



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamilnadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

REVISED CURRICULUM

FROM ACADEMIC YEAR 2020-2021

DEPARTMENT OF BUSINESS LAW

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The Department of Business Law of The Tamil Nadu Dr. Ambedkar Law University, School of Excellence in Law, Chennai, was established in the year 2003 as the First Branch of Specialisation in the University. Corporate Law in its ever-changing contours requires one to be constantly updated with the latest developments in the field and the Department strives to impart that to the Students. The current intake for the Master's Course in Business Law stands at Twenty Candidates and the Alumnus of this Department have gone on to flourish in the Corporate Arena and also in the Judiciary after clearing the Judicial Services Examinations in flying colours, to name a few. The Department has been consistently promoting Continuing Legal Education by organising periodical events inviting Notable District Collectors, Alumnus practicing Law in the Globalised World amongst others creating value additions to the Research carried out in the field of Business Law.

The legal environment in which business is conducted has been transformed over the recent decades, with the revolution of corporate legal practice. Corporate transactions have grown markedly in scope, value and complexity. This has created an intense demand for highly trained and skilled corporate lawyers. Hence, those who have already embarked upon a legal career can maximise their potential as business lawyers by continuing their legal education with corporate-oriented studies at Masters Level.

The LL.M. in Business Law is structured to prepare students for these facets of successful corporate practice, and thus provides an excellent academic platform for those who have embarked upon a legal career or will do so shortly and intend to specialize in the area of corporate law. The syllabus has been accordingly restructured with effect from the academic year 2020-21 by the Business Law Department. The program offers 6 Specialized Core papers, 3 Discipline Specific Elective papers and 2 Generic Elective papers that synergises theoretical knowledge and practical applications, perfect for equipping the students with professional levels of competence of Business Laws. The courses are scheduled to be spread over 4 semesters in 2 years (CBCS system).

The specialisation provides students with ample opportunity to engage with the key theoretical debates of corporate law and related areas of law, like Banking and Finance, Insurance, Intellectual Property and Competition Laws. These courses would provide an all-important bridge between the various disciplines and skills required by the modern business professional. The elective courses are designed to address the needs arising from the unique dynamics of the current corporate environment, where business intersects with Cyber Law and Dispute Resolution. International Business Law course will prepare the student for a career in global business by providing insights on the complexities of transnational business interactions. The generic electives are structured to enable a holistic understanding of the corporate world, when seen through the prism of Human Rights and Consumer protection.

THE TAMIL NADU DR.AMBEDKAR LAW UNIVERSITY

BRANCH – I

DEPARTMENT OF BUSINESS LAW

LL.M SYLLABUS

SPECIALIZED CORE PAPERS - 06

1. Legal Framework of Corporate Management and Governance.
2. Banking and Finance: Law and Governance.
3. Law of Unfair Competition: Comparative Jurisprudence.
4. Law of Industrial Intellectual Property.
5. Law of International Finance and Institutions.
6. Governance and Regulatory Mechanism of Law of Insurance.

DISCIPLINE SPECIFIC ELECTIVE PAPERS - 03

7. Law of Commercial Dispute Resolution.
8. Law of Corporate Cyber Security.
9. International Business Law.

GENERIC ELECTIVE PAPERS - 02

10. Corporate Law and Human Rights.
11. International and National Legal Framework of Consumer Protection.

SUBJECTS IN SEMESTERS

First Semester	<ol style="list-style-type: none"> 1. Judicial Process (Common Paper-I) 2. Legal Education and Research Methodology (Common Paper-II) 3. Legal Framework of Corporate Management and Governance (Specialized Core Course-I) 4. Banking and Finance :Law and Governance (Specialized Core Course-II) 5. Corporate Law and Human Rights (Generic Elective Course-I)
Second Semester	<ol style="list-style-type: none"> 1. Constitutional Law : The New Challenges (Common Paper-III) 2. Law and Social Transformation in India (Common Paper-IV) 3. Law of Unfair Competition: Comparative Jurisprudence (Specialized Core Course-III) 4. Law of Commercial Dispute Resolution (Discipline Specific Elective Course-I) 5. Applied Research Methodology
Third Semester	<ol style="list-style-type: none"> 1. Law of Industrial Intellectual Property (Specialized Core Course-IV) 2. Law of International Finance and Institutions (Specialized Core Course-V) 3. Law of Corporate Cyber Security (Discipline Specific Elective Course-II) 4. International and National Legal Framework of Consumer Protection (Generic Elective Course-II)
Fourth Semester	<ol style="list-style-type: none"> 1. Governance and Regulatory Mechanism of Law of Insurance (Specialized Core Course-VI) 2. International Business Law (Discipline Specific Elective Course-III) 3. Skill Enhancement Course(SEC) 4. Dissertation

PAPER – I

LEGAL FRAMEWORK OF CORPORATE MANAGEMENT AND GOVERNANCE

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

The term 'Corporate Governance encompasses healthy and viable relationship between the corporation and its board of directors, management and stakeholders. In the recent years, the regulators and legislators have deepened their focus on the way businesses ought to be run. They are striving to create a legal prototype for new corporate governance which is beneficial for both the stakeholders and regulators. This course strives to cover the essential legal framework to strengthen corporate governance of a corporation and also touches upon issues such as conflicts of interest, legal framework within the country and international corporate governance.

After undergoing the study, the student will be able to -

- Understand the principles and concepts of corporate management law that governs various commercial transactions.*
- Equip the students to analyse the principle of corporate management and strategies adopted by corporates towards achieving their objectives.*
- Grasp a knowledge of the Institutions and stakeholders that play a major role in corporate structuring.*
- Enable the students answer some vital questions regarding the law of corporate management, governance and legal perspectives pertaining to the same.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- Origin and History of Corporate Management and Governance-Evolution of corporate governance.
- Principles of corporate governance-Theories of corporate governance.
- Globalisation and corporate governance-Correlation between corporate governance and corporate responsibility

MODULE II - CORPORATE SECURITIES

- a) Shareholders-Role of Shareholders-Shareholder rights-Responsibilities of Shareholders – Protection to the shareholders.
- b) Debentures-Role of Debenture holders-Debenture holders rights-Responsibilities of Debenture holders-Protection to the Debenture holders.
- c) Other Stakeholders role, rights and responsibilities-Relationship of Shareholders and Other Stakeholders-Comparative analysis of Shareholders and Debenture holders.

MODULE III - DIRECTORS AND KEY MANAGERIAL PERSONNEL

- a) Board of Directors-Structure of the Board-Role, Authority and independence of the Board - Difference between Board and Management.
- b) Role of Directors-Types of Directors-Managerial remuneration.
- c) Duties, Rights of Directors-Fiduciary responsibilities-Role of the board in Shareholders protection through disclosure and transparency.

MODULE IV - AUDIT AND INVESTOR PROTECTION

- a) The Audit Committee and corporate governance-Defining Audit and Auditors-Significance of accounting and auditing for governance.
- b) Objectives of an Audit-Types of Audit-Types of Auditors.
- c) Roles Duties, & Responsibilities of Auditors-Responsibilities of the Audit Firm - Role of institutional investors-Investor's Problems and Protection-Classification of Investor Protection-Impact of Investor Protection

MODULE V - TRANSPARENCY, DISCLOSURES & COMMUNICATION

- a) Defining Disclosure and Transparency-Effective Tools for Disclosure.
- b) Role of Financial Institutions-Significance of Memorandum and Articles of Association.
- c) Significance of timely and accurate disclosure-Extent of disclosure.

MODULE VI - CORPORATE SOCIAL RESPONSIBILITY

- a) The Concept of Corporate Social Responsibility - Role of stakeholders in CSR
- b) International Aspects of Corporate Social Responsibility - Case study.
- c) The Criticism of Corporate Social Responsibility - action vs. intentions corporate commitment, voluntary vs. mandatory stakeholders activism.

MODULE VII - LEGAL FRAMEWORK OF CORPORATE GOVERNANCE IN INDIA

- a) Securities and Exchange Board of India Act, 1992.
- b) Corporate Governance in Securities (Contracts and Regulations) Act, 1956 (SCRA).
- c) The Depositories Act 1996.

MODULE VIII - INTERNATIONAL LEGAL FRAMEWORK OF CORPORATE GOVERNANCE

- a) Organisation for Economic Co-operation and Development (OECD) and BIS Principles - Implementation and pitfalls.
- b) International environment to Improve Corporate Governance - The US Sarbanes-Oxley Act of 2002 (SOX) – Overview of Dodd-Frank Wall Street Reform and Consumer Protection Act 2010 with respect to corporate governance - The Cadbury Report (1992) – Overview of The UK Corporate Responsibility Act 2002.
- c) Salient Features of UK Corporate Governance Code 2018

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3. Brav, A.W. Jiang, R. S. Thomas, and F. Partnoy (2008) Hedge Fund Activism, Corporate Governance, and Firm Performance, Journal of Finance.
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of Financial Economics

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FURTHER READING:

BOOKS

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2. Jay W. Lorsch, The Future of Boards- Meeting the Governance Challenges of the Twenty-First Century
3. Bob Tricker, Essentials for Board Directors- An A-Z Guide
4. Ram Charan, Boards That Lead- When to Take Charge, When to Partner, and When to Stay Out of the Way
5. Cathy A. Trower, The Practitioner's Guide to Governance as Leadership- Building High-Performing Nonprofit Boards
6. Arindam Das, Corporate Governance in India
7. Dipak R. Basu and Victoria Miroshnik, Corporate Governance and Effectiveness- Why Companies Win or Lose
8. Franklin N. Ngwu, Onyeka Osuji, Chris Ogbechie, and David Williamson, Enhancing Board Effectiveness- Institutional, Regulatory and Functional Perspectives for Developing and Emerging Markets
9. Lars Engwall, Corporate Governance in Action- Regulators, Market Actors and Scrutinizers
10. Ralf Müller, Governance and Governmentality for Projects- Enablers, Practices, and Consequences

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1. Gompers, P. A., J. Ishii, and A. Metrick. (2003) Corporate Governance and Equity Prices, Quarterly Journal of Economics.
2. Aggarwal, R., I. Erel, R. M. Stulz, and R. Williamson. (2008), Differences in Governance Practices between U.S. and Foreign Firms- Measurement, Causes, and Consequences, Review of Financial Studies.
3. Report of the Committee on the Financial Aspects of Corporate Governance (Cadbury Report) 1992 <http://www.ecgi.org/codes/documents/cadbury.pdf>
4. Calpers Global Principles of Accountable Corporate Governance, 2011

- <http://www.calpers-governance.org/docs-sof/principles/2011-11-14-global-principlesof-accountable-corp.gov.pdf>
5. Corporate Governance- An International Review- https://books.google.co.in/books?hl=en&lr=&id=YNp73RY8pJIC&oi=fnd&pg=PP1&dq=Corporate+GovernanceAn+International+Review&ots=_CJpZnZ9xS&sig=HcupWcoyszWoSrXMyjf0Zx862LQ#v=onepage&q=Corporate%20Governance%3A%20An%20International%20Review&f=false
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2. *Paramount Communications, Inc. v. Time, Inc.*, 571 A.2d 1140 (Del. 1989).
3. *The Walt Disney Company Derivative Litigation, In re Walt Disney Co. Derivative*, 907 A.2d 693 (Del. Ch. 2005)
4. *Auerbach v. Bennett*, 47 N.Y.2d 619, 393 N.E.2d 994, 419 N.Y.S.2d 920, 1979 N.Y. LEXIS 2202 (N.Y. 1979)
5. *Chiarella v. United States*, 445 U.S. 222, 100 S. Ct. 1108, 63 L. Ed. 2d 348, 1980 U.S. LEXIS 88, Fed. Sec. L. Rep. (CCH) P97,309 (U.S. Mar. 18, 1980)
6. *Polaris Software Lab. Limited vs Suren Khiwadkar* ILLJ 323 Mad, (2003) 3 MLJ 557
7. *SEC v. General Motors Corporation*, 14A 1 s11-8104
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January 20, 2012

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11. Saurashtra Cement Ltd. And Anr. vs Union Of India And 3 Ors. 2 GLR 1384, 2007 75 SCL 375 Guj on 14 July, 2006
12. Snowcem India Ltd. And Ors. vs Union Of India (Uoi) And Ors. 124 CompCas 161 Bom, 2005 60 SCL 50 Bom on 24 September, 2004,
13. Surrender Babbar vs Delhi Transco Ltd. & Ors, W.P.(C) 4733/2013 on 17 August, 2017
14. Chitra Sharma vs Union Of India, 27229 S.C.2019 on 9 August, 2018
15. Walchand People First Ltd. vs Assessee, I.T.A. No. 2543 /Mum/2013 on 4 February, 2016
16. Cyrus Investments Pvt. Ltd. & Anr vs Tata Sons Ltd. & Ors, Company Appeal (AT) No. 254 of 2018 on 18 December, 2019
17. Price Waterhouse, Bangalore vs Sebi, Appeal 6 SAT 2019 on 9 September, 2019
18. M/S. Tata Industries Ltd. & Anr vs M/S. Grasim Industries Ltd on 9 July, 2008
19. SEC v. Adelpia, <https://www.sec.gov/litigation/complaints/complr17627.htm>
20. Sesa Industries Ltd vs Krishna H. Bajaj & Ors 1430-1431S.C. 2011 on 7 February, 2011

LEARNING OUTCOMES

- *Refine their understanding of shareholder rights, audit committee, investor funds, its composition and responsibilities.*
- *Adopt and implement best practices for effective corporate management.*
- *Adhere to sound principles of corporate governance.*
- *Critically evaluate and analyse the significance and importance of corporate governance.*

PAPER – II

BANKING AND FINANCE: LAW AND GOVERNANCE

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

The emerging changes in India, particularly after the initiation of the planning process as an instrument of rapid economic development had moulded and affected the banking structure, policies, patterns and practices and also the financial enterprises. Bank and the banking system evolved into a vital socio-economical institution in the modern age and backbone of any country. A significant development in the banking system is diversification in banks financing. The commercial banks entered into the field of wide ranging financial assistance to industry, both large and small scale, requiring the need for social control of the banking system eventually leading to the nationalization of banks.

The evolutionary process still continues with global phenomenon of liberalization. This has witnessed the entry of Foreign Banking Companies in the Indian market leading to deviation in the banking policy. Moreover new means such as E- Banking and E-Commerce has made it essential that the Indian legal system adopt new modus operandi to cope with the modern scenario. This course is designed to acquaint the students with the conceptual and operational parameters of banking law, the judicial interpretation and emerging dimensions of the banking system.

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

- *The banking regulation and governance in India*
- *The powers of the Reserve Bank of India and their role in governance of banking and non-banking financial institution.*
- *The recent contemporary issues in banking and financial institutions.*
- *The regulatory challenges in Technological issues in Banking and Financial Institution.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Evolution of Banking and its history in India – Indigenous banking, Banks, Banking Business.
- b) Banking - The different types of Banks viz. Central Bank, Commercial Bank, Co-operative Banks, Specialized Banks, Regional Rural Banks (RRBs), NABARD, Financial Institutions and their respective functions.
- c) Growth and development of Non-Banking Financial Companies and Capital Market

MODULE II - REGULATION OF BANKS

- a) Banking Regulation Act, 1949- Control over Management, Prohibition of certain activities in relation to Banking Companies, Acquisition of the undertakings of Banking Companies
- b) Suspension of Business and winding up of Banking Companies, Special provisions for speedy disposal of winding up proceedings, Powers of the Central Government towards Banking Companies.
- c) Prevention of Money Laundering Act, 2002- Prevent and control money laundering, to confiscate and seize the property obtained from laundered money and offences.

MODULE III - RESERVE BANK OF INDIA AS THE CENTRAL BANK

- a) Organizational structure and Functions of Reserve Bank of India
- b) Credit control, Exchange control, Bank rate policy formulation, Regulations of monetary mechanism of the economy.
- c) RBI's control over banking and non-banking financial companies. Banking Ombudsman scheme- Purpose, Extent, Definitions, Establishment and Powers; Procedure for Redressal of Grievance; Arbitration and Conciliation Procedure.

MODULE IV - SOCIAL CONTROL IN BANKING

- a) Nationalization- Evaluation- private ownership, nationalization and Disinvestment. Priority lending, Promotion of underprivileged classes.
- b) Protection of depositors- The Deposit Insurance Corporation Act 1961, Financial Regulation and Deposit Insurance Bill, 2017.
- c) Accounting conventions, basic accounting principles, bank reconciliation statements, procedure leading to preparation of final accounts, self-balancing ledgers, Accounting in banking companies under computer environment – Introduction to accounting standards.

MODULE V - NEGOTIABLE INSTRUMENTS AND PAYMENT AND SETTLEMENT SYSTEMS ACT, 2007

- a) Meaning and kinds- Promissory Note, Bill of Exchange, Cheque, Drawer, Drawee, Payee, Inland Instrument, Foreign Instrument.
- b) Holder and holder in due course. Rights and duties of paying banker and a collecting banker. Presentment and payment. Negotiation, Indorsement, inchoate stamped Instruments.
- c) Crossing of Cheques-- Criminal liability on dishonour of Cheque, the law relating to payment of customers cheque. Payment and Settlement Systems Act, 2007

MODULE VI - DEBT RECOVERY

- a) The Recovery of Debt Due to Banks and Financial Institutions Act, 1993. Recovery of Debts Determined by Tribunal and Miscellaneous Provisions.
- b) Establishment of Tribunal and Appellate Tribunal; Jurisdiction, Powers and Authority of Tribunals; Procedure of Tribunals;
- c) Insolvency and Bankruptcy Code – Salient features, Regulatory and Judicial Perspective.

MODULE VII - SECURITIZATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002

- a) Securitisation - Regulation of Securitization and Reconstruction of Financial Assets of Banks and Financial Institutions.
- b) Enforcement of Security Interest – under SARFAESI Act 2002 and the Security Interest (Enforcement) Rules, 2002.
- c) Central Registry – Offences and Penalties and miscellaneous

MODULE VIII - TECHNOLOGY IN BANKING SYSTEM AND FINANCIAL ENTERPRISES IN INDIA

- a) Automation and legal aspects, automatic teller machine and use of internet, use of expert system, smart Card, Credit cards.
- b) Risk management in Banks and Financial enterprises in India- Basel Norms.
- c) Reforms in Indian Banking Law Recommendations of Committees- A Review.

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3. Kristin Van Zwieten, “Corporate Rescue in India- The Influence of the Courts,” Journal of Corporate Law Studies (1) (2015)
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2. All India Bank Officers’ Confederation vs Union of India, (1989) 4 SCC 90
3. Allahabad Bank vs Canara Bank AIR 2000 SC 1535
4. Ashok Yeshwant Badeve vs Surendra Madhavrao Nighojakar (2001)3 SCC 726
5. Australia and New Zealand Bank vs Ateliers de Constructions Electriques de Cherleroi [1967] 1 AC 86 PC

6. Bareilly Bank Ltd. vs Naval Kishore (AIR 1964 All 78)
7. Bhutoria Trading Company (BTC) vs Allahabad Bank (AIR 1977 Cal. 363)
8. Bihta Co-operative Development and Cane Marketing Union Ltd. vs bank of Bihar (AIR 1967 Supreme Court 389).
9. Brahammaya vs. K.P. Thangavelu Nadar, AIR (1956), Madras 570
10. Brahma Shumshere Jung Bahadur vs Chartered Bank of India, Australia and China (AIR 1956 Cal. 399)
11. Canara Bank vs. Canara Sales Corporation and Others (AIR 1987 SC 1603)
12. Central Bank of India Ltd. Bombay vs. V.Gopinathan Nair and others (A.I.R.,1979, Kerala 74)
13. Crumpling vs London Joint Stock Bank Ltd. [1911–13] All England Rep 647
14. Federal Bank Ltd vs V.M.Jog Industries Ltd ((2001) 1 SCC 663)
15. Gerald C.S. Lobo vs. Canara Bank (1997) 71 Comp. Cases 290
16. Indian Bank vs Catholic Syrian Bank AIR 1981 Mad 129
17. Ladbroke vs Todd (1914) 30 TLR 433
18. New Bank of India vs. Union of India (1981) 51 Company Case p. 378
19. Oakley Bowden and Co. vs. The Indian Bank Ltd. (A.I.R., 1964, Madras 202)
20. R.C. Cooper vs Union of India (AIR 1970 SC 564)

LEARNING OUTCOMES

- *Have a comprehensive understanding of conceptual and legal parameters including the judicial interpretation of banking law.*
- *Examine the current and potential future contours of International Banking System with that of banking system in India.*
- *Articulate and analyse the roles of national governments and regulators in the regulation of banking and financial institutions and the economy.*
- *Analyze the New emerging dimensions in banking system including e-commerce and e-banking.*

PAPER – III

LAW OF UNFAIR COMPETITION: COMPARATIVE JURISPRUDENCE

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

Competition plays a key role to play in ensuring productive, efficient, innovative and responsive markets. The consumers are ensured availability of 'goods' and 'services' in abundance of acceptable quality at affordable price. Competition law and policy also result in equity among producers and reduce rent seeking behaviour on their part. In tune with the international trends and to cope with changing realities, India has reviewed the Monopolies and Restrictive Trade Practices Act, 1969 and has enacted the Competition Act, 2002. Competition law has spread from country to country at a rapid rate and there are now over one hundred and thirty jurisdictions with established competition laws. Hence it is necessary that post graduate students are equipped with a thorough understanding of Unfair Competition Law in the International Jurisdictions. This course focuses on European, UK and US Laws, drawing on international and other national jurisdictions where relevant. The purpose of this course is to consider the rationale, scope and application of the competition law in various jurisdictions across the world.

After undergoing the course the student will be able to understand the following

- *Need for competition law to prevent unfair competition in the market.*
- *Evolution of Competition law in the international perspective.*
- *Enforcement of competition law in US, UK and EU*
- *Role of CCI in enforcing competition law in India*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Basic economics of Competition law, Purpose of competition law-Market structure, Concept of market, Open market- Regulated market, Market functions of role of Competition Law
- b) Dimensions of Competition – Price –Quality –Innovation -Types of Competition – Static vs. Dynamic - Economic Objectives of Competition Law -Demand and Supply -The Role of Economics in Competition Policy

- c) Definition of competition, The use of the Demand and Supply Framework to Predict Changes in Prices and Output (Comparative Statics) -Consumer Surplus and Social Welfare, Distinction between Competition Policy and Competition Law, Need for competition Law

MODULE II - EVOLUTION &GROWTH OF COMPETITION LAW

- a) Law of unfair competition – evolution in the global level - English common Law – Modern developments in US – UK – European Union – Sherman Act – Clayton Act – other global legislations.
- b) Evolution in India – MRTP Act – Consumer Protection Act – Unfair Trade Practices regulations – drawbacks of MRTP Act – Raghavan Committee Report –
- c) Competition Act 2002 – Establishment of CCI – Salient features of the Act – Extra territorial jurisdiction of CCI – Consumer – Definition under the Act – comparison with MRTP commission.

MODULE III - ANTI COMPETITIVE AGREEMENTS

- a) Anti-competitive Agreements - Agreement expanded definition - Concept -Forms and Treatment in India - Parallel Import-
- b) Treatment of Anti-competitive Agreements under USA, EU, UK, Australia
- c) Appreciable Adverse Effect on Competition in the Market - Relevant market - Determination of Relevant Market - Rule of Reason and Perse

MODULE IV - CARTELS

- a) Cartels - Definition - Dealing Cartels in US, UK, European Union Case - Studies – Legal and Enforcement Framework of Cartels
- b) Cartel Investigation - Leniency Programme - Private Enforcement - Penalties and Sanctions - Exclusion Agreements.
- c) Types of Cartels - Cartels under Indian Jurisdiction - Effect on Consumers

MODULE V - ABUSE OF DOMINANCE AND MONOPOLY

- a) Detecting Abuse of Dominance - Factors to Determine the Dominant Position - Relevant Market
- b) Factors Determining Abuse – Exploitative, Exclusionary- circumstances of abuses in the market predatory pricing – Anti- Trust Laws and price fixing-Essential facilities doctrine
- c) Role of cci dealing with abuse of dominance - Penalties and Sanctions-Division of Undertakings to prevent abuse.

MODULE VI - COMBINATIONS

- a) Regulating Combinations , Meaning of Mergers& Acquisitions Vertical Horizontal
- b) Combinations - Concept , Forms ,Reasons .
- c) Regulatory Framework in India, Different Tests for Studying the Impacts of Combinations in the Market , Unilateral and Coordinate Effects of Combinations , Foreclosure, Failing Firm, Creeping Acquisitions
- d) Regulation of Cross Border Combinations, Treatment of combinations under USA, EU,UK.

MODULE VII - COMPETITION LAW AND INNOVATION INTERFACE

- a) Overview of IPR - Copyright - Patents - Trademarks, Protection of Industrial Designs, Geographical Indications and – Traditional Knowledge, TRIPS Agreement & Its Impact on Countries
- b) IPR and Competition Law conflicting relationship-Competition and Patent Law-Interplay Between Competition Law and IPR In Its Regulation of Market- Patent pools -- Standard Setting and FRAND Terms.
- c) IPR antitrust guidelines in select jurisdictions- IPR vs. Competition Law Complementary Nature Position in Indian Competition Act -Role of CCI

MODULE VIII - REGULATION OF COMPETITION LAW

- a) Powers and Functions of CCI, Role of regulatory authorities in US,U.K, European Union
- b) Sectoral Regulation, Competition law and jurisdictional overlaps, Role Of Judiciary in dealing with jurisdictional issues- exclusivity model, concurrency model-cooperation
- c) WTO and its Impact on Competition Laws with reference to UNCTAD - Anti-Dumping - International Competition Law under WTO , International Enforcement and Judicial Assistance

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LEARNING OUTCOMES

- *Economic theory of competition law, the need for protecting competition in the market and the difference between competition law and policy.*
- *Practical aspects and enforcement mechanisms of competition law in various jurisdictions and its relevance in the Indian context.*
- *Know about the interrelation between the jurisdiction aspects of regulatory authorities of competition law and Intellectual property.*
- *To engage in various advocacy programs of Competition Commission with a broader outlook and apply it practically.*

PAPER – IV

LAW OF INDUSTRIAL INTELLECTUAL PROPERTY

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

This course is intended to teach the Intellectual Property and its economic and commercial impact in current scenario. In the growing world where Invention, access to medicine, Transfer of Technology has significant role this course examines the International provisions and national instruments with regard to Intellectual property rights along with the Human rights perspective.

After undergoing the study the student will be able to

- *Analyze the concept of Intellectual Property with special reference to jurisprudential and constitutional perspective.*
- *Study the role of International Instruments in protecting Intellectual Property.*
- *Understand the role of various Intellectual property laws along with the necessity of effective Intellectual Property protection in the new trends of innovation.*
- *Know the implication of Intellectual property in the field of Inventions, Creations, Business, Agriculture, Pharma industry and traditional knowledge.*

COURSE OUTLINE

MODULE I - CONCEPTUAL DEVELOPMENT OF INTELLECTUAL PROPERTY

- a) Concept & Meaning - Nature & Characteristics of Intellectual Property
- b) History & Classification of IP
- c) Role of intellectual Property in Economic Development

MODULE II - THEORIES OF INTELLECTUAL PROPERTY

- a) Justification and Rationale for Protecting Intellectual property
- b) Balancing the Protection of IPR and Public Policy Objective
- c) Constitutional and Jurisprudential Aspects of I

MODULE III - INTERNATIONAL INSTRUMENTS RELATING TO IP

- a) The International Trade Organization and the events leading to the creation of GATT, 1947 - The GATT, it's working and salient features - Negotiating history of the WTO, the Dunkel Draft and the Agreement stabilizing the WTO, 1994 and Dispute settlement mechanism

- b) Classic treaties Paris convention, Berne Convention, Rome Convention. The Agreement on Trade related aspects of intellectual Property Rights – General Provisions and Basic Principles - Objectives and principles-Protection of Specific Intellectual Property Rights under TRIPS
- c) UPOV - Agreement on Agriculture-Agreement on Textile and clothing-Agreement on import licensing Procedure-The Agreement on Safeguards-General Agreement on Trade in Services

MODULE IV- LAW OF PATENTS

- a) Introduction to Patents - Patentable and Non Patentable Subject Matter
- b) Procedure for obtaining patents – Working of Patents - Compulsory License
- c) Commercialization of Inventions-Licence- Terms of License Agreement Assignment of patents - Revocation of Patents-Infringement – Estoppel – Principle of Exhaustion – Bolar Exception Protection of Plant Varieties and Farmers Rights Act, 2001 & Bio Diversity Act 1999

MODULE V - INDUSTRIAL DESIGNS & SEMICONDUCTOR INTEGRATED CIRCUITS

- a) Nature of Industrial Designs - Subject matter of Industrial Designs
- b) Rights conferred by Designs - Term of Designs - Remedies for infringements
- c) The Semiconductor Integrated Circuits Layout-Design Act, 2000 - Conditions and Procedure for Registration - Duration and Effect of Registration

MODULE VI - LAW RELATING TO TRADEMARKS & GEOGRAPHICAL INDICATION

- a) Introduction to Trade marks -Registration of Trademarks
- b) Acquisition of Trademarks – Rights of registered TM owners - Infringement and Remedies,
- c) Law relating to Geographical Indications-The Geographical Indications of Goods (Registration and Protection) Act, 2000 -Procedure for Registration-Duration of Protection and Renewal-Infringement, Penalties and Remedies

MODULE VII -INTELLECTUAL PROPERTY & HUMAN RIGHTS LAW

- a) Access to benefit of Science and Technology, Right to health and Right to food – Ethical concerns on patenting of life forms.
- b) Consumer Rights in Trademark Law – Right to Health – balancing public and private interest – Comparative advertisement – Right to Property & Unregistered Trade Mark Passing Off – Geographical Indication & cultural heritage

- c) Creators Right & Freedom of Expression – Right to Education – Fair Use Doctrine-Rights of Indigenous People - Traditional Knowledge & genetic resources – Traditional cultural expression – Folklore - UNDRIP

MODULE VIII - INTELLECTUAL PROPERTY & COMPETITION LAW

- a) The IPR and Competition Law Interface- Objectives of Competition Law and IPR, the similarities and dissimilarities between Intellectual Property Rights and Competition law, types of restraints.
- b) Competition Law Regulation of IPRs across Jurisdictions- EU, US,
- c) TRIPS Agreement- Compulsory Licensing – Patent Pooling

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17. RG Anand v Delux Films (1978) 4 SCC 118 AIR 1978 SC 1613
18. Parker Knoll Ltd v Knoll International Ltd (1962) 33 RPC 265
19. Pepsico India v Gujarat Potato Farmers
20. Ramdev Food Products v Arvindbhai Rambhai Patel (2006) 8 SCC 726 AIR 2006

LEARNING OUTCOMES

- *Understand the International and National instruments relating to Intellectual Property Rights*
- *Know the impact of Intellectual Property in Business, Agriculture, Human rights law and Competition Law*
- *Analyze the impact of new technologies in balancing the objective behind the Intellectual Property system*
- *Understand the importance of strong Intellectual Property rights in facilitating the economic growth and industrialization*
- *Realize that IPR and Competition law with reference to Human rights promotes consumer welfare and protects both public and private interest.*

PAPER – V

LAW OF INTERNATIONAL FINANCE AND INSTITUTIONS

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

Law of International Finance and Institutions is a framework of rules, standards and practices that govern international financial markets, their transactions and also portrays on the role of the Institutions which deals with them. It focuses on the law, documentation and legal issues affecting major transactions in global financial markets and their regulation. It is structured to be of both high academic and direct practical value. It appeals to students preparing for a career in financial markets in addition to practitioners wishing to broaden their horizon.

After undergoing the study the student will be able to –

- *Equip with the law of International Finance that regulates various commercial transactions at the international level.*
- *Enable them to understand the nature and complexities of International Finance and their legal issues.*
- *Grasp a knowledge on the Institutions which play a major role in the social and economic development.*
- *Enable the students answer some vital questions regarding the law of international finance and Institutions.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Genesis of International finance law-Nature, importance and objectives of International Finance law
- b) Sources of International Finance-Commercial Banks, International Agencies and Development Banks, International Capital Markets
- c) Factors contributing to the growth of International Finance in Developing Countries-Recent Changes in Global Financial Markets and its legal implications.

MODULE II - INTERNATIONAL SECURITIES LAW

- a) Securities Laws of major countries - UK, US, CHINA&INDIA-International Capital Market- Nature & Concept

- b) Comparative study of the insider trading regulations in the UK, US, China & India.- Liabilities for Securities Laws Violations- An analysis of legal remedies, and the consequences of non-compliance
- c) Acquisition of Shares and Takeovers codes- UK, US, CHINA and India

MODULE III - INTERNATIONAL INVESTMENT AND THE LEGAL REGULATIONS

- a) Global Foreign Direct Investment-Meaning-Entry routes for investment through FDI- Automatic Route and Government Route-Permissible instruments for investing through the Automatic or Approval route
- b) Different legal forms in which a foreign entity can establish its presence in India- Regulatory Framework for foreign direct investment across the globe with special reference to IMF and OECD- UNCTAD world investment report
- c) Overseas Direct Investment-Meaning- Eligibility for the investment in overseas direct investment- Transactions that require the prior approval of the authorities-Conditions for making investment in ODI -Various filing requirements -Form ODI Part I, II, III-Governing laws of various countries for making overseas investment

MODULE IV - INTERNATIONAL MONEY TRANSFER

- a) Inward and outward remittance-FEMA Guidelines and Regulations for Remittances-RBI regulations for Foreign Remittances
- b) International Money Transfer Agreements-Money Transfer Service Scheme (MTSS)- Oversees Principal-Indian Agent-Types of remittances- Approval of Reserve Bank of India
- c) Payment and Settlement Systems Act (PSS Act), 2007

MODULE V - INTERNATIONAL FINANCIAL INSTRUMENTS AND THE LEGAL REGULATIONS

- a) Depository receipts–American Depository Receipts-Global Depository Receipts- International depository Receipts-Indian Depository Receipts-Conditions for issue- Framework issued by SEBI for issuance of depository receipts- The Companies (Issue of Global Depository Receipts) Rules, 2014
- b) Debt instruments –Meaning-Kinds-Foreign Bonds, Euro Bonds, Global Bonds, Convertible Bonds-Non-Debt Instruments- Foreign Exchange Management (Non- Debt Instruments) Rules, 2019
- c) Derivatives Contracts-Meaning-Instruments and its kinds-Forwards-Future-Swap-Options-

Credit derivatives-Over the Counter derivatives-The Global derivatives market-Legal Aspects of Derivatives Trading in India- Foreign Exchange Management (Foreign Exchange Derivative Contracts) (First Amendment) Regulations, 2020

MODULE VI - INTERNATIONAL METHODS OF PAYMENTS

- a) Meaning-Traditional and Electronic methods-Kinds- Cash in Advance- Debit card payment, Telegraphic transfer, International cheque, Letters of Credit, Documentary Collections, Open Account, Consignment
- b) Legal challenges posted in the digital world
- c) Aligned Documentation System-Commercial and Regulatory Documents-Balance of payments- IMF definition of the Balance of Payments-Elements of BOP- Laws governing the balance of payments at international level.

MODULE VII - INTERNATIONAL FINANCIAL INSTITUTIONS-AN OVERVIEW AND ANALYSIS

- a) Introduction-Importance-Scope and Objectives of International Financial Institutions- Structure and Functions of International Financial Institutions
- b) International Financial Institution as a major source of Finance- Bond Financing, Loan Financing, Equity Financing
- c) Legal Regulation of International Financial Institutions-The Bretton Woods Conference- The World Bank (The International Bank for Reconstruction and Development (IBRD))- International Monetary Fund (IMF)-International Finance Corporation (IFC)

MODULE VIII - INTERNATIONAL FINANCIAL INSTITUTIONS-BILATERAL, MULTI-LATERAL AND REGIONAL AND THE REGULATORY FRAMEWORK

- a) Bi-lateral- CDC Group (British Development Finance Institution)-DEG (German Development Finance Institution)-Japan Bank for International Cooperation- Overseas Private Investment Corporation
- b) Multi-lateral- European Commission, International Fund for Agricultural Development, World Bank Group (IDA, IFC, MIGA, ICSID) – OPEC Fund for International Development-
- c) Regional- Asian Development Bank, European Bank for Reconstruction and Development- International Investment Bank-Objectives, operations, schemes of

International financing – Investments policy – portfolio management and resource mobilization efforts-regulatory framework.

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13. *NTT Docomo v Tata Sons Limited O.M.P. (EFA) (COMM.) 7 / 2016*
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15. *SEC v Texas Gulf Sulphur*, 401 F.2D 833, 8282
16. *SEC v. W. J. Howey Co.*, 328 U.S. 293, 299 (1946)
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20. *World Bank Group v. Wallace* 2016 SCC 15

LEARNING OUTCOMES

- *To achieve a complete grasp and understanding of Legal framework of International Finance and gain a mastery over the subject.*
- *To gain an insight and also to analyse on various Financial Institutions.*
- *To accumulate a discernment on all the essential legal aspects of International finance along with their nature and complexities.*
- *To apply the International finance laws to current business environment.*

PAPER – VI

GOVERNANCE AND REGULATORY MECHANISM OF LAW OF INSURANCE

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

Similar to other financial institutions, insurance is an activity that needs to be governed and regulated as health of the insurance sector reflects a country's economy. A proper regulatory mechanism is therefore the sine qua non of success and growth of insurance industry as it stimulates the confidence of all stakeholders. The primary rationale to regulate this sector is to maintain the confidence of the financial system and to provide appropriate degree of consumer protection. The subject thereby aims to equip the students with the general principles of insurance along with their kinds and also enlightens on the governance and regulatory aspects pertaining to the law of insurance with special reference to various regulations framed by the Insurance Regulatory Development Authority of India who stands to be the regulator of Insurance sector in India.

After undergoing the study the student will be able to -

- To achieve a complete grasp and understanding of general principles of law of insurance and their kinds.*
- Equip with the law of Insurance that regulates various transactions at the international level.*
- Enable them to understand the nature and complexities of the legal issues pertaining to varied types of Insurance.*
- Grasp a knowledge on the Institutions which play a major role in relation to the Insurance Sector.*
- Enable the students answer some vital questions regarding the law of international aspects of Insurance Law.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Evolution and history of Insurance-Definition and Meaning.**
- b) Need for insurance-Nature-Scope and significance-Constitutional perspectives.**

- c) Insurance as a Social Security Tool-Risk pooling-Role of insurance in economic development.

MODULE II - GENERAL PRINCIPLES OF LAW OF INSURANCE

- a) Essential elements of insurance contracts-Nature-Contract is Aleatory-Contract of Uberrima fide-Contract of Indemnity-Contract of Wager-Contract of Adhesion.
- b) Insurable interest-Premium-Risk-Assignment of Insurance policies-Warranties & disclosures.
- c) Double insurance & Re-insurance-Doctrine of Contribution, Subrogation & Reinstatement.

MODULE III - INSURANCE CONTRACTS

- a) Life Insurance-Nature & scope of life insurance-Kinds of life insurance contracts-Events insured -Felo De Se-Factors affecting risk in life insurance-Amounts recoverable under life insurance-Persons entitled to payment under life insurance-Settlement of claims.
- b) Marine Insurance-Nature & scope of marine insurance-Classification of marine insurance policies-Change of voyage and deviation- Maritime perils-Implied Warranties-Loss.
- c) Property Insurance-Fire Insurance-Elements of fire insurance-kind of policies-Claims under fire insurance-Motor Vehicle Insurance-Types of Motor Policies-No fault liability-Compulsory Insurance-Knock for Knock Agreements-Rights and Liabilities of Third Party in Motor Insurance-Claims Tribunal.

MODULE IV- INSURANCE REGULATORY & DEVELOPMENT AUTHORITY ACT, 1999

- a) Salient features of the Act-Insurance Regulatory & Development Authority.
- b) Establishment-Objectives-Composition-Duties-Powers-Functions.
- c) Finance, Accounts and Audit- Amendments-Regulations-Guidelines.

MODULE V - CORPORATE GOVERNANCE IN INSURANCE SECTOR

- a) Corporate Governance Guidelines for Insurance Companies, 2016.
- b) Governance structure-Constitution of Board of Directors-The Role and responsibility of the Board-Control & Delegation of Functions.
- c) Committees of the Board-Disclosures requirement-Outsourcing policy guideline-Reporting to IRDAI for compliance-Evaluation of Board of Directors including Independent Directors.

MODULE VI - INSURANCE AGENTS & BROKERS AND THE REGULATORY MECHANISM

- a) Regulations issued by IRDA for Insurance Agents & Brokers-Rights and responsibilities-Agent's compensation and hereditary commission-Termination of agency.
- b) The IRDAI (Insurance Brokers) Regulations 2018-The IRDAI (Appointment of Insurance Agents) Regulations, 2016.
- c) Agency Contract-License to act as insurance agent-Authority of a life Insurance Agent-Licensing of Insurance Brokers-Role & Responsibilities of Insurance Brokers.

MODULE VII - INSURANCE OMBUDSMAN AND DISPUTE RESOLUTION MECHANISMS

- a) Insurance Ombudsmen Rules 2017-Objectives-Executive Council of Insurers.
- b) Functions-Establishment of Ombudsmen Offices and process of selection of Insurance Ombudsmen-Term of office-Remuneration-Territorial Jurisdiction-Duties and Functions.
- c) Procedure & Proceedings before Ombudsmen-Decisions of Ombudsmen-Awards by Ombudsmen-Annual Report on Ombudsmen activities-Advisory Committee on Ombudsmen.

MODULE VIII- INTERNATIONAL TRENDS IN INSURANCE REGULATIONS

- a) International Association of Insurance Supervisors-Insurance Core Principles-Financial Services Authority, U.K.-Department of Financial Services, New York.
- b) Insurance Board of Sri Lanka-Beema Samiti (Insurance Board of Nepal).
- c) Royal Monetary Authority (Bhutan)-Monetary Authority of Singapore-Bank Negara, Malaysia.

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4. Alka shukla vs Life insurances corporation Of india (civil appeal no. 3413 of 2019 arising out of slp number 3235 of 2016).
5. Starlight shipping company vs Allianz marine and Aviation versicherungs AG others (Alexandros T) (2013)uksc.England and Wales court of appeal civil decision, 18 July 2014.
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7. Lekh Ram and another vs Hdfc bank limited (2016)
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LEARNING OUTCOMES

- *To acquire a comprehensive knowledge about the legal and regulatory environment around insurance*
- *To gain an understanding on the role of the insurance regulator, as a supervisory and developing body*
- *To acknowledge the need for regulation and regulatory norms for corporate governance, policy holder's protection and data protection in the field of insurance*
- *To acquire an insight on the regulations, circulars, orders issued by the insurance regulatory body from time to time and apply to the current business environment*
- *To accumulate a discernment on International Trends in Insurance Regulations*

PAPER - VII

LAW OF COMMERCIAL DISPUTE RESOLUTION

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

Alternative Dispute Resolution, commonly known as ADR, refers to dispute resolution mechanisms outside the realm of traditional judicial processes. The objective of this paper is to acquaint students with various modes of ADR. ADR mechanism is less bound by procedural formalities and speedy in giving results. The inability to resolve disputes in a timely manner eviscerates public and private rights obligations. To overcome this drastic situation ADR is highly recommended and accepted. For this reason, ADR is appreciated by many countries around the world. The course is designed in a way that it will give students insightful knowledge about this emerging area.

After undergoing the study the student will be able to

- Develop an understanding on the operation and implications of various ADR theories and practices and to assess their value*
- Develop the ability to critically assess the legal, social and other issues associated with ADR.*
- Understand the skills and elements involved in Negotiation, Mediation and Conciliation.*
- Help their clients and society to select and employ the most effective and just methods.*

COURSE OUTLINE

MODULE I - INTRODUCTION AND BASIC CONCEPTS

a) History & Evolution of ADR

Dispute and its inevitability – Evolution of the concept of ADR with Historical Prospective – Origins of ADR – Ancient Times – Pre Independence – Post Independence – Current Level of Pro ADR support in India and Globally – Definition, Scope, Genesis and Need of ADR

b) Introduction to different mechanisms

Overview of Alternative Dispute Resolution – Arbitration – Mediation – Conciliation – Dispute Review Board – Lok Adalat – Judicial Settlements – Other ADRs – Advantages and Disadvantages – Comparison of ADR with Conventional Litigation – Challenges and Constrains of ADR

c) ADR Agreements

Need of ADR Agreements – Life Vest Analogy – Pre-requisites to a draft – Essentials of a ADR Clause – Contents of a Clause – Adhoc ADR v. Institutional ADR – Advantages and Disadvantages of Institutional ADR – Hybrid ADR Clauses – Drafting ADR Clauses – Incorporation – Doctrine of Severability – Enforcement of ADR Clause – Pathological ADR Clauses

MODULE II - NEGOTIATION THEORY AND PRACTICE

a) Theories

Three Dimensions of any Negotiations – People, Problem, Process – Communication – Active Listening & Active Speaking – Cognitive Biases – Approaches/Theories of Negotiations – Structural Approach, Strategic Approach, Behavioural Approach, Processual Approach, Integrative Approach

b) Preparation

Awareness on instinctive pitfalls – Essentials of Preparation – 10 Point Check List of the 3 Dimensions – People – Personal Relationships, The Mandate, Stakeholders – Problem – Motivations, Solutions at the Table, Justifications, Solution away from the Table (SAFT) or BATNA – Process – Organisation, Communication, Logistics

c) Strategies and Tactics

Why Negotiations fail? – Zone of Possible Agreement (ZOPA) – Cognitive Biases – Coping with the failures – Value Creating v. Value Claiming – Usual Bargaining Tactics – Negotiation Sequence – Principles of being an Effective Negotiator – Personalising your Theory before Practice – Reaching the End – Agreement and Non Agreement

MODULE III - MEDIATION/CONCILIATION THEORY AND PRACTICE

a) Theories

Scope of Mediation/Conciliation – Principles Underlying Mediation/Conciliation – Features of Mediation/Conciliation – Approaches/Theories of Mediation/Conciliation – Facilitative, Transformative, Analytical, Inclusive, Narrative – Ubuntu, Abunzi, Gacaca, Mahajans and Gandhian Approaches – Mediation v. Conciliation – Role of Mediators, Counsel and Parties – Adhoc, Private, Annexed and Institutional Mediation/Conciliation

b) Procedure

Agreement – Preparation – Pre-Mediation Conference – Relationship with and among the parties – Opening of Process – Communication – Apology – Forgiveness – Exploring Issues

and Interests – Accumulating Information – Agenda Development – Encouraging party negotiations – Separate Session (Caucus) – Concluding – Ethics

c) Settlement Agreement and Governing Laws

Purpose of Settlement Agreement – Reaching Settlement – Reality Testing – Components of Settlement Agreement – Revisions – Breach of Settlement Agreement – Enforcement – UNISA – Civil Procedure Law – Legal Services Authority – Sector Specific Laws – Industrial Disputes, Company Law, Family Disputes, MSME, Real Estate Law, Consumer Disputes, Commercial Court Disputes etc. – Upcoming Law

MODULE IV - LAW OF ARBITRATION

a) Basic Concepts and Arbitrability

Why Arbitrate? – Features of Arbitration – Validity of an Arbitration Agreement – Types of Arbitration – Ad Hoc Arbitration v. Institutional Arbitration – Applicable Laws – Juridical Seat of Arbitration – Reference to Arbitration – Composition of Tribunal – Venue and Language of Arbitration – Jurisdiction of the Tribunal (*Kompetenz-Kompetenz*) – Equal Treatment of Parties – Arbitrability and Non Arbitrability of a Dispute – Rights in Rem v. Rights in Persona

b) Role of Courts, Parties, the Tribunal and other Stakeholders

Before Commencement of Arbitration – During the Arbitral Proceedings – After the End of the Arbitration Proceedings – Rights and Duties – Ethics

c) International Commercial Arbitration

Evolution and Basic Concepts – Theories in International Arbitration – Comparison to other International Dispute Resolution Mechanisms and Organisations – Agreement of Parties – Lex Arbitri (Law of Seat) – Lex Fori (Law of the forum) – Other Applicable Laws – Ad hoc Arbitration v. Institutional Arbitration – Recognised Arbitral Institutions – Evolution from Geneva Convention to the New York Convention – Jurisdiction of the Enforcement Court – Required Documents – Limitations – Grounds for Non-Enforcement – Effects of Challenge – Hard Law v. Soft Law – UNCITRAL Model Law, Rules and Notes – IBA Guidelines – Other Applicable Laws

MODULE V - ARBITRATION PROCEDURE

a) Procedure – Commencement to Publication

Notice Invoking Arbitration Agreement – Choosing and Appointment of Arbitrator – Case Management Conference – Terms of Reference – Interim Measures – Determination of Rules of Procedure and Communication – Statement of Claim and Defence – Counter Claims –

Evidence – Admission and Examination – Challenge to Jurisdiction of Arbitrator – Challenge to Qualifications and Impartiality of Arbitrator – Procedural Orders – Termination of Mandate or Proceedings – Substitution – Conducting and Controlling of Arbitration Proceedings – Hearings and Written Proceedings – Publication of Award

b) Arbitral Award and its Challenges or Enforcement

Categories of Award – Remedies – Deliberations and Decisions of the Tribunal – Form and Content of Awards – Corrections, Interpretations and Additional Award – Effect of Awards – Proceedings after the Award – Methods, Grounds & Effects of Challenge – Enforcement in Domestic Courts – Final Relief

d) Specific Concepts

Administrative Assistance – Waivers – Appointment of Expert – Limitations – Default of Party – Appealable Orders – Effect of death of party – Insolvency – Confidentiality – Immunity of Arbitrators – Cost of Arbitration Proceedings – Apportionment of Cost – Deposits – Lien of Award – Arbitration Council of India (ACI) – Accreditations

MODULE VI - EMERGING TRENDS

a) ODR & VDR

ODR v. VDR – Agreement specifying ODR or VDR – Hybrid Mechanism of VDR – Request for Online Medium – Juridical Seat in the Online Process – Third Party Support – Institutional ODR or VDR – Reliable Virtual Infrastructure – Cyber Security – Consideration of Cost – Document Storage and Sharing – Examination of Evidence and Witness – Recording and Transcription – Signing of Documents

b) Contemporary Developments

Fast Track Procedure in Arbitration – Emergency Arbitration – Med-Arb-Med Process – Third Party Funding – Mandatory ADR – Tribunal Secretary Practice – Transparency v. Confidentiality – Financial Institutions' Preference for Arbitration – Unilateral Appointment – Diversity in International ADR

c) Sector Specific ADR

Increasing specialisation of ADR – Need and Purpose – Dispute Related – Investment Disputes, Securities and Stock Exchange Disputes, Commodity Disputes, Maritime Disputes, IP Disputes, Construction Disputes, Domain Name Disputes, Space Disputes, Agriculture Disputes, Sports Disputes, MSME Disputes, Art Disputes, Fashion Disputes etc. – Institution Related – IITArb, WIPO, ICANN, PRIME Finance, SHIACA, ICEA, FACT, CIAC, CAS, CAfA, ICSID, ICSOD etc.

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LEARNING OUTCOMES

- *To identify and analyse the complex drivers of dispute in the community*
- *To understand the theoretical models of dispute resolution and capacity to analyse their operation in both legal and social context*
- *To develop basic mediation skills, including communication, analysis and issue identification*
- *To engage in simple dispute resolution systems design*
- *To understand the ethical and legal ethical issues surrounding dispute resolution models and practice*

PAPER - VIII
LAW OF CORPORATE CYBER SECURITY
(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

Cyber risk in corporate world has multiplied manifold with the evolution and complexity of technology landscape. Cyber breaches can escalate to legal liability for corporations and hence it is imminent for corporations to develop their own practices around cyber security for good. The term cyber security suggests innovations and procedures intended to protect computer frameworks, programming, systems and client information from unapproved access; also from dangers exhibited through the internet by cybercriminals, hackers or terrorist groups.

After undergoing the study the students will be able to -

- *Knowledge about the nexus between Cyber Security measures to be applied.*
- *Relevance of Cyber Security for the Corporate world.*
- *Knowledge of various aspects of Corporate Law legislations in regard to Cyber Security.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Meaning, Essence of Cyber Law and need for Cyber Security
- b) Introduction, history and types of cyber crime
- c) Cyber threats to the Corporate sector

MODULE II - JURISDICTION, ELECTRONIC CONTRACTS AND DIGITAL SIGNATURES

- a) Cyberspace and Jurisdiction
- b) How internet structure and jurisdiction impact Corporate contracts (E-Contracts)
- c) Electronic contract and its validity in India and type of contracts that cannot be electronically executed-Digital signature and its legal aspects

MODULE III - LEGISLATIONS IN INDIA –RELEVANCE OF CYBER LAWS FOR CORPORATIONS

- a) Information Technology Act, 2000
- b) The National Cyber Security Policy, 2013
- c) Prevention of Money Laundering Act, 2002

MODULE IV - IMPORTANT CONVENTIONS AND COMMITTEE RECOMMENDATIONS

- a) Suggestions of (Uday) Kotak Committee regarding Cyber Security to be adapted by companies/ corporations
 - a) International Conventions-
 - b) European Convention on Cyber Crime (Budapest Convention)
- b) The Snowden Revelations of Cyber Security
- c) ICANN (Internet Corporation for Assigned Names and Numbers)

MODULE V - RELEVANCE OF E-COMMERCE LAW AND CONTRACTS

- a) Legal framework for structuring E-commerce portals
- b) Contractual arrangements required for an e-commerce portal to function
- c) Limitations to e commerce contracts

MODULE VI - RELEVANCE TO EMERGING CONCEPTS IN CYBER SPACE

- a) Need of cyber security in Cloud computing
- b) Outsourcing work to Third Party and ensuring cyber security
- c) Concept of Artificial Intelligence and Machine Learning

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LEARNING OUTCOMES

- *Appreciate and criticise the statutory provisions applying to cyber security in the Corporate World*
- *Analyse security issues in networks and computer systems to secure corporate infrastructure.*
- *Evaluate the human role in security systems with an emphasis on ethics and social engineering vulnerabilities.*
- *Interpret and investigate security incidents in corporate sector.*

PAPER - IX

INTERNATIONAL BUSINESS LAW

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

International Business Law aims to provide the regulations required for execution of international transactions involving more than one nation. The subject thereby introduces the background to international business law, discusses the legal framework of international business regulation and examines areas of law particularly relevant to the conduct of international business, including the law of contracts, sale of goods, international trade and carriage of goods, international banking, international consumer law etc.

After undergoing the study the student will be able to

- *Equip with the General principles of International business law that governs various commercial transactions at the international level.*
- *Understand the nature and complexities of Legal Framework of International Business.*
- *Answer some vital questions regarding international business and their legal perspective.*
- *Make the students analyse the principle of international business and strategies adopted by firms to expand globally.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Genesis of International business law-Nature, importance and scope of International business law
- b) Factors causing globalisation of business
- c) Legal Framework of International Business and the United Nation's role in its development

MODULE II - BUSINESS CONTRACTS

- a) General Principles of Law of Contract as applicable to International Business-Types of International Commercial Contracts and the Importance of Standard Form Contracts in International Business
- b) Legal issues arising out of International Contracts and the determination of the applicable law.
- c) UNIDROIT Principles of International Commercial Contracts 2016- Preamble and General Principles

MODULE III - SALE OF GOODS

- a) Meaning of International Sale of Goods-Parties- Buyer and seller and their rights and duties
- b) Uniform Law on the Formation of Contracts for International Sale of Goods
- c) International Sales Contract with special reference to The United Nations Convention on Contracts for the International Sale of Goods (CISG)

MODULE IV - INTERNATIONAL TRADE AND CARRIAGE OF GOODS

- a) Introduction and theories of International Trade Law-Principles of International Trade Law-Export and Import Regulations-Tariff and non- tariff restrictions -Quota restrictions- Anti dumping-Permissible Regulation-Quarantine Regulation-Customs unions-Free Trade Areas- Preferential trade agreements
- b) Evolution of GATT as a trading institution and transition of GATT to WTO-World Trade Organization as a regulator of International Trade-Instruments of International Trade Laws-Agreements, Treaties, Conventions, Model Laws, Rules- GATS-TRIMS-ASEAN-AIFTA-SAFTA -NAFTA, USMCA, MERCOSUR and FTAA-An overview of International Trade Laws in India with special reference to Foreign Trade Policy 2015-2020
- c) Definition and classification of carriers-Carriage of Goods by Sea, Land and Air and the application of international law-Documents of Carriage of Good-Bills of Lading- Kinds, Nature, Features-Seaway bill-Airway bill-Consignment note-International consignment note- An overview on Brussels Convention, Hague Rules, Hague- Visby Rules, International Transport by Sea- Provisions under Hamburg Rules, Conventions on Carriage by Air- The Warsaw Convention & Montreal Convention. Convention on Carriage by land- Convention on the Contract for the International Carriage of Goods by Road-INCOTERMS 2020 and International transactions

MODULE V - INTERNATIONAL BANKING-LEGAL AND REGULATORY ASPECTS

- a) International Banking Regulation-BASEL NORMS -International law, choice of law, conflict of laws, jurisdictional issues -Exchange management and controls, International loan agreements, covenants and clauses
- b) Role of International Monetary Fund and World Bank in International debt crisis management-International Anti money Laundering Laws and Regulations- The Financial Action Task Force-International competitiveness-Implications and effectiveness
- c) Arbitration and mediation in International banking business

MODULE VI - CONSUMER LAW-AN INTERNATIONAL PERSPECTIVE

- a) Introduction to International Consumer Law-The Principal Functions of International Consumer Law
- b) The Importance of the UN Guidelines on Consumer Protection-The Role of ICPEN- International Consumer Protection and Enforcement Network- Legal Challenges-
- c) The Consumer Protection Act 2019 and its impact on International covenants

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LEARNING OUTCOMES

- *To achieve a complete grasp and understanding of Legal framework of International business and gain a mastery over the subject.*
- *To understand the legal framework of private international business transactions*
- *To accumulate a thorough explanation on all the essential legal aspects of International business along with their nature and complexities*
- *To apply the International business laws to current business environment*

PAPER - X

CORPORATE LAW AND HUMAN RIGHTS

(Generic Elective Paper)

OBJECTIVES OF THE COURSE

Businesses are important for the growth of Economy. The corporate world provides investment, jobs and services however business does not always do good to people. In the wake of globalization, there is an increased threat of human rights abuses by the corporations at the global as well as domestic level. If a corporation harms the human rights, there are options to enforce one's rights. However, the intersection between corporate law and human rights in India is still relatively constricted.

After undergoing the study the students will be able to -

- Summarize the most relevant Acts and regulations applicable in India that seek to protect human right with respect to Corporate sector.*
- Understand the measures to be taken by the corporate personnel to safeguard human rights of its employees.*
- Have knowledge regarding how to promote equality, health and safety, social welfare of corporate employees etc.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Meaning, Scope and Kinds of Corporation
- b) How Corporations can impact Human Rights?
- c) Corporate Social Responsibility Initiatives (with respect to employees and their human rights)

MODULE II - CORPORATIONS AND HUMAN RIGHTS

- a) Introduction to Human Rights and Constitutional perspective relating to it.
- b) International Human Rights system and its obligations.
- c) How are rights at the workplace abused?
 - Discrimination at workplace
 - Sexual Harassment
 - No freedom of association and collective bargaining
 - Low/ Unpaid wages

- Unhealthy and unsafe working conditions
- Child labour and Modern-day slavery

MODULE III - INTERNATIONAL APPROACH TO CORPORATE LAW AND HUMAN RIGHTS

- a) UN Guiding Principles on Business and Human Rights 2011 (UNGPs)
- b) 'Human Rights and Transnational Corporations and Other Business Enterprises 2017
- c) International Convention on the Protection of the Rights of All Migrant Workers and the Members of their Families, 1990

MODULE IV - REGULATORY FRAMEWORK IN INDIA

- a) National Voluntary Guidelines on Social, Environmental & Economic Responsibilities of Business, 2018
- b) Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and relevant case studies
- c) National Action Plan on Business and Human Rights

MODULE V - GRIEVANCE RESOLUTION IN INTERNATIONAL CASES

- a) Options available to individuals to enforce his/her rights
- b) How to bring civil claim and criminal claim against corporations in
 - National court
 - Foreign court
- c) How to use International Corporate Grievance Mechanism and regulatory bodies to hold corporations accountable

MODULE VI - JUDICIAL MECHANISM IN INDIA

- a) Supreme Court and High Courts (civil and criminal jurisdiction)
- b) National Human Rights Commission (NHRC)
- c) National Commission for
 - Women Rights
 - Child Rights

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LEARNING OUTCOMES

- *Enhance their thoughts the co relation between corporate law and human rights.*
- *Adopt appropriate mechanism for effective resolution of dispute.*
- *Implement best practices for protection of human rights within the corporate world.*
Adhere to sound principles of human rights preservation within the corporate sector
- *Critically evaluate and analyse the significance and importance of human rights in the life of consumers of the corporate world.*

PAPER - XI

INTERNATIONAL AND NATIONAL LEGAL FRAMEWORK OF CONSUMER PROTECTION

(Generic Elective Paper)

OBJECTIVES OF THE COURSE

Industrialization, developments in communication and globalization has brought in a lot of changes in our need, perception and attitude towards rights, responsibilities and duties of a consumer. In developing countries like India, these issues have become more problematic. During the past decade the need for consumer protection is felt all over the world. All these factors have increased more scope for research and advocacy for creating a consumer-friendly regulatory framework. The Indian legal framework has also undergone a substantial change to comply with the international norms. The subject has received tremendous importance among the contemporary legal fraternity in India. In this background the present course will aim to introduce the students to the present law and practice relating to consumer protection both in the national and international scenario.

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

- *Evaluation of consumer protection both in national international perspectives*
- *Powers and functions of Consumer Agencies in India*
- *Consumer protection - comparative study*
- *Recent Trends In Consumer Protection in various dimensions*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Consumer Protection - An Overview, The rationale for consumer protection, Development of market and consumer relations
- b) Definition of consumer – consumerism – state's responsibility in consumer protection
- c) Need for legislative measures for consumer protection

MODULE II - EVOLUTION OF CONSUMER PROTECTION – INTERNATIONAL SCENARIO

- a) International instruments and consumer protection, The United Nations Guidelines for Consumer Protection, Objectives, scope of application and general principles
- b) Principles for good business practices Guidelines, International cooperation

- c) International institutional machinery

MODULE III - CONSUMER PROTECTION IN INDIA

- a) Constitutional provisions on consumer protection, Framework of consumer protection in other legislations
- b) Interface between consumer laws and other laws, Sectoral laws, Professional service legislation
- c) Intellectual property, International trade law

MODULE IV - CONSUMER PROTECTION AGENCIES IN INDIA

- a) New dimensions of consumer protection - present legislative measures, Scope and objective of Consumer Protection Act 2019
- b) Expanded definitions, Three Tier System, Jurisdiction of consumer
- c) Relief available to consumers, E- commerce and consumer protection

MODULE V - COMPARATIVE STUDY OF CONSUMER PROTECTION

- a) Institutional aspects of consumer protection IN U.S, UK, EU, Existing Enforcement Mechanisms
- b) Framework to Assess enforcement design, Assessing strength and weaknesses of existing law enforcement system
- c) Mutual Consent under UK/EU Laws, Rights to Contractual Information, Consultation mechanisms, Operational autonomy

MODULE VI - NEW TRENDS IN CONSUMER PROTECTION

- a) The link with competition, Non-statutory public bodies, The changing scope of consumer protection, Consumer privacy and data protection
- b) WTO and Consumer Protection, Digital marketing and Consumer Rights, Role of Civil Society in Consumer Protection
- c) Access to justice and Consumer Laws, ADR in resolution of Consumer disputes

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4. Spring meadows hospital v. Harjot Ahluwalia, and Another (1998) 4 SCC 39.
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6. M/S Emaar MGF Land Limited & Anr. v. Aftab Singh, (2012) 2 SCC 506

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9. Faze Clan, Inc., v. Tenney, 19-cv-7200 (JSR) (S.D.N.Y. July 17, 2020
10. Wheat Growers et al. v. Zeise, E.D. Cal. No. 2-17-cv-02401 (filed November 15, 2017)
11. Snyder v. Green Roads of Florida LLC, 2020 WL 42239 (S.D. Fla. Jan. 3, 2020)
12. Syntek Semiconductor Co. v. Microchip Tech Inc. (9th Cir. 2002)
13. See Smith v. Wm. Wrigley Jr. Co., 663 F. Supp. 2d 1336, 1339–40 (S.D. Fla. 2009)
14. Colette v. CV Sciences, Inc., No. 2-19-cv-10228-VAP-JEM(x) (“Colette”)
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18. Briseno v. ConAgra Foods, Inc., 844 F.3d 1121 (9th Cir. 2017).
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LEARNING OUTCOMES

- *A comprehensive understanding about the existing law on consumer protection in India.*
- *Conversant with major international instruments on consumer protection*
- *Aware of the basic procedures for handling consumer disputes.*
- *Students will be able to appreciate the emerging questions and policy issues in consumer law for future research.*
