, Characteristics, Classification of companies, Doctrine of piercing the corporate veil – Statutory exceptions and Judicial interpretations, Promotion of companies – Legal position of Promoters, Duties and Liabilities, Pre-incorporation Contracts.

##### MODULE 2. COMPANY - REGISTRATION AND INCORPORATION

Memorandum of Association – Importance and Contents, Articles of Association – Significance and interrelationship, Doctrine of Ultra Vires – Applicability, consequences, Doctrine of Constructive Notice – Rule of presumption, Doctrine of Indoor Management – Concept & exceptions, Prospectus (meaning, issue and kinds)

##### MODULE 3. CORPORATE FUND RAISING

Share/Equity Capital – Meaning and Nature of Shares, Kinds of Shares, Rights issue, Bonus Issue - Rationale, mechanism, Debenture/Debt Capital –Concept, Meaning and Kinds, Debenture Trustee, Debenture Trust Deed, Debenture Redemption Reserve, Shareholder vis-à-vis Debenture holder

##### MODULE 4. CORPORATE MANAGEMENT AND CORPORATE ABUSE

Directors – Meaning, Types, Qualifications, Disqualifications, Key Managerial Persons, Role of Directors in company management, Legal Position of Directors, Shadow, De-facto and De-jury Director, Powers and Duties of Directors, Meetings – Kinds and Requisites of valid meeting, Shareholders Democracy – concept – applicability, Personal rights of members vs corporate rights, Majority Powers and Minority Rights, Principle of Non-Interference (Rule established in *Foss v Harbottle*), Protection against Oppression, Protection against Mismanagement.

##### MODULE 5. CORPORATE COLLAPSE

Winding Up – Meaning and Types of Winding up – persons competent to make a petition, Legal

Provisions relating to Winding up, Winding up, Liquidation and Dissolution, Modes of Winding Up and procedure for Winding up order, Consequences for Winding up order, Liquidators – Appointment, Powers and Dissolution

### **LEARNING OUTCOME**

On completion of the course students will be able to –

1. Appreciate the importance of business associations, history and regulatory framework relating to the same.
2. Explain jurisprudential aspects of ‘company’ and classification of companies.
3. Elucidate the process of formation of different kinds of companies and commencement of business.
4. Describe the method of giving security for repayment of loan or other liabilities of a company.
5. Evaluate ultra vires actions, consequences, and remedies available to the companies and their agents.

### **SUGGESTED READINGS**

1. Ramaiyya, Guide to Companies Act, 2013
2. Charlesworth & Morse, *Company Law*
3. Gower & Davies, *Principles of Modern Company Law*
4. K. Majumdar, Dr. G. K. Kapoor *Company Law & Practice*, Taxman
5. Sekhar K., *SEBI Capital Issues, Debentures and Listing*, Wadhwa and Company, Nagpur
6. C.R.Dutta on *The Company Law*, 6<sup>th</sup>Edn. 2008 by Kamal Gupta
7. Pennington, *Company Law*
8. Agrawal & Baby on SEBI Act, Taxman Publications
9. Palmer, *Company Law*
10. K. Majumdar, Dr. G. K. Kapoor *Company Law & Practice*, Taxman
11. Nicholas Bourne, *Principles of Company Law*
12. H.L.J. Ford and A.P.Austen, *Ford’s Principles of Corporations Law*, (1999) Butterworths
13. Jonathan Charkham, *Fair Share: The Future of Shareholders Power and Responsibility*, Oxford.



**I SEMESTER**  
**COURSE 4**  
**CORPORATE FINANCE**

**LLM**

**4 Credits**

**COURSE OBJECTIVE:**

The basic objective of the Course are:

1. This course aims at providing the students with a deeper insight into the regime of corporate finance.
2. The course also tries to develop a basis understanding about the principles and various concepts revolving around the domain of corporate finance
3. To develop a basic understanding about the issues involving the process of corporate fund raising and the various instruments used for raising finance.

**MODULE 1. INTRODUCTION**

Overview of Indian Capital Market – Business Finance – meaning, Short and long term finance, Corporate Finance and Financial Management - Scope, Relevance, Function - Investment, Financing and Dividend Decision - Interrelationship and Factors affecting, Liquidity Objectives of Corporate Finance - Profit Maximisation - Wealth Maximisation

**MODULE 2. CORPORATE FINANCE – AN INSIGHT**

Concept of Corporate Finance - Capital Structure and Financial structure – meaning, nature and kinds, Designing a capital structure, Capital Investment: Needs and Factors effecting Capital Investment, Risk and Return- Correlation, Kinds & different approaches, Time Value of Money, Rationale of Capital Budgeting Decisions, Role of a Financial Manager.

**MODULE 3. EQUITY AND DEBT FINANCING**

Initial Public Offer, Further Public Offer, Rights and Bonus Issue, Types of Security Interest, External Commercial Borrowings, Inter-Corporate Loans, Dividend Policy – Determinants and constraints, Types of Dividend policy, Meaning of Working Capital -The Basic Concept, Significance of working capital.

**MODULE 4. CAPITAL BUDGETING**

Long Term Finance – Its Meaning and Purpose, Factors Determining Long-Term Financial Requirements Sources of Long Term Finance, Principles of Capital Budgeting, Investment Decisions – Management Perspective Capital Budgeting- Planning and Control of Capital Expenses, Capital

Budgeting: Meaning, Importance and Types, Capital Budgeting Process / Steps involved in Capital Budgeting

## **MODULE 5. CORPORATE FUND RAISING**

Dematerialisation of Securities, Depository System - Concept, benefits and working machinery of a Depository, Various instruments of raising finance, Indian Depository receipts (IDR), American Depository Receipts (ADR), FDI in India.

### **LEARNING OUTCOMES:**

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

1. Understand the connection between Financial Management and Corporate Finance.
2. Gather knowledge about the principles and theories revolving around Corporate Finance and the interrelationship between Investment, Risk and Return.

### **SUGGESTED READINGS**

1. Eil'sFeran, *Company Law and Corporate finance*, (1999) Oxford.
2. Frank.B. Cross & Robert A. Prentice- *Law and Corporate Finance*, Edward Elgar Publishing Limited-U.K (2007).
3. Altman and Subramanian, *Recent Advances in Corporate Finance* (1985) LBC.
4. Denzil Watson and Andhonyhead, *Corporate Finance Principles and Practice*, P.S. Arson Education Ltd.(2007).
5. Ross P. Buckley, *International Financial System: Policy and Regulation*, Wolters Kluwer Law and Business
6. Diana R. Harrington-*Corporate Financial Analysis*
7. *Financial Treasury and Forex Management*, Institute of Company Secretaries of India
8. Donald H. Chew, *Studies in International Corporate Financial System*, Oxford (1997).
9. Francis Snyder, *Regional and global regulations Trade*, Oxford (2002).
10. Gilbert Harold, *Corporation Finance* (1956)
11. H.L.J. Ford and A.P.Austen, *Fords' Principles of Corporations Law*, (1999) Butterworths
12. Henry E. Hoagland, *Corporate Finance* (1947).
13. Jonathan Charkham, *Fair Share: The Future of Shareholders Power and Responsibility*, Oxford.
14. J.H. Farrar and B.M. Hanniyan, *Farrar's company Law*, (1998) LBC, MaryinM.Kristein, *Corporate finance* (1975).

16. Philip R. Wood, *Law and Practice of International Finance-Regulation of International Finance*, Sweet-Maxwell (2007).
17. Ramaiya, *A Guide to The Companies Act*, (1998) Vol.I.II.III.
18. R. C. Osborn, *Corporation Finance*, (1959).
19. S. C. Kuchhal, *Corporation Finance; Principles and Problems*, (6<sup>th</sup> ed.1966).
20. T.R. Venkatesh-New *Financial Markets the regulators fame work*, ICFAI (2005).
21. Babby Dutta, *Indian Financial Markets the regulations framework*, ICFAI-2005.
22. Board of Editors, *Financial Strategy Conceptual Issue*, ICFAI, 2006.
23. Vasantdsai: *Fundamentals of Indian Financial Systems*, Himalaya Publishing house (2007).
24. V.Subbulakshmi, *Corporate Finance Research Insights*, the ICFAI University press. (2004).
25. Y.D.Kulshreshta, *Government Regulation of Financial Management of Private Corporate Sector in India*, (1986)
26. Charlesworth & Morse, *Company Law*
27. Gower & Davies, *Principles of Modern Company Law*
28. K. Majumdar, Dr. G. K. Kapoor *Company Law & Practice*, Taxman
29. T P Gosh, *Companies Act 2013*, Taxman
30. Pennington, *Company Law*
31. Palmer, *Company Law*
32. Taxman's Master Guide to Companies Act 2013
33. Nicholas Bourne, *Principles of Company Law*
34. Avtar Singh, *Company Law*
35. H.L.J. Ford and A.P.Austen, *Ford's Principles of Corporations Law*, (1999) Butterworths
36. Jonathan Charkham, *Fair Share: The Future of Shareholders Power and Responsibility*, Oxford.

**II SEMESTER**  
**COURSE 3**  
**CORPORATE REGULATION**  
**COURSE OUTLINE**

**INTRODUCTION TO THE COURSE**

In the present context, it is widely recognised that “the two most powerful institutions in the society are the business and government; where they meet on common ground – amicably or otherwise – together they determine public policy, both foreign and domestic for a nation.<sup>1</sup> Historically, the role of government in respect of business varied considerably in kind and degree, from laissez fair and mercantilism to conventional communism characterised by centralized planning and almost state monopoly. The last six decades or so, the period since the end of the II World War and the coming into being of the World Bank – IMF and GATT, have witnessed several shifts, evolutionary to revolutionary, in approach, policy and government intervention in business across the world. Thus the need of the hour is to identify the areas of concern then adopt, and implement an effective regulatory framework that provides paradigm for the business enterprises and corporate entities to foster the market.

Markets, across the globe are undergoing profound, unprecedented and fast-paced changes. The change is from regulation to management; the change is from regulation to development. This change in the world market has changed the role of regulators as well. Regulation within the corporate sector cover a broad spectrum of activities extending from providing a suitable environment or a developing a culture that encourages corporate houses to enter the market, to promote business, to share liabilities, bear risks, to plan for best use of resources and to finally ascertain the end results of the corporate entities. This necessitates for having a separate course on Corporate Regulation so that the role and function of the regulators can be meticulously studied.

**COURSE OBJECTIVE**

The purpose of the course is to

1. To identify the role of the different regulators regulating the Indian corporate sector and deal with the basic objectives and visions of these regulators.
2. Analyze the scope, relevance and contribution of the company management towards regulating the corporate sector.

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<sup>1</sup> Marshall E. Dimock, *Business and Government*, New York: Holt, Rhinemann and Winston Inc. 1960, p.1.

## **DETAILS OF THE COURSE OUTLINE**

### **MODULE 1. INTRODUCTION**

1. Government –
  - Business and Government
  - Legal environment
2. Ministry of Corporate Affairs – Objective and Vision
  - Function, Role
  - E-Governance
  - MCA-21
3. Registrar of Companies.

### **MODULE 2. SEBI AS THE PRIME REGULATOR**

1. The Liaison between Indian Companies Act & SEBI
2. SEBI – Establishment of the Board
3. Objects, Powers and Functions of the Board
4. Securities Appellate Tribunal

### **MODULE 3. REGULATORY FRAMEWORK – OTHER ASPECTS**

1. Competition Commission of India
2. Reserve Bank of India
3. Insurance Regulatory and Development Authority
4. Legislations - Securities Contract (Regulation) Act 1956, Depositories Act 1996, Competition Act 2002

### **MODULE 4. ISSUE OF SECURITIES – REGULATORY FRAMEWORK**

1. Issue of Securities – Equity Shares, Pricing
2. Fast-track Issue
3. Book Building
4. Procedure for Bonus and Rights Issue
5. Capital market Intermediaries – Meaning, Importance and Types.
6. ICDR Regulations

### **MODULE 5. PROTECTION OF INVESTORS THROUGH REGULATION**

1. Investor Protection – concept and need
2. Investor Protection under Indian Companies Act
3. Rights under the Companies Act

4. Insider Trading
5. Prohibition of Fraudulent and Unfair Trade Practices
6. Investor Education and Investor Grievance Redressal Mechanisms

**LEARNING OUTCOMES:**

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

1. Understand the contribution of the different regulators in regulating the Indian Capital market.
2. Identify the interrelationship and response of the internal management with the regulatory framework prescribed for the Indian Capital market

***Regulations to be referred:***

1. SEBI (Merchant Bankers) Regulations, 1992
2. *SEBI (Credits Rating Agencies) Regulations, 1999*
3. *SEBI (Portfolio Managers) Regulations, 1993*
4. *SEBI (Stock Brokers and Sub-brokers) Regulations 1992*
5. *SEBI (Underwriters) Regulations 1993*
6. *SEBI (Bankers to an Issue) Regulations, 1994*
7. *SEBI (Registrars to an Issue and Share Transfer Agents) Regulations,*
8. *SEBI (Intermediaries) Regulations, 2008*
9. *SEBI (Debenture Trustees) Regulations, 1993*
10. *SEBI (Issue and Listing of Debt Securities) Regulations, 2008*
11. *SEBI (Issue of Capital and Disclosure Requirements) Regulations, 2009.*

***SUGGESTED READINGS***

1. Ramaiyya, Guide to Companies Act, 2013
2. Charlesworth & Morse, *Company Law*
3. Gower & Davies, *Principles of Modern Company Law*
4. T.P. Ghosh, *Companies Act 2013*
5. C.R. Dutta on *The Company Law*, by Kamal Gupta
6. Nicholas Bourne, *Principles of Company Law*
7. Palmer, *Company Law*
8. *150 Leading Cases, Company Law*, Chris Shpherd
9. K. Majumdar, Dr. G. K. Kapoor *Company Law & Practice*, Taxman
10. Avtar Singh, *Company Law*
11. Len Sealy & Sarah Worthington, *Cases and Materials in Company Law. Oxford University Press*

## **II SEMESTER**

### **COURSE 4**

#### **LAW RELATING TO SECURITIES**

**LLM**

**4 Credits**

#### **COURSE OBJECTIVE**

The definition of 'Securities' as per the Securities Contracts Regulation Act (SCRA), 1956, includes instruments such as shares, bonds, scripts, stocks or other marketable securities of similar nature in or of any incorporate company or body corporate, government securities, derivatives of securities, units of collective investment scheme, interest and rights in securities, security receipt or any other instruments so declared by the Central Government.

Securities Markets is a place where buyers and sellers of securities can enter into transactions to purchase and sell shares, bonds, debentures etc. Further, it performs an important role of enabling corporate, entrepreneurs to raise resources for their companies and business ventures through public issues. Transfer of resources from those having idle resources (investors) to others who have a need for them (corporate) is most efficiently achieved through the securities market. Stated formally, securities markets provide channels for reallocation of savings to investments and entrepreneurship. Savings are linked to investments by a variety of intermediaries, through a range of financial products, called 'Securities'.

The responsibility for regulating the securities market is shared by Department of Economic Affairs (DEA), Department of Company Affairs (DCA), Reserve Bank of India (RBI) and Securities and Exchange Board of India (SEBI). The Securities and Exchange Board of India (SEBI) is the regulatory authority in India established under Section 3 of SEBI Act, 1992. SEBI Act, 1992 provides for establishment of Securities and Exchange Board of India (SEBI) with statutory powers for (a) protecting the interests of investors in securities (b) promoting the development of the securities market and (c) regulating the securities market. Its regulatory jurisdiction extends over corporate in the issuance of capital and transfer of securities, in addition to all intermediaries and persons associated with securities market. SEBI has been obligated to perform the aforesaid functions by such measures as it thinks fit. In particular, it has powers for:

1. Regulating the business in stock exchanges and any other securities markets
2. Registering and regulating the working of stock brokers, sub-brokers etc.
3. Promoting and regulating self-regulatory organizations
4. Prohibiting fraudulent and unfair trade practices

5. Calling for information from, undertaking inspection, conducting inquiries and audits of the stock exchanges, intermediaries, self - regulatory organizations, mutual funds and other persons associated with the securities market.

The absence of conditions of perfect competition in the securities market makes the role of the Regulator extremely important. The regulator ensures that the market participants behave in a desired manner so that securities market continues to be a major source of finance for corporate and government and the interest of investors are protected.

### **DETAILS OF THE COURSE OUTLINE**

#### **MODULE 1. INDIAN CAPITAL MARKET & SECURITIES LAW: INTRODUCTION**

1. Market and Economic Growth
2. Indian Capital Market – Concept and importance
3. Organizational structure and function
4. Capital Market and Economic Reforms- challenges and prospects
5. Indian Securities Market- Brief profile
6. Securities Market – Evolution and development Securities

#### **MODULE 2. LAW RELATING TO SECURITIES**

1. Dealing in securities in secondary market
  - Restrictions on securities' purchase or other transactions
  - Transfer of shares
  - Regulatory framework governing Stock Exchanges in India
2. Depositories Act 1996
  - Depository System- Overview & Benefits
  - Rights & Obligations of Depositories, Participants & Issuers
3. Securities Exchange Board of India Act 1992
  - Transfer procedure in depository mode
  - Warranties and indemnities in share sales
  - Slump sale

#### **MODULE 3. MARKET INFRASTRUCTURE**

1. Credits Rating and IPO Grading
2. Rating Methodology and Regulatory Framework



3. Derivatives and Wager contracts
4. Kinds of Derivatives
5. Institutional Investors

#### **MODULE 4. SECURITIES MARKET RECENT TRENDS**

1. Insider Trading
2. Whistle Blowing Policy and Indian Corporate Sector
3. Investor Protection
4. Online Grievance Redressal Mechanism
5. Mutual Funds

#### **MODULE 5. SECURITIES MARKET TRADING- HIGHLIGHTS**

1. Online Trading in Indian Capital Market
2. Securities Market Scams
3. Venture Capital Investments
4. FDI policy in India
5. The Insolvency and Bankruptcy Code 2016

#### **LEARNING OUTCOMES**

After the completion of the course the students would be able to understand:

1. The structure, scope and relevance of Indian Capital Market
2. The contribution and prospects of Indian Securities market and how does it contribute towards the economic growth of the country
3. The recent trends in Securities market, its developments and its trading mechanism

#### **SUGGESTED READINGS**

1. *Ramaiyya, Guide to Companies Act, 2013*
2. *Charlesworth & Morse, Company Law*
3. *Gower & Davies, Principles of Modern Company Law*
4. *K. Majumdar, Dr. G. K. Kapoor Company Law & Practice, Taxman*
5. *Sekhar K., SEBI Capital Issues, Debentures and Listing, Wadhwa and Company, Nagpur*
6. *C.R. Dutta on The Company Law, 6<sup>th</sup> Edn. 2008 by Kamal Gupta*
7. *Pennington, Company Law*
8. *Agrawal & Baby on SEBI Act, Taxman Publications*
9. *Palmer, Company Law*

10. *K. Majumdar, Dr. G. K. Kapoor Company Law & Practice, Taxman*
11. *K.R. Chandratre: SEBI, Capital Issues & Listing in - 2 Vols.*
12. *N. Laxman Rao: Depositories Act*
13. *J.C. Verma: Corporate Mergers Amalgamations & Takeovers*
14. *Bharat: Manual of Companies Act*
15. *M.R. Mayya: Investor Protection*
16. *Sanjiv Agarwal: Manual of Indian Capital Market*
17. *N.R. Moorthy: Practical Guide to Buy-Back of Shares*
18. *Vijay K. Gaba: Depository Participants Law and Practice*
19. *K.R. Chandratre: Law Relating to Insider Trading*
20. *V.L. Iyer: SEBI Practice Manual*
21. *R. Suryanarayanan & V. Varada Rajan: SEBI Law, Practice and Procedure.*
22. *Nicholas Bourne, Principles of Company Law*
23. *H.L.J. Ford and A.P. Austen, Ford's Principles of Corporations Law, (1999) Butterworths*
24. *Jonathan Charkham, Fair Share: The Future of Shareholders Power and Responsibility, Oxford*

### **III SEMESTER**

#### **COURSE 1**

##### **CORPORATE MANAGEMENT AND GOVERNANCE**

**LLM**

**4 Credits**

#### **INTRODUCTION**

Effective Corporate Governance with unique and proper managerial standards are the essentials for determining the growth rate of a corporation. The Indian Companies Act 2013 lies its footing on these ideas. This course is prepared for the learners to understand the nature and scope of corporate management and the effective role played by the people who are involved in the managerial capacity, their contribution towards the system and environment within the corporation. It helps the students to understand the concept, nature, process, benefits and prerequisites of corporate planning and also appreciate the importance of implementation and evaluation aspects of corporate plan.

#### **COURSE OBJECTIVES**

Corporate governance is the set of processes, customs, policies, laws and institutions affecting the way a corporation is directed or controlled. Emergence of corporate social responsibility affecting all the stakeholders seeks to make the corporations socially responsible. The course aims at providing basic idea about corporate governance and its implications on society and legal system. It focuses on distinct approaches to corporate management, assess the role of various strategists in corporate management. It also identifies factors leading to the need of corporate management and help them to analyse the different approaches in corporate management practices adopted by various corporations in their activities and processes.

#### **MODULE 1 : INTRODUCTION TO CORPORATE GOVERNANCE**

Corporate governance - meaning, Corporate governance: Shareholder vs. Stakeholder perspective, Development of concept of corporate governance – historical antecedents, Concept of corporate governance and stakeholders, Principles of corporate Governance – OECD principles, Corporate Governance Committees Reports

#### **MODULE 2.CORPORATE GOVERNANCE MECHANISM**

Anglo-American, Japanese, German, Indian. Issues related to corporate governance-Agency problem, Role of shareholders in decision making, Corporate capital procurement and property rights, Separation of Ownership and control, Role of Creditors in governance, Executive compensation, Corporate Planning – nature and scope, Corporate Strategy – scope and implementation

### **MODULE 3: MANAGEMENT**

Position of Directors under Companies Act 2013- Independent directors, Nominee directors, woman director, SEBI regulation and recommendations relating to board, Corporate Fraud and crimes-setting up responsibilities of directors- Introduction to SFIO, Corporate Succession, Board composition, Case Studies, International perspective on Corporate Governance and position of directors. Whistle blower policies in board – with reference to Companies Act 2013 and Whistleblower Protection Act 2014. Directors responsibility for framing, implementing and monitoring the risk management plan for the company.

### **UNIT 4 : AUDITORS AND OTHER DISCLOSURES**

Position of auditors, role and responsibilities of statutory auditors as set in Companies Act 2013 and clause 49. Audit Committee- composition and role, Related Party Transactions (“RPT”), Subsidiary Company disclosure, compulsory auditor rotation, appointment and removal of auditors, Auditors right to representation before shareholders meeting.

### **UNIT 5: CORPORATE SOCIAL RESPONSIBILITY**

CSR- meaning and definition, its effect on investors, Corruption, Regulatory Framework, Ethics and social responsibility of companies, Relationship of CSR and Environment, case studies of CSR done by big corporate houses, CSR and Corporate Governance awards and recognition.

### **LEARNING OUTCOME:**

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

1. Identify the salient features of corporate governance mechanism.
2. List out the important aspects with regard to auditors and other statutory compliances that companies have to follow.
3. Apply various legal and regulatory restrictions and obligations vis-à-vis the Board and the individual directors.
4. Analyse the issues related to functioning of the corporate system as a mode of business organization.
5. Evaluate as against other the OECD principles.
6. Propose a solution to the various issues related to Corporate Social Responsibility and its application.

## **SUGGESTED READINGS:**

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.
7. Sami Pathasarathy, Corporate Governance, Principles, Mechanisms and Practice
8. Dimple Grover, Amulya Khurana, Ravi Shankar, The Regulatory Norms of Corporate Governance in India.
9. Sadhalaxmi Vivek Rao, Legal Framework and corporate Governance: An Analysis of Indian Governance System
10. Ministry of Corporate Affairs, Voluntary Guidelines on Corporate Governance, 2009
11. Sanjay Anand, Essentials of Corporate Governance
12. Kevin Keasey, Steve Thompson, Michael Wright, Corporate Governance, Accountability, Enterprise and International Comparisons
13. The Institute of Directors, Hanbook of International Corporate Governance 8. Christine Mallin, International Corporate Governance- A case Study approach
14. Frederick Lipman and Keith Lipman, Corporate Governance Best Practices, Strategies for Public, Private and NGOs.
15. Frank B. And Robert A., Law and corporate governance, Elgar financial law series
16. Edited by Alberto Chong, Florencio Silanes, Investor protection and corporate governance, Stanford University Press.
17. Jayati Sarkar, Subrata Sarkar, Corporate governance in India, Sage Publications.

## **III SEMESTER**

### **COURSE 2**

#### **LAW RELATING TO MERGERS AND ACQUISITIONS**

**LLM**

**4 Credits**

#### **INTRODUCTION**

Business restructuring is an integral part of the new economic paradigm. As controls and restrictions give way to competition and free trade, rationalism and reorganization are a necessary concomitant. This trend is the natural outcome of the liberalized economic and trade policy being advocated and pursued the world over. Through adoption of such strategies corporates adjust themselves to the highly volatile business and economic scenario in order to enhance or at least maintain their competitiveness. Thus, the rationale for business combinations, acquisitions, mergers, demergers, amalgamations co-exists without any contradictions.

#### **COURSE OBJECTIVE**

The present course needs to be taught in light of the New Companies Act, 2013

The purpose of the course is to

1. To make the students understand the fundamental principles of law relating to basics of Corporate Restructuring covering topics like Mergers and Acquisitions and its impact in Indian context.
2. Analyze the regulatory framework governing mergers and acquisitions in India.

#### **DETAILS OF THE COURSE OUTLINE**

##### **MODULE 1. CORPORATE RESTRUCTURING**

1. Corporate Structure - Basic Concepts
2. Corporate Restructuring - Meaning, Nature and Scope
3. Need for Corp. Reconstruction
4. Kinds – Organic, Non-Organic
5. Modes of Corp. Reconstruction
6. Corporate Strategies - Meaning and Need - Kinds

##### **MODULE 2 : NON-ORGANIC RECONSTRUCTION**

1. Reconstruction- Meaning, Concept & Need
2. Compromise & arrangements – Meaning and Scope
3. Kinds of Merger/Amalgamation - Cogenetic Mergers - Conglomerate Mergers
4. Economic aspects of Mergers/Amalgamation
5. Human aspects of Mergers/Amalgamation

### **MODULE 3: MERGERS & AMALGAMATION**

1. Legal & Regulatory framework – Companies Act
2. Changes as per the 2013 Act
3. Procedural Aspects, Requirements
4. Powers of Tribunal to sanction/modify schemes
5. Merger or Amalgamation of Certain Companies

### **MODULE 4. MERGERS & AMALGAMATION : OTHER ASPECTS**

1. Fast Track Mergers – Procedural aspect and steps involved
2. Position of Dissenting shareholders from the scheme
3. Purchase of minority shareholding
4. Amalgamation of companies in Public Interest
5. Due Diligence – Factors, Types and procedure
6. Valuation – Factors influencing, steps

### **MODULE 5. CORPORATE DEMERGERS AND TAKEOVERS AS SCHEMES OF ARRANGEMENT**

1. Demerger - Meaning, Nature & Scope - Types of Demerger - Conditions for Demerger
2. Procedure for Demerger
3. Reverse Merger – Features, Procedure
4. Takeover Code 2011 - Meaning, Objects and Kinds - Legal aspects

### **LEARNING OUTCOMES:**

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

1. Understand the practical and procedural aspects related to Mergers and Acquisitions in India.
2. Identify the concepts related to corporate restructuring that have been added in the New Companies Act 2013.

### **SUGGESTED READINGS**

1. K.R. Sampath; *Law and Procedure for Mergers/Joint Ventures Amalgamations Takeovers & Corporate Restructure*
2. Dr. K.R.Chandrate; *Corporate Restructuring*
3. Dr. J.C.Verma; *Corporate Mergers Amalgamations & Takeovers-Concept, Practice & Procedure*
4. S. Ramanujam; *Mergers et al- Issues Implications and Case Law in Corporate Restructuring,*
5. ICSI; *Handbook on Mergers Amalgamations and Takeovers-Law and Practice*
6. Sridharan & Pandian; *Guide to Takeovers and Mergers*
7. A. Ramaiyya; *Guide to Companies Act, 1956*

8. Charlesworth & Morse; *Company Law*
9. Gower & Davies; *Principles of Modern Company Law*
10. K. Majumdar, Dr. G. K. Kapoor; *Company Law & Practice, Taxman*
11. Pennington, *Company Law*
12. Palmer, *Company Law*
13. Avtar Singh, *Company Law*



### **III SEMESTER**

#### **COURSE 3**

##### **LAW RELATING TO BANKING AND INSURANCE**

**LLM**

**4 Credits**

##### **COURSE DESCRIPTION**

This course is designed to help students to have a conceptual along with operational insights. This course will enable the students to have an understand the nuances of Insurance and Banking laws in India. Both are very important keeping in mind the changing dimensions of the Indian Banking and the Insurance sector. These changes have been facilitated by regulation of banks, which continue to lie at the heart of all financial systems, and have themselves driven changes in prudential and monetary regulation policy

##### **COURSE OBJECTIVE**

The course aims to equip students with skills to work as legal advisors to banking and financial Companies, train students in identifying legal issues and challenges faced in the Banking sector that needs further research, discuss and analyse important principles governing Banking sector, familiarize students with the working of the banking sector especially transactions that require legal assistance. As far as Insurance law is concerned, this course equips students to understand the practical application of contract of indemnity incorporated as an insurance policy. This course aims to impart analytical skills and equip the students with the basic problems concerning law of banking and insurance and the possible solutions.

##### **DETAILS OF THE COURSE OUTLINE**

###### **MODULE 1. OVERVIEW OF BANKING SYSTEM**

Indian Banking System – Evolution; Nationalization of Banks, Structure of Banks in India; Regional Rural Banks, Local Area Banks, New Private Sector Banks, Different Types of Banks in India, Commercial Banks, Co-Operative Banking System, National Bank for Agriculture and Rural Development (NABARD), Small Industries Development Bank of India (SIDBI), National Housing Bank (NHB), Export Import Bank of India (EXIM Bank)

###### **MODULE 2. REGULATORY FRAMEWORK**

Regulatory Framework of Banks : Constitution, Objectives, Functions & powers of RBI; Tools of Monetary Control; Regulatory Restrictions on Lending; Business of Banking; Constitution of Banks; RBI Act, 1934; Banking Regulation Act, 1949; Role of RBI; Govt. as a Regulator of Banks; Control over Co-operative Banks; Regulation by other Authorities.

### **MODULE 3. LEGAL ASPECTS OF BANKING OPERATIONS**

Banker Customer Relationship, Relationship as Debtor and Creditor, Banker as Trustee, Banker as Agent, Obligations of a Banker, Overview of Banking services and IT related risk and controls, KYC, Ethics and Corporate Governance in Banks.

### **MODULE 4. INSURANCE LAW EVOLUTION**

Meaning of insurance and its importance, Historical background, Development and growth of insurance industry in India, Nationalization of insurance business in India, Entry of private players, Emerging trends in insurance sector, Insurance Sector- recent trends, Essentials of insurance law, Provisions of the Constitution, obligations to the rural and social sector, Law relating insurance in India, Contract of insurance, Good faith, Misrepresentation, Warranties, Conditions, Indemnity and subrogation, Proximate cause, Insurance and consumer protection, Insurable interest,

### **MODULE 5. LIFE AND FIRE INSURANCE**

Introduction, Formation of Life insurance contract, General nature of Life Insurance Contract, LIC Policy, Mutual assent, Assignment and nominations, Risk covered in life insurance, events insured in Life Insurance, circumstances affecting the risk, amount recoverable under Life Policy, Persons entitled to payment, Settlement of Claim and Payment of Money. Nature & scope of fire insurance, Subject matter of fire insurance, Fire perils & Fire policies, Proximate cause, Excepted perils and included perils, Doctrine of Reinstatement, Standard fire Policy, comprehensive and other types of fire policies.

### **LEARNING OUTCOME**

On successful completion of the course, the students will be able:

1. To draft arguments for and against Banking and Non-Banking Financial Companies, undertaking research projects related to banking related law and policies.
2. To attain knowledge on the development of insurance sector in India.
3. The students will gain knowledge on the factors for growth of insurance sector in India. the student will be able to appreciate the inevitable relationship between risk and insurance.

### **SUGGESTED READINGS**

1. *Tannan, M. L. Tannan's Banking Law and Practice in India. New Delhi: LexisNexis ButterworthsWadhwa,*
2. *Blair, William. Banking and Financial Services Regulation. London: Butterworths, 1998.*

3. Misra, Ranganath. *Bhashyam and Adiga's The Negotiable Instruments Act. 18<sup>th</sup> Ed.* New Delhi: Bharat Law House, 2010.
4. Faizi, O. P. *Khergamvala on The Negotiable Instruments Act. 19<sup>th</sup> Ed.* New LexisNexis Butterworths, 2007.
7. Ellinger, E. P. *Ellinger's Modern Banking Law.* New York: Oxford, University Press, 2006.
5. Wadsley and G. A. Penn. *The Law Relating to Domestic Banking. 2nd Ed.* London: Sweet & Maxwell, 2000.
6. Jaiswal, J.V.N., *Law of Insurance*, 2nd edition. Eastern Book Company, 2016.
7. Myneni, S.R., *Law of Insurance*, Asia Law House, Hyderabad, 2015. Rastogi,
8. Bhargava, B. P. (Ed.) *Rajiv Jain's Insurance Law & Practice.* 2<sup>nd</sup> ed. New Delhi: Vidhi Publishing Pvt. Ltd., 2006.
9. Singh, Avtar. *Law of Insurance.* Lucknow: Eastern Book Co., 2004. Murthy, K. S. N. and K. V. S. Sarma. *Modern Law of Insurance in India.* 5th ed. New Delhi: LexisNexis, 2014.
10. Srinivasan, M. N. *Srinivasan's Principles of Insurance Law.* 9<sup>th</sup> ed. Gurgaon: Lexis Nexis Butterworths Wadhwa Nagpur, 2009.
11. Taxmann's *Insurance law manual with IRDA circulars & notifications, Actuaries Act 2006 : A comprehensive & authentic compendium of law relating to insurance*, New Delhi : Taxmann Allied Services, 2007.
12. Birds John, *Birds` Modern Insurance Law*, 2000, London Sweet & Maxwell
13. Lowry John, Rawlings Philip and Merkin Robert, *Insurance Law: Doctrines and Principles*, (3d ed. 2011) Bloomsbury Publishing.

## **IV SEMESTER**

### **COURSE 1**

#### **INSOLVENCY AND BANKRUPTCY LAW**

**LLM**

**4 Credits**

#### **COURSE OBJECTIVES:**

The main objective of the course is to impart to the students the conceptual foundations of corporate insolvency law. Secondly, to know the types of winding up and the role played by official liquidators in the winding up of a company. The Course also provides an outlook into the insolvency issues of Multi-National Corporations also. Laws. It helps the learners to introduce students to the concept of corporate insolvency and the various modes of winding up. It exposes the students to different kinds of offences committed during winding up of a company.

#### **MODULE 1: INTRODUCTION TO THE CONCEPT OF INSOLVENCY AND CORPORATE INSOLVENCY**

Brief Historical Perspective on the Concept of Insolvency - Indian Constitution on Insolvency, Reforms in Insolvency Law – EradiCommitte 1999 – NL Mitra Advisory Group 2001, JJ. Irani Committee 2005, Vishwanathan Committee 2014, Acts of Insolvency under the Personal Insolvency Legislations, Conceptual analysis-Insolvency, Winding-up, Liquidation, Dissolution, Bankruptcy’, Over view on the Legal and Procedural framework relating to Corporate Insolvency in India.

#### **MODULE 2: INSOLVENCY AND BANKRUPTCY CODE - INTRODUCTION**

Key highlights of the Code, Structure of the Code, Salient features and institutions under the Code, Institutions under the Code – Insolvency and Bankruptcy Board of India, Insolvency Professionals - Insolvency Professional Agencies – Adjudicating Authorities – Information Utility,

#### **MODULE 3: CORPORATE INSOLVENCY RESOLUTION PROCESS**

Persons who may initiate Corporate Insolvency Resolution Process, Time Limit for completion of Insolvency Proceedings, Withdrawal of application, Moratorium, Public Announcement, Eligibility and Appointment of Resolution Professional, Committee of Creditors, Resolution Plan – contents and submission and approval.

#### **UNIT 4: LIQUIDATION OF CORPORATE PERSON**

Initiation of Liquidation, Powers and Duties of Liquidator, Consolidation and Verification of claims, Appeal against the decision of Liquidator, Secured Creditor in liquidation proceedings, Dissolution of Corporate Debtor, Voluntary Liquidation of Companies, Proceeds of Liquidation and distribution

of proceeds.

## **UNIT 5: ADJUDICATION, APPEALS AND WINDING UP BY TRIBUNAL**

Appeals and Appellate Authority, Appeal to Supreme Court, NCLT Jurisdiction, Winding up by Tribunal, Changes introduced by IBC, Circumstances under which company may be wound up by Tribunal, Powers of Tribunal, Effect of Winding up Order, Cross Border Insolvency

### **LEARNING OUTCOMES:**

1. Describe and analyse the concepts of corporate insolvency law, practice and regulation
2. Identify, analyse and solve practical issues and problems associated with the personal and corporate insolvency law
3. Evaluate selected Indian corporate insolvency law issues in the global context
4. Develop critical thinking using corporate insolvency law and apply excellent research skills

### **SUGGESTED READINGS**

1. McPherson, Law of Company Liquidation, Sweet and Maxwell, (2001)
2. Vanessa Finch, Corporate Insolvency Law: Perspectives and Principles , Cambridge University Press, (2009)
3. Fletcher, Ian F, The Law of Insolvency, Sweet and Maxwell, (2009)
4. Ramaiya, Guide to the Companies Act-2013 (2014)
5. Pollard, David, Corporate Insolvency: Employment and Pension Rights, Hayward's Heath, West Sussex :Tottel Pub., (2007)
6. Bailey, Edward; Groves, Hugo, Corporate Insolvency : Law And Practice , Butterworths: Lexis Nexis, (2003)
7. Worthington, Sarah; Sealy, L. S, Sealy's Cases and Materials in Company Law, LexisNexis Butterworths, (2005)
8. David MilaMan, Chris Durrant, Corporate insolvency: Law and Practice (2011)
9. Rebecca James Parry, Transaction Avoidance in Insolvencies (2009)
10. R.M.Goode, Principles of Corporate Insolvency Law Sweet and Maxwell (20080)

**I SEMESTER  
(ELECTIVE – 1)**

**INTERPRETATION OF CONTRACTS**

**LLM**

**3 Credits**

**COURSE OBJECTIVE:**

Course Objectives: Ascertaining the meaning of and effect of the language of contracts and other documents constitutes central concern of private law and is of great significance to commercial and financial transactions. This course aims to provide the basic principles and policies of interpretation which are utilized by the courts in discerning the meaning and effect of the words used to encapsulate the parties intentions. Doctrines that impact on the written contracts and instruments are also considered to understand the implications of terms and rectification of documents.

**MODULE 1. INTERPRETATION OF CONTRACTS , OBJECTIVITY, TEXT AND COMMON INTENSION**

Nature of Interpretive Process- Art or Science, Purpose and Importance of interpretation, Interpretation and contractual power, Objective Common Intension- Objectivity, Is intention still relevant?, Text, The Primacy of Text - The Payrol Evidence Rule - Entire Agreement Clause

**MODULE 2. CONTEXT AND THE NATURAL MEANINGS**

The Issue – Text is the starting point but not the finishing point, One view – stick to the contract, The other view – use the context - Where are we now?, Relevant background facts – meaning, scope and extent, Limitations based on principle, Natural Meanings - The ordinary meaning of words, The context and time of contract, Multiple meanings and words of imprecise meaning, Private dictionaries, technical terms, common expressions, Standard form contracts, Canons of construction and its extent of importance– *contra proferentem, eiusdem generis, expression uniuestet exclusion alterius*

**MODULE 3. AMBIGUITIES, UNCERTAINTIES AND UNNATURAL MEANINGS**

Ambiguity- meaning and importance, Types of ambiguity – latent and patent ambiguity, When are words ambiguous?, How to resolve ambiguity, Uncertainty and its effect, The test of uncertainty, Unnatural Meanings - The Issue - The expansive and restrictive view, Requirements, Correcting clear drafting errors.

**MODULE 4. IMPLIED TERMS**

Implied terms – meaning and nature, Express and Implied terms, Tests for Implied Terms – Business Efficacy test & Test of Obviousness, What needs to be established?

## **MODULE 5. RECTIFICATION AND ESTOPPEL BY CONVENTION**

Rectification- meaning and types, The common intension rectification, The requirements, The objective and subjective view, Mistakes and Inconsistencies, Estoppel by Convention - Estoppel by convention and estoppels by deed, The Authorities, Estoppel by convention - Principles involved

### **LEARNING OUTCOME:**

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

1. Identify the general principles of the interpretation of contracts.
2. List out there lated doctrines and implied terms at law, implied terms in facts, customs and usage and its third party effects.
3. Apply the basic concept of interpretation of various principles and policies in contract formation.
4. Analyse and evaluate the evolution of principles of construction and the leading decisions of House of Lords.
5. Evaluate as against other the status of instruments, forgeries, deliberate alteration, the concept of nones factum and shams.
6. Propose a solution to the issues related to the rules of evidence and practice as applicable in modern law of civil evidence.

### **SUGGESTED READINGS**

1. Gerard McMeel, The Contraction of Contracts, Interpretation, Implication, and
2. Rectification, Second Edition, Oxford University Press, 2007
3. Richard Calnan, Principles of Contractual Interpretation, Second Edition, Oxford
4. University Press
5. Catherine Mitchell, Interpretation of Contracts – Current controversies in Law, Routledge
6. Cavendish
7. Steven J. Burton, Elements of Contract Interpretation, Oxford University Press, 2009
8. J. W. Carter, The Construction of Commercial Contracts, (Hart, 2013)
9. Sir, Kim Lewison, The Interpretation of Contracts (6 thEdn., Sweet & Maxwell, 2015

**II SEMESTER  
(ELECTIVE – 1)  
COMPETITION LAW**

**LLM**

**3 Credits**

**COURSE OBJECTIVE:**

The processes of globalization and liberalization have brought a considerable awareness towards improving the competitive process in developing economies such as India. Until recently most of the developing countries operated without a structured competition policy, and have justified the intervention by the state over economic activities. India owing to its WTO obligations enacted Competition Act, 2002. The course seeks provide fundamentals of market economy and extensive knowledge of application of competition policy in India.

The course aims to study the developments of the policy of free and fair competition in India. The course will provide an analysis of the legal developments, from MRTP to the Competition Act. The course will analyze the progress of the Competition Law in various legal systems and also determine the role of WTO in its policies.

**MODULE 1: INTRODUCTION TO COMPETITION LAW**

Concept of Market, Open Market-Regulated Market, Market Functions of Role of Competition Law- Evolution, Nature & Scope of Competition Law and Policy-Theoretical Foundation- definitions and ideas of agreement, dominant position, combination and effects of anti- competitive activities-

**MODULE 2: ANTI- COMPETITIVE AGREEMENTS AND ABUSE OF DOMINANT POSITION**

Anti-competitive agreements: Concept, forms and treatment in India- Parallel import- Treatment of anti- competitive agreements under USA, EU, UK, Australia. Abuse of dominant position: Concept, forms and treatment in India- Treatment of abuse of dominant position under USA, EU, UK, Australia

**MODULE 3: COMBINATIONS**

Concept, forms, reasons and regulatory framework in India- Different tests for studying the impacts of combinations in the market- Regulation of Cross- border combinations- Treatment of combinations under USA, EU, UK, Australia

**MODULE 4: INVESTMENT AND COMPETITION LAW**



WTO norms for investment- OECD guidelines in investment- FDI policies and its impacts on Competition in domestic market- Regulation of FDI in India, USA, EU, UK, Australia

## **MODULE 5: MODERN DIMENSION OF COMPETITION LAW**

WTO and its impacts on Competition Laws with reference to UNCTAD- International enforcement and judicial assistance- Applicability of competition law into agricultural sector

### **LEARNING OUTCOMES:**

On successful completion of this course, the students will be able to-

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.<sup>9</sup>
3. To study and critically analyze judicial interpretations competition laws and the interface between the International competition law and the domestic law of competition.
4. To analyse the contemporary issues involved in application of competition law.
5. To learn to write a standard research paper based on extensive analysis of materials and synthesis

### **SUGGESTED READINGS:**

1. Avtar Singh; Competition Law; Eastern Law House, 2012-11-27
2. Brendan J. Sweeney, The Internationalisation of Competition Rules, Routledge, 2010.
3. Eugene Buttigieg, Competition Law : Safeguarding the Consumer Interest, Kluwer, 2009
4. Jurgen Basdeo and Wolfgang Wurmnest, Structure and Effects in EU Competition Law, Kluwer, 2011.
5. Pradeep S. Mehta (ed.), Towards Functional Competition Policy for India, Academic Foundation, 2005.
6. Jonathan Faull and Ali Nikpay (Rev.), The EC Law of Competition, 2nd ed., Oxford, 2007.
7. S. M. Dugar, Guide to the Competition Law, LBW,
8. Shiju Varghese Mazhuvanchery (2011) "The Indian Competition Act: A Historical and Developmental Perspective" the journal The Law and Development, Walter de Gruyter GmbH & Co. KG, Berlin/BostonReview
9. T. Ramappa, Competition Law in India, 2nd ed., Oxford, 2009.
10. Vinod Dhall (ed.), Competition Law Today, Oxford, 2007.