

DEPARTMENT OF LAW, SCHOOL OF SOCIAL SCIENCES

LL.M SYLLABUS

Paper No.	Courses	Core/ Open	Credits	Marks
LL.M : Semester I (all core papers)				
LAW-PG-C101	Law and Social Transformation in India	Core	4	100
LAW-PG-C102	Indian Constitutional Law: The New Challenges	Core	4	100
LAW-PG-C103	Judicial Process	Core	4	100
LAW-PG-C104	Legal Education	Core	4	100
LL.M : Semester II (all core papers)				
LAW-PG-C201	Corporate Finance	Core	4	100
LAW-PG-C202	Law of Industrial and Intellectual Property	Core	4	100
LAW-PG-C203	Legal Regulation of Economic Enterprises	Core	4	100
LAW-PG-C204	Law of Export Import Regulation	Core	4	100
LL.M : Semester III (two core and two open papers)				
LAW-PG-C301	Research Methodology	Core	4	100
LAW-PG-C302	Insurance Law	Core	4	100
LAW-PG-O303	International Trade Law and Development	Open	4	100
LAW-PG-O304	Advanced Commercial Law: Law of E-Commerce	Open	4	100
LL.M : Semester IV (two core including Dissertation and two open papers)				
LAW-PG-C401	Banking Law	Core	4	100
LAW-PG-D402	Dissertation	Core	4	100
LAW-PG-O403	Corporate Management & Governance	Open	4	100
LAW-PG-O404	International Financial Law	Open	4	100

(**PG**: Post Graduate; **D** denotes Dissertation, **C** denotes Core or Compulsory and **O** denotes Optional or Open papers).

Unit I: Law and Social Change

Law as an instrument of social change

The introduction of common law system and institutions in India

Unit II: Religion and the Law

Religion as a divisive factor, Secularism as a solution to the problem, Reform of the law on secular lines: problems, Freedom of religion and non-discrimination on the basis of religion, Religious minorities and the law

Unit III: Community/ Regionalism and the Law

Community and the Law:

Caste as a divisive factor, Discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustices, Protective discrimination: scheduled castes, tribes and backward classes, Reservation; statutory commissions, statutory provisions.

Regionalism and the Law:

Language as a divisive factor: formation of linguistic states and regionalism, Regionalism as a divisive factor, Right of movement, residence and business; impermissibility of state or regional barriers, Equality in matters of employment Admission to educational institutions: preference to residents of a state.

Unit IV: Women/ Children and the Law

Women and the Law:

Crimes against women, Gender injustice and its various forms, Women's commission.

Empowerment of women: constitutional and other legal provisions

Children and the Law:

Child labour, Sexual exploitation, Adoption and related problems, Children and education

Reading List:

- Basu, D.D. (1996) *Shorter Constitution of India*. New Delhi: Prentice Hall of India.
- Baxi, U. (Ed.) (1988) *Law and Poverty Critical Essays*. Bombay: Tripathi.
- Baxi, U. (1982) *The Crisis of The Indian Legal System*. New Delhi: Vikas
- Derret, Duncan. (1999) *The State, Religion and Law In India*. New Delhi: Oxford University Press.
- Deshta, Sunil and Deshta, Kiran. (2000) *Law and Menace of Child Labour*. New Delhi: Armol Publications.

- Flavia, Agnes (1999) *Law and Gender Inequality: The Politics of Women's Rights in India*. Oxford: Oxford University Press.
- Galanter, Marc. (Ed.) (1997) *Law and Society in Modern India*. Oxford: Oxford University Press.
- Gunasekhare, Savitri. (1997) *Children, Law and Justice*. New Delhi: Sage.
- Lingat, Robert. (1998) *The Classical Law of India*. Oxford: Oxford University Press.
- Seervai, H.M. (1996) *Constitutional Law of India*. Bombay: Tripathi.

LAW-PG-C102	Indian Constitutional Law: The New Challenges	Core
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Unit I: Federalism

Creation of New States
 Allocation and Share of Resources - Distribution of Grants in Aid
 The Inter-State Disputes on Resources
 Centre's Responsibility and Internal Disturbance within States
 Directions of the Centre to the State under Article 356 and 365
 Special Status of Certain States
 Tribal Areas, Scheduled Areas

Unit II: Fundamental Rights

State
 Re-defining in the Wake of Liberalization
 Freedom of Press
 Challenges of New Scientific Development
 Freedom of Speech
 Right to Broadcast and Telecast.
 Right to Strikes, *Hartal* and *Bandh*

Unit III: Emerging Regime of New Rights and Remedies

Reading Directive Principles and Fundamental Duties into Fundamental Rights
 Compensation Jurisprudence
 Right to Education
 Commercialization of Education and Its Impact.
 Brain Drain by Foreign Education Market

Unit IV: Separation of Powers and Democratic Process

Judicial Activism and Judicial Restraint PIL: Implementation
 Judicial Independence, Appointment, Transfer and Removal of Judges
 Accountability: Executive and Judiciary. Tribunals
 Election, Election Commission, Electoral Reforms
 Coalition Government

Reading List:

No specific bibliography is suggested for this course since the course materials obviously depend upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

LAW-PG-C103 Judicial Process

Core

Unit I: Nature of Judicial Process

Judicial process as an instrument of social ordering
Judicial process and creativity in law - common law model - legal reasoning and growth of law - change and stability.
The tools and techniques of judicial creativity and precedent.
Legal development and creativity through legal reasoning under statutory and codified systems.

Unit II: Notions of Judicial Review

Special Dimensions of Judicial Process in Constitutional Adjudications.
Tools and Techniques in Policy-Making and Creativity in Constitutional Adjudication.
Varieties of Judicial and Juristic Activism
Problems of Accountability and Judicial Law-Making

Unit III: Judicial Process in India

Indian debate on the role of judges and on the notion of judicial review.
Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity.
Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges

Unit IV: The Concepts of Justice and Its Relationship with Law

The concept of justice or dharma in Indian thought
The concept and various theories of justice in the western thought.
Various theoretical bases of justice: the liberal contractual tradition, the liberal Utilitarian tradition and the liberal moral tradition.
Equivalence theories - justice as nothing more than the positive law of the stronger class
Dependency theories - for its realization justice depends on law, but justice is not the same as law.
Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice

Reading List:

- Abraham, Henry J. (1998) *The Judicial Process*. Oxford: Oxford University Press.

- Baxi, U. (1980) *The Indian Supreme Court And Politics*. Lucknow: Eastern Book Company.
- Bodenheimer. (1997) *Jurisprudence: The Philosophy and Method of the Law*. New Delhi: Universal.
- Cardozo. (1995) *The Nature of Judicial Process*. New Delhi: Universal.
- Dhawan, Rajeev. (1977) *The Supreme Court of India - A Socio-Legal Critique of Its Juristic Techniques*. Bombay: Tripathi
- Friedmann, W. (1960) *Legal Theory*. London: Stevens.
- Rawls, John. (2000) *A Theory of Justice*, New Delhi: Universal
- Stone, J. (1985) *Precedent and the Law: Dynamics of Common Law Growth*. London: Butterworths.
- Stone, J. (1999) *Legal System and Lawyers' Reasonings*. New Delhi: Universal
- Store, Julius. (2000) *The Province and Function of Law*. New Delhi: Universal

LAW-PG-C104

Legal Education

Core

Unit I: Introduction

Concept and Foundations of Legal Education
Objectives of Legal Education

Unit II: Development of Legal Education in India and Challenges for Future

British Period; Post Independence Period
Advocate Act- Creation of Bar Council of India
Role of Bar Council as a Regulator of Legal Education
Role of University Grants Commission in Legal Education
Influence of United States in India Legal Education- Role of Ford Foundation
Indian Law Institute- Law Research, Publication and Generation of Teaching Materials
National Law School Experiments
National Knowledge Commission- Its Recommendations
Towards A Global Legal Education- Position of India

Unit III: Legal Pedagogic

Lecture Method of Teaching - Merits and Demerits
The Problem Method
Discussion Method and Its Suitability at Postgraduate Level Teaching
The Seminar Method of Teaching
Clinical Legal Education - Legal Aid, Legal Literacy, Legal Survey and Law Reform

Unit IV: Teaching and Evaluation System

Preparation of Teaching Material
Planning Class Notes and Lectures
Tools to Encourage Class Participation

Examination System and Problems in Evaluation - External and Internal Assessment. Assessment of Research Papers

Reading List:

- Agrawal , S.K.(Ed.) (1973) *Legal Education in India*. Bombay: Tripathi.
- Anand. (1998) “Legal Education in India”. *Supreme Court Cases (Jour) 1*.
- Barry, Margaret Martin (et.al), *Clinical Education for This Millennium: The Third Wave, 7 Clinical. L. Rev. 1*
- Brayal, High Nigel Dunean and Richard. (1998) *Crimes, Clinical Legal Education: Active Learning in Your Law School*. London: Blackstone Press Limited.
- Gupta, S. (2006). *History of Legal Education in India*. New Delhi: Deep & Deep.
- Jawhar.(1999, “Legal Education: A Case For Five Year Law Programme”, 41 *Journal of Indian Law Institute*.
- Jayantha K. Krishnan, (2004). Professor Kingsfield Goes to Delhi: American Academics, Ford Foundation, and the Development of Legal Education in India, 46 *Am. J. Legal Hist.* 447.
- Kulkarni. 2004. “Implementing The Constitutional Mandate of Legal Aid”, *Indian Bar Review* Vol. Xxxi (2&3)
- Menon, N.R. Madhava, (Ed) (1998). *A Handbook of Clinical Legal Education*. Lucknow: Eastern Book Company.
- Rao. (2000) “Law Students, Lawyers and Judges in the New Millennium”, (2000) 8 *Supreme Court Cases (Jour) 1*
- Robert W. (2007) The Geological Strata of the Law School Curriculum, 60 *Vand. L. Rev* 339
- Sands, C. Dallas. (1968) Thoughts About Legal Education (After Teaching Law In India), 21 *Ala. L. Rev.* 501
- Strong, Frank. R. (1972) The Pedagogic Training of a Law Faculty, 25 *J. Legal. Educ.* 226

Govt. Reports

- Law Commission of India 184th Report on “The Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, (1961) and the University Grants Commission Act (1956 , 2002)
- Report of the Working Group on Legal Education of National Knowledge Commission (2005)
- Bar Council of India Rules of Legal Education (2009)

LAW-PG-C201

Corporate Finance

Core

Unit I: Introduction

Meaning, Importance and Scope of Corporation Finance

Capital Needs - Capitalization - Working Capital - Securities-Borrowings-Deposits Debentures

Objectives of Corporation Finance - Profit Maximization and Wealth Maximization

Constitutional Perspectives - The Entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85, and 86 of List 1 - Union List; Entry 24 of List 11 - State List.

Unit II: Equity and Debt Finance

Share Capital
Prospectus - Information Disclosure
Issue and Allotment
Shares without Monetary Consideration
Non-Opting Equity Shares
Debentures
Nature, Issue and Class
Deposits and Acceptance
Creation of Charges
Fixed and Floating Charges
Mortgages
Convertible Debentures

Unit III: Conservation of Corporate Finance and Corporate Fund Raising

Regulation by Disclosure
Control on Payment of Dividends
Managerial Remuneration
Protection of Creditors
Need For Creditor Protection
Preference in Payment
Protection of Investors
Individual Share Holder Right
Corporate Membership Right
Derivative Actions
Qualified Membership Right
Depositories - IDR (Indian Depository Receipts), ADR (American Depository Receipts), GDR (Global Depository Receipts)
Public Financing Institutions - IDBI, ICICI, IFC and SFC Mutual Fund and Other Collective Investment Schemes Institutional Investments - LIC, UTI and Banks FDI and NRI Investment - Foreign Institutional Investments (IMF and World Bank)

Unit IV: Administrative Regulation on Corporate Finance

Inspection of Accounts
SEBI
Central Government Control
Control by Registrar of Companies
RBI Control

Reading List:

- Hundson Alastair.(1998) *The Law On Financial Derivatives*. London: Sweet & Maxwell
- Ferran, Eil's. (1999) *Company Law and Corporate Finance*. Oxford.

- Charkham, Jonathan. (1999) *Fair Shares: The Future of Shareholder Power and Responsibility*. Oxford.
- Ramaiya A, (1998) *Guide to the Companies Act* Vol. I, II and III.
- Ford, H.A.J. And Austen, A.P.(1999) *Fords' Principle of Corporations Law*. Butterworths.
- Farrar J.H. And Hanniyan, B.M. (1998) *Farrar's Company Law*. Butterworths.
- Austen R.P. (1986) *The Law of Public Company Finance*. Lbc
- Goode, R. M. (1988) *Legal Problems of Credit and Security*. London: Sweet and Maxwell.
- Altman and Subrahmanyam, (1985) *Recent Advances in Corporate Finance*. LBC
- Gilbert Harold. (1956) *Corporation Finance*
- Henry E. Hoagland, (1947). *Corporation Finance*.
- Kristein, Maryin M. (1975) *Corporate Finance*.

Journals

- Journal of Indian Law Institute, Journal of Business Law, Chartered Secretary, Company Law Journal, Law and Contemporary Problems.
- Statutory Materials - Companies Act and Laws Relating SEBI, Depositories, Industrial Financing and Information Technology

LAW-PG-C202	Law of Industrial and Intellectual Property	Core
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Unit I: IPR and International Perspectives

Trademarks and Consumer Protection (Study of UNCTAD Report on the Subject), United Nations Approaches (UNCTAD, UNCITRAL), EEC Approaches, Position in U.S.
The Indian Situation.

Unit II: Special Problems of the Status of Computer Software in Copyright and Patent

Comparative Study

Unit III: Biotechnology Patents

Nature and Types of Biotechnology Patents
Patent Over New Forms of Life: Trips Obligations
Plant Patenting, *Sui Generis* Protection for Plant Varieties (Sikkim Context)
Multinational Ownership, Regulation of Environment and Health Hazards in Biotechnology Patents, Indian Policy and Position.
European Patent Treaty
Patent Co-Operation Treaty (Pct), Special Problems of Proof of Infringement:
Need and Scope of Law Reforms

Unit IV: Intellectual Property and Human Right

Freedom of Speech and Expression as the Basis of the Regime of Intellectual Property Right - Copyright Protection on Internet - WCT (WIPO Copyright Treaty) (1996).

Legal Status of Hazardous Research Protected by the Regime of Intellectual Property Law.

Human Right of the Impoverished Masses Intellectual Property Protection of New Products for Healthcare and Food Security

Traditional Knowledge - Protection- Biodiversity Convention- Right of Indigenous People.

Reading List:

- Special Attention Should Be Given to Literature of the U.N. System, WIPO and the UNESCO.
- Terence P. (Ed.) (1999) *The GATT Uruguay Round: A Negotiating History* (1986-(1994) The End Game.
- Cooper, Iver P. Kluwer. (1998) *Biotechnology and Law*. New York. Clerk Boardman Callaghan.
- Bainbridge, David. (1999) *Software Copyright Law*. Butterworths
- Sookman (1998) *Computer Law*. Carswell
- Carlos M. Correa (Ed.) (1998) *Intellectual Property and International Trade*. University of Michigan Press.
- Kluwer. (1998) *Patent Co-Operation Treaty Hand Book*. Sweet and Maxwell.
- Wadlow Christopher (1998) *The Law of Passing-Off*. Sweet and Maxwell.
- Cornish, W.R (1999) *Intellectual Property Law*. Sweet And Maxwell.

LAW-PG-C203

Legal Regulation of Economic Enterprises

Core

Unit I: The Rationale of Government Regulation and the New Economic Policy

Industrial Policy Resolutions, Declarations and Statements

The Place of Public, Small Scale, Co-Operative, Corporate, Private and Joint Sectors - in the Changing Context.

Regulation of Economic Activities, Disclosure of Information, Fairness in Competition

Emphasis on Consumerism

Unit II: Take-Over of Management and Control of Industrial Units

Sick Undertakings: Nationalization or Winding Up?

Licensing Policy and Legal Process - Growing Trends of Liberalization

Deregulation of Essential Commodities: Developmental Sign or a Social Mishap?

Financial Services: Changing Techniques of Regulation

Unit III: Critical Issues Regarding the Capital Issues

Equity and Debt Finance

Global Depositories

De-Materialised Securities
Problems of Control and Accountability: Regulation of Hazardous Activity
Mass Disaster and Environmental Degradation: Legal Liability and Legal Remedies
Public Liability Insurance: Adequacy
Issues in Zoning and Location of Industrial Units

Unit IV: Special Aspects of Legal Regulation of Select Public Enterprises

Selected Representative - Public Enterprises for Transport, Mining and Energy.
Telecom Regulatory Authority
Insurance Regulatory Authority
Broadcasting Regulatory Authority
Legal Regulation of Multi-Nationals
Collaboration Agreements for Technology Transfer
Development and Regulation of Foreign Investments
Investment in India: FDIs and NRIs
Investment Abroad

Reading List:

- Kumar S. Aswani, (2001). *The Law of Indian Trade Mark*. New Delhi. Commercial Law House.
- Industrial Policy Resolutions of (1948, 1956, 1991)
- Industrial Licensing Policy (1970, 1975)
- Industrial Policy Statements (1973, 1977, 1980)
- Reports of Committees on Public Undertakings of Parliament.
- Industries (Development and Regulation) Act, (1951)
- Baxi, U. (1986) (Ed.), *Inconvenient Forum and Convenient Catastrophe the Bhopal Case*. Bhopal: Himalaya Pub. House.
- Baxi, U & T. Paul (Eds.) (1986) *Mass Disasters and Multinational Liability*. New Delhi: Indian Law Institute.
- Baxi, U. & Dhandba, A. (1989) *Valiant Victims and Lethal Litigation: The Bhopal Case*. Indian Law Institute.
- Law of International Trade Transactions, (1973) Indian Law Institute, New Delhi.

LAW-PG-C204 Law of Export Import Regulation

Core

Unit I: State Control over Import and Export of Goods - From Rigidity to Liberalization

Impact of Regulation on Economy
WTO Agreement, Tariff and Non-Tariff Restrictions
Investment and Transfer of Technology: Quota Restriction and Anti-Dumping
Permissible Regulations. Quarantine Regulation
Dumping of Discarded Technology and Goods in International Market
Reduction of Subsidies and Counter Measures

Unit II: General Law on Control of Imports and Exports

Legislative Control

Power of Control: Central Government and RBI

Foreign Trade Development and Regulation Act (1992)

Restrictions under Customs Law

Prohibition and Penalties

Export-Import Formulation: Guiding Features, Control Under FEMA

Foreign Exchange and Currency, Import of Goods

Export Promotion Councils: Export Oriented Units and Export Processing Zone

Unit III: Control of Exports

Regulation on Goods. Conservation of Foreign Exchange Foreign Exchange Management

Currency Transfer

Investment in Foreign Countries

Unit IV: EXIM Policy: Changing Dimensions

Investment Policy: NRIs, FIIs (Foreign Institutional Investors), FDIs

Joint Venture

Promotion of Foreign Trade, Law Relating to Customs

Regulation on Investment

Borrowing and Lending of Money and Foreign Currency

Securities abroad Immovable Property - Purchase Abroad

Establishment of Business Outside

Issue of Derivatives and Foreign Securities – GDR (Global Depositories Receipts), ADR

(American Depository Receipts) and Euro

Investment in Indian Banks

Repatriation and Surrender of Foreign Securities

Reading List:

- Government of India, Handbook of import export procedures, (refer to the latest edition).
- Government of India, import and export policy (1997 -2002, 2004-09, 2009-2014, 2015-20).
- The students should consult the relevant volumes of the annual survey of Indian law, published by the Indian law institute, New Delhi.
- Foreign trade development and regulation act (1992 and rules).
- Foreign exchange management act (1999).
- Marine products export development authority act (1972).
- Customs manual (latest edition).
- Final treaty of GATT, (1994).

Unit I: Research Methods

Socio Legal Research
Doctrinal and Non-Doctrinal
Relevance of Empirical Research
Induction and Deduction

Unit II: Identification of Problem of Research

What is a Research Problem?
Survey of Available Literature and Bibliographical Research
Legislative Materials including Subordinate Legislation, notification and Policy Statements
Decisional Materials including foreign Decisions; Methods of Discovering the "Rule of the Case". Tracing the History of Important Cases and Ensuring that these have not been Over-Ruled; Discovering Judicial Conflict in the Area Pertaining to the Research Problem and the Reasons thereof.

Unit III: Juristic Writings - A Survey of Juristic Literature Relevant to Select Problems in India and Foreign Periodicals

Compilation of List of Reports or Special Studies Conducted Relevant to the Problem.

Unit IV: Preparation of the Research Design

Formulation of the Research Problem
Devising Tools and Techniques for Collection of Data: Methodology
Methods for the Collection of Statutory and Case Materials and Juristic Literature
Use of Historical and Comparative Research Materials
Use of Observation Studies
Use of Questionnaires/Interview
Use of Case Studies
Sampling Procedures - Design of Sample, Types of Sampling to be adopted.
Use of Scaling Techniques, Jurimetrics
Computerized Research - A Study of Legal Research Programmes such as Lexis and West Law Coding
Classification and Tabulation of Data - Use of Cards for Data Collection - Rules for Tabulation. Explanation of Tabulated Data and Analysis of Data

Reading List:

- Jacobstein J, Mersky R and Dunn D (1998) *Fundamentals of Legal Research*. New York: Foundation Press.
- Young, Pauline V. (1962) *Scientific Social Survey and Research*. New York: Prentice-Hall.
- Goode, William J. And Hatt, Paul K., *Methods in Social Research*, London: McGraw-Hill Book Company.

- Hyman, H.M (1965) *Interviewing in Social Research*. Chicago: University Of Chicago Press.
- Payne, (1965) *The Art of Asking Questions*. Princeton University Press.
- Cohan, Morris L. (1996) *Legal Research in Nutshell*, West Publishing Co.
- ILI Publication, *Legal Research and Methodology*.

LAW-PG-C302

Insurance Law

Core

Unit I: Introduction

Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity. Insurance policy, law of contract and law of torts-future of insurance: need, importance and place of insurance
Constitutional perspectives- the entries 24, 25, 29, 30, 47 of list 1 union list; 23, 24, of list III

Unit II: General Principles of Law of Insurance

Definition, nature and history
The risk - commencement, attachment and duration
Assignment and alteration
Settlement of claim and subrogation
Effect of war upon policies

Unit III: Indian Insurance Law

The insurance act (1938 and the insurance regulatory authority act 2000
Mutual insurance companies and cooperative life insurance societies
Double insurance and re-insurance
Life insurance: nature and scope
Event insured against life insurance contract
Circumstances affecting the risk
Amounts recoverable under life policy
Persons entitled to payment
Settlement of claim and payment of money

Unit IV: Types of Insurance

Marine insurance, insurance against accidents, property insurance against third party risks:
Nature and scope
Classification
Group life insurance
Medi-claim, sickness insurance

Reading List:

- Hanson, John and Henly, Christopals.(1999) *All Risks Property Insurance*. Llp Asia, Hongkong.
- Henly,Peter Mac Donald Eggers And Foss, Patric. (1998) *Good Faith and Insurance Contracts*. Hongkong, LLP Asia,

- Banerjee, (1994) *Law of Insurance*. Hyderabad Asia Law House.
- Mitra B.C.(1997) *Law Relating to Marine Insurance*. Hyderabad: Asia Law House.
- Gilmar Jcband Mustill, Arnold. (1981) *On the Law of Marine Insurance*. Sweet & Maxwell.
- Birds, *Modern Insurance Law* ((1997) Sweet & Maxwell
- *Colinvaux's Law of Insurance* ((1997), Sweet & Maxwell
- *O'mary on Marine Insurance* ((1993), Sweet & Maxwell
- International Labour Office, *Administration Practice of Social Insurance* (1985)
- Ivamy, E.R. Hardy. (1979) *General Principles of Insurance Law*
- Patterson, Edwin W. (1955) *Cases and Materials on Law of Insurance*
- Sreenivasan M. N. (1914. *Law and the Life Insurance Contract*

LAW-PG-O303

International Trade Law & Development

Open

Unit I: The Multilateral Agreements – GATT, GATS and TRIPS and Dispute Settlement Understanding (DSU), Liberalization and Development under the international Trade Law Regime

History and Structure of the WTO. The Agreements – GATT, GATS and TRIPs. The Covered Agreements – Agreement on Agriculture, Agreement on Sanitary and Phytosanitary Measures, technical standards, food safety, government procurement and other agreements.

The three pillars of WTO – MFN, NT and the SDT. Dispute Settlement Procedures in international Trade Law Jurisprudence – Adjudicatory and Conciliatory Structures. Study of cases against India and by India at the WTO.

Economic and Political Rationale behind trade liberalization. Founding of General Agreement on Tariffs and Trade (GATT) and its successor, the WTO. Trade and Geopolitical Tensions between the Developed and the Developing Countries.

Trade Liberalization Agenda – the Doha Round and the Issues. Trans Pacific Partnership trade negotiations.

Integration of the WTO jurisprudence with Environmental and Human Rights Jurisprudence.

Unit II: International Investment Law, TRIMS Agreement of the WTO and the BITs

International investment Law Regime – History and Development, TRIMs Agreement of the WTO and Evolution of BITs

Sources of international investment Law – Customary Law and Treaty Law

State Responsibility for Breach of investment Obligations

Concept of ‘investor’ and ‘investment’, Scope of investment Treaties

Expropriation, Non- contingent standards and contingent standards, defences and excuses

Settlement of Disputes – investor – State and inter – State

Investment Treaties with India and current international investment Arbitration cases in India.

Unit III: International Commercial Arbitration and the role of ICSID and UNCITRAL

General Principles of international Commercial Arbitration
Formation, validity and scope and enforcement of Arbitration Agreements
Parties to an arbitration agreement and procedural stages of arbitration
Role of Courts
Law relating to international Commercial Arbitration
Role of ICSID in settlement of investment Disputes

Unit IV: International Sale and Carriage of Goods

Passing of Risk and Property
CIF and FOB Sales
Functions and significance of bills of lading and other shipping documents
Payments methods, letters of credit and UCP600
Frustration and force Majeure
Remedies for breach of the sale contract
The Vienna Convention on international Sale of Goods 1980
The governing law and jurisdiction in the international sale of goods

Reading List

- Hoekman, B.M. and P.C. Mavroidis, *the World Trade organization: Law, Economics, and Politics*. London, Routledge, 2007.
- Macrory, P.F.J., A.E. Appleton and M.G. Plummer (eds.), *The World Trade organization: Legal, Economic and Political Analysis*, New York, Springer, 1995.
- Van den Bossche, P., *The Law and Policy of the World Trade organization: Text, Cases and Materials*, Cambridge, Cambridge University Press, 2013.
- Wouters, J. and B. De Meester, *The World Trade organization: A Legal and institutional Analysis*, Antwerpen, 2007.
- Bethlehem, D., (et al.) (eds.), *The Oxford Handbook of International Trade Law*, Oxford, Oxford University Press, 2009.
- Ramberg, J., *International Commercial Transactions*, Paris, ICC, 2011.
- Binder, P., *International Commercial Arbitration and Conciliation in UNCITRAL Model Law Jurisdictions*, London, Sweet & Maxwell, 2010.
- Várady, T., *International Commercial Arbitration: A Transnational Perspective*, St. Paul, West, 2012.
- Douglas, Z., J. Pauwelyn, and J.E. Viñuales (eds.), *The Foundations of International Investment Law: Bringing Theory into Practice*, Oxford, Oxford University Press, 2014.
- Schreuer, C.H., *the ICSID Convention: A Commentary: A Commentary on the Convention on the Settlement of investment Disputes between States and Nationals of Other States*, Cambridge, Cambridge University Press, 2009.

- Shan, W. (ed.), *The Legal Protection of foreign investment: A Comparative Study*, Oxford, Hart, 2012.

LAW-PG-O304 Advanced Commercial Law: Law of E-Commerce Open

Unit I: Introduction to e-Commerce

Law, The Instant Messaging Affair, The Architecture of the Internet, Internet Infrastructure Business and Technology, e-Commerce Business Models importance of e-commerce security to the business enterprise. Cryptography review, public key certificates and infrastructures, authentication and authorization certificates, e-cure credential services and role-based authorization, mobile code security, security of agent-based systems, secure electronic transactions, electronic payment systems Technology for the Digital Lawyer. Mapping the New Commercial Landscape: Competition and e-Commerce, NET Strategy. The Future of e-Commerce.

Unit II: The Scope of e-Commerce

Jurisdiction via the Internet, conflict of laws.
 A. Personal Jurisdiction- 1. Locating Web Sites 2. Transactions, Communications and Domain Names
 B. Choice of Forum/Choice of Law in Cyberspace

Unit III: Doing Business on the 'Net: Electronic Contracting

The Evolution of Contract Formation,
 Information of Technology Act on formation Contract.
 Limits on Contractual Terms,
 Digital Signatures, Digital Enforcement.

Unit IV: Minding the Digital Store: Property Law for e-Commerce

A. Technology vs. Law. Copyright Online
 1. Introduction to Copy Right Act, 1957
 2. Napster and the New Era of Copy right
 3 Gnutella and the Future of Content

 B. The "Real Estate" of the 'Net: Trademarks in e-Commerce
 1. Introduction – Trade Marks Act, 1999
 2. Metadata, Search Engines, and Trademarks
 3. Shifting Approaches - ICANN & the ACPA

 C. New Property, New Violations? The Law of Linking, Framing & 'Bots

 D.Cookies, Forms, Consumer Privacy Questions
 1. Introduction -- Identity and e-Commerce
 2. Collective Regulation - Standards, Seal Programs & Statutes
 3. Individual Regulation - Technology and the Marketplace.

Reading List

- Gary Schneider, *Electronic Commerce, Sixth Edition, Course Technologies*, 2006.

- Awad, E., *Electronic Commerce: From Vision to Fulfillment*, Prentice Hall, 2006.
- Davis, W., Benamati, J., *E-Commerce Basics: Technology Foundations and E-Business Applications*, Prentice Hall, 2003.
- Kamath, Nandan, *Law Relating to Computers Internet & E-commerce (A guide to Cyber Laws & the Information Technology Act, 2000 with Rules & Notification)*, 2nd Edition, Reprint: 2002:- Universal Book Traders.
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References

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<http://www.springer.com/sgw/cda/frontpage/0,11855,4-0-70-35740341-0,00.html?referer=www.wkap.nl>
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http://www.csulb.edu/web/journals/jecr/a_j.htm
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<http://www.arraydev.com/commerce/JIBC/>
- Journal of Internet Purchasing
<http://www.arraydev.com/commerce/JIP/current.asp>
- Mostafa Hashem Sherif, *Protocols for Secure Electronic Commerce*, Second Edition, CRC Press, 2004 ISBN: 0849315093.
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Unit I: Law Relating to Banking Companies in India and Social Control over Banking

Controls by Government and Its Agencies, Management, Accounts and Audit
 Credit Policy: Reconstruction and Reorganization Contract Between Banker and Customer: Their Rights and Duties
 Nationalization Evaluation: Private Ownership, Nationalization and Disinvestment Protection of Depositors Priority Lending Promotion of Under Privileged Classes

Unit II: Deposit Insurance

The Deposit Insurance Corporation Act (1961: Objects and Reasons
 Establishment of Capital of DIC Registration of Banking Companies Insured Banks, Liability of DIC to Depositors
 Relations between Insured Banks, DIC and Reserve Bank of India
 The Central Bank: Characteristics and Functions, the Reserve Bank of India as the Central Bank Regulation of Monetary Mechanism of the Economy
 Credit Control, Exchange Control. Monopoly of Currency Issue
 Bank Rate Policy Formulation

Unit III: Relationship of Banker and Customer

Legal Character Contract between Banker and Customer Banker's Lien
 Protection of Bankers Customers
 Nature and Type of Accounts
 Special Classes of Customers - Lunatics, Minor, Partnership, Corporations, Local
 Authorities Lending By Banks

Unit IV: Recent Trends of Banking System in India

New Technology Information Technology Automation and Legal Aspects
 Automatic Teller Machine and Use of Internet and Smart Card Use of Expert System Credit Cards Reforms in Indian Banking Law Recommendations of Committees: A Review

Reading List:

- Basu, A. (1998) *Review of Current Banking Theory and Practice*. McMillan
- M. Hapgood (Ed.) (1989) *Pagets' Law of Banking*. London: Butterworths,
- Goode, R. (1995) *Commercial Law*. London: Penguin.
- Cranston, Ross. (1997) *Principles of Banking Law*. Oxford.
- Goyle, L.C. (1995) *The Law of Banking and Bankers*. Lucknow: Eastern
- Tannan M.L., *Tannan's Banking Law and Practice in India*. New Delhi: India Law House, 2 volumes
- K.C. Shekhar. (1998) *Banking Theory and Practice*. New Delhi: Ubs Publisher Distributors Ltd. M. Dasse,se,
- Isaacs, S. And G. Pen, E.C. (1994) *Banking Law*, London: Lloyds of London Press

- Conti V. and Hamaui (Eds.) (1993) *Financial Markets' Liberalization and the Role of Banks*, Cambridge University Press, Cambridge.

LAW-PG-D402	Dissertation and Viva	Core
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Dissertation carries four credits. Students are supposed to prepare a synopsis/research proposal of dissertation by the end of third semester in consultation with allotted supervisor. Department faculty committee will allot a supervisor to each student at the end of third semester. Students need to get approval/confirmation of their synopsis/research proposal from the department through a presentation in front of the Department faculty committee. Dissertation shall be evaluated by an external examiner (a faculty from within/outside University other than the department), a viva voce will be conducted in the department to finalize grade of the Dissertation. The final grade of the Dissertation will be calculated by taking average of the external and internal examiners' marks.

LAW-PG-O403	Corporate Management and Governance	Open
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Unit I: Incorporation of companies, Memorandum and Articles of Association, Doctrine of Ultra Vires, Doctrine of Indoor Management

Directors: Appointment, Removal, Powers and Duties, Directors Identification Number; Auditors: Appointment, Removal, Power and Duties; Company Secretary: Qualification, Appointment and Duties, Liability of Independent directors, meetings.

Unit II: Oppression & Mismanagement and Investigation

Rule in Foss v. Harbottle, Prevention of Oppression and Mismanagement, Role & Powers of the Company, Role & Powers of Central Government and Tribunal, Company Investigation

Unit III: Liquidation of Companies

Modes of Winding up of Companies, Compulsory Winding up by Order of the Tribunal, Voluntary winding up, Contributors: Legal Position Rights and Liabilities, Payment of Liabilities

Unit IV: Corporate Governance

Concept, Need and Scope, Evolution of corporate governance, corporate governance related compliances, Legislative framework of Corporate

Governance in India, Corporate governance and shareholder's rights, Corporate Governance and other stakeholders, Reports of the various committees on Corporate Governance, corporate social responsibility, Corporate Social Responsibility Committee.

Reading List

- Gower's *Principles of Company Law* 8th Edition 2008, R. Cambray & Co. Pvt. Ltd.
- Smith and Keenan's, *Company Law* (2002).
- Avtar Singh, *Company Law*, 16th Edition, 2015.
- J. Sarkar, S.S arkar, *Corporate Governance in India*, 2012, Sage Publications India.
- A.C Fernando, *Corporate Governance: Principles, Policies and Practices*, 2nd Edition 2011.
- R.I. Rob Tricker, *Corporate Governance: Principles, Policies and Practices*, 3rd Edition 2015.
- S. K. Verma & Suman Gupta, *Corporate Governance and Corporate Law Reform in India*. (2005)
- Sanjay Anand, *Essentials of Corporate Governance*, 2008

LAW-PG-O404

International Financial Law

Open

Unit I: Financial Risk, Stability and Regulation and Law of international Finance

Understanding of Concept – Too Big to Fail or Too interconnected to Fail
Introduction to European Financial Stability Facility or European Stability Mechanism
Macro and Micro Prudential Regulation
Development of Banking Regulation
Failing Banks
Shadow Banking, Credit Rating Agencies, Hedge Funds
Project Finance
Securitization, Derivatives and CDO's
Derivatives Trading and Clearing and Settlement.

Unit II: Problems of Financial Regulation in India

Large Unbanked Population and Bank Dominated Financial Sector
Multiplicity of Regulators
Conglomerates and Virtual Firms
Presence of Non-Banking Finance Companies
Disparate set of Laws governing the Financial Sector
Financial Sector Legislative Reform Commission (FSLRC)
Microfinance

Unit III: Regulation of Financial Services

International Financial institutions

GATS and Regulation of Financial Services
 Role of IMF in regulation of Financial Services
 EU Framework for Financial Services
 Soft Law institutions for Financial Regulation
 Basel Committee on Banking Supervision
 International Organisation of Securities Commissions
 International Accounting Standards Board
 International Association of Insurance Supervisors
 Joint forum on Financial Conglomerates
 Financial Stability forum
 Role of G-7 and G20 Nations, Role of OECD

Unit IV: Regulation of Conduct of Mergers and Acquisitions, Insolvency and Reorganization

Merger and Acquisition Overview
 Merger and Acquisition Mechanics – Corporate finance and business valuation, schemes of arrangements and merger, negotiating and documenting transactions
 Proxy Contests to influence Control
 Defending against a Hostile Takeover
 Regulation of Public Takeover
 Cross border business combination transactions
 Insolvency – Meaning and Effects, Theories of international insolvency
 Cross border insolvency and jurisdiction of international insolvency cases; recognition of foreign insolvency proceedings
 UNCITRAL Model Law, insolvency legislation in India
 Concept of Corporate insolvency

Reading List

- Alexander, K. (ed.), *Research Handbook on international Financial Regulation*, Cheltenham, Elgar, 2012.
- Buckley, R.P., *International Financial System: Policy and Regulation*, Alphen aan den Rijn, Kluwer Law international, 2008.
- Bamford, C.G., *Principles of International Financial Law*, Oxford, Oxford University Press, 2011.
- Lastra, M.R., *Legal Implications of International Monetary Stability*, Oxford, Oxford University Press, 2010
- Wood, P.R., *Law and Practice of International Finance*, London, Sweet and Maxwell, 2008.
- Buckley, R.P., *From Crisis to Crisis: the Global Financial System and Regulating Failure*, Alphen aan den Rijn, Kluwer International, 2011.
- Ferran, E. (ed.), *The Regulatory Aftermath of the Global Financial Crisis*, Cambridge, Cambridge University Press, 2012.
- Grant, W., *The Consequences of the Global Financial Crisis: the rhetoric of reform and regulation*, Oxford, Oxford University Press, 2012.
- Scott, H.S. and A. Gelpert (eds.), *International Finance: Transactions, Policy, and Regulation*, New York, NY, Foundation Press, Thomson Reuters, 2012.
- Wymeersch, E., K.J. Hopt and G. Ferrarini (eds.), *Financial Regulation and Supervision: a Post-Crisis Analysis*, Oxford, Oxford University Press, 2012.