

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

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

**Pallavaram – Chennai – India**



**LL.M. (1 YEAR)**

**CURRICULUM & SYLLABUS**

**BRANCH – II CORPORATE AND COMMERCIAL LAW**

**(Based on Choice Based Credit System)**

**Effective from the Academic Year**

**2019 – 2020**

**SCHOOL OF LAW**  
**LL.M. REGULATIONS**

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

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

**COURSES OFFERED:**

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

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

**2. DURATION OF THE COURSE:**

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

**3. ELIGIBILITY FOR ADMISSION:**

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

**4. ADMISSION PROCEDURE:**

- a) Admission to one year LL.M. programme shall be done through an All India Admission Test conducted every year by the University.

b) Candidates who have CLAT / LSAT score shall be exempted from appearing in the All India Admission Test.

c) Candidates awaiting results of the qualifying examination can appear for the Entrance Test subject to the condition that they produce proof of having passed the qualifying examination at the time of admission.

d) The admission for Foreign Nationals shall be made on the basis of:

i) Academic record of LL.B or equivalent degree recognised by UGC/Association of Indian Universities with not less than 55% marks or equivalent grade.

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

## **5. CURRICULUM:**

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

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

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

a. Research Methods and Legal Writing

b. Comparative Public Law / Systems of Governance

c. Law and Justice in a Globalising World

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

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

### **III. Dissertation (10 Credits)**

The dissertation shall carry ten credits.

### **Semester – I**

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

### **Semester – II**

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

<b>TOTAL NUMBER OF CREDITS</b>	<b>60 Credits</b>
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### **6. ACADEMIC TERMS:**

First Semester: 18 Weeks

Second Semester: 18 Weeks

### **7. UNIVERSITY EXAMINATIONS:**

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

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

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

## **8. ATTENDANCE REQUIREMENT:**

- a) A candidate is required to put in minimum of 75% attendance for being eligible to write the university examination.
- b) A candidate lacking attendance will not be permitted to take up the university examination. He / She has to redo the semester in order to write the examination.
- c) No candidate shall be permitted to any one of the parts of LL.M. examination unless he / she has attended the course in the subject for the prescribed period and produces the necessary certificates of study, attendance and satisfactory conduct from the Dean of the School of Law.

## **9. INTERNAL MARKS:**

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

## **10. EXTERNAL MARKS:**

- a) The end semester examination is the only component of external marks. The panel of experts/ examiners for setting the question paper and evaluation shall be provided by the Dean to the university.
- b) The question paper setting shall be done by the panel of question paper setters recommended by the Dean and approved by the university.
- c) The evaluation of papers shall be done by the internal faculty members.
- d) The evaluation of the Dissertation shall be done by Internal examiners.
- e) Viva-Voce for Dissertation: A panel consisting of the Dean (convenor), Head of the Department of Post-Graduate Studies and Internal Examiner shall conduct the viva-voce University exam for Dissertation at the end of the 2<sup>nd</sup> semester.

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

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

#### **11. PASSING MARKS:**

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

## CURRICULUM

**Total Number of Credits: 60**

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

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

## LIST OF OPTIONAL PAPERS

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



**SEMESTER – I**



**UNIT – IV****13**

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

**UNIT – V LEGAL WRITING****13**

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

**TOTAL : 64H****TEXT BOOKS**

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

**REFERENCE BOOKS**

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

## **COMPARATIVE PUBLIC LAW /**

### **SYSTEMS OF GOVERNANCE**

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

#### **UNIT – I INTRODUCTION 13**

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

#### **UNIT – II TOOLS OF COMPARATIVE PUBLIC LAW 13**

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

#### **UNIT – III PUBLIC INTEREST LITIGATION – USA, INDIA 12**

Locus Standi - Judicial Activism – Judicial Accountability.

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

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

#### **UNIT – V CONSTITUTIONAL FOUNDATION OF POWERS 13**

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

**TOTAL : 64H**

## **TEXT BOOKS**

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

## **REFERENCE BOOKS**

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

## **LAW AND JUSTICE IN A GLOBALISING WORLD**

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

### **UNIT – I INTRODUCTION 13**

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

### **UNIT – II THEORETICAL PREPOSITIONS OF GLOBAL JUSTICE 12**

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

### **UNIT – III HISTORICAL AND CENTRAL CHALLENGES TO GLOBAL JUSTICE 13**

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

## **UNIT – IV ROLE AND REFORMATION OF GLOBAL INSTITUTIONS**

**13**

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

## **UNIT – V MODELS TO ACHIEVE GLOBAL JUSTICE**

**13**

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

**TOTAL : 64H**

### **TEXT BOOKS**

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

### **REFERENCE BOOKS**

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

## **INTERNATIONAL TRADE LAW**

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

### **UNIT – I INTRODUCTION**

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

### **UNIT – II LAW OF WORLD TRADE ORGANIZATION**

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

### **UNIT – III LAW OF INTERNATIONAL SALES OF GOODS**

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

### **UNIT – IV LAW OF INTERNATIONAL CARRIAGE**

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



## **UNIT – V INDIA AND FOREIGN TRADE**

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

### **TEXT BOOKS:**

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

### **REFERENCE BOOKS**

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

## **RESEARCH PROJECT**

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

**The research project report should contain the following details.**

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

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

## **TEXT BOOKS**

1. Watt, Robert and Johns, Francis, concise book on legal Research, 6<sup>th</sup>Edn., Sydney, Federation Press, 2001.
2. Ahuja, Ram. Research methods, Jaipur, Rawat, 2001.

## **REFERENCE BOOKS**

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

**SEMESTER – II**

## **DISSERTATION**

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

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

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

## **COMPETITION LAW**

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

### **UNIT - I INTRODUCTION**

**16**

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

### **UNIT-II ANTI – COMPETITIVE AGREEMENTS**

**16**

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

### **UNIT - III REGULATION OF ABUSE OF DOMINANT POSITION**

**16**

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

### **UNIT- IV ENFORCEMENT MECHANISM**

**16**

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

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

**TOTAL: 80H**

**TEXT BOOKS**

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

**REFERENCE BOOKS**

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

## **INTERNATIONAL COMMERCIAL ARBITRATION**

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

### **UNIT - I HISTORICAL BACKGROUND OF ARBITRATION 16**

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

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

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

### **UNIT - III INTERNATIONAL CONTRACT & ARBITRATION CLAUSE/ AGREEMENT 16**

Mercantile Contracts - Contracts for Sale of Goods - Agency and Intermediary Contracts- Contracts of Employment Insurance Contracts - Intellectual Property Contracts Joint Venture Contracts- International Commercial Arbitration Agreements – Government Contracts - Foreign Arbitration Agreements Domestic Arbitration Agreements Meaning of Arbitration Arbitration Clause in a Contract - Arbitration Clause in Correspondence Between Entities Whether Subject Matter Capable of Being Settled by Arbitration When Arbitration Agreements is



Inoperative or incapable of Being Performed - Exemption and Adaptation Clauses  
Arbitration Clause in a Contract Contents of an Arbitration Clause- Clauses to be  
Avoided.

**UNIT- IV ARBITRATION Vs. LITIGATION** **16**

Common Law System Civil Law System - Statutory Legislation and Conventions  
Arbitration and Conciliation Act, 1996 Including Convention (3 Schedules) –  
UNICITRALwhitration Rules, 1976 Ad-hoc and Institutional Arbitration Various  
Arbitration Forumsand its Rules - Forum Selection - Model Institutional  
Arbitration Clauses.

**UNIT - V ARBITRATION PROCEDURE & PRACTICE** **16**

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

**TOTAL: 80H**

**TEXT BOOKS**

1. Bansal, A. K. Law of international commercial arbitration: including law and  
procedure for enforcement of international commercial arbitration agreements and  
foreign awards in India. Delhi, India, Universal Law Pub. Co., 1999
2. Singh, Avatar. Law of Arbitration and Conciliation. Delhi, Eastern  
Bookcompany,2000

## **REFERENCE BOOKS**

1. Tripathi, S.C. Arbitration Conciliation and Alternate Dispute Resolution, Delhi, Central Law Publication,2015
2. Sujan, M. A. Law relating to arbitration & conciliation. Delhi, Universal LawPub.,2001.

## **INTELLECTUAL PROPERTY LAW**

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

### **UNIT -I INTRODUCTION 16**

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

### **UNIT II PATENT16**

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

### **UNIT - III TRADEMARKS 16**

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

### **UNIT - IV COPYRIGHT16**

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

## **UNIT - V INDUSTRIAL DESIGN16**

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

**TOTAL: 80H**

### **TEXT BOOKS**

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

### **REFERENCE BOOKS**

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

## **BANKING LAW**

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

### **UNIT - I INTRODUCTION 16**

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

### **UNIT II RELATIONSHIP OF BANKER AND CUSTOMER 16**

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

### **UNIT - III CENTRAL BANKING THEORY AND RBI 16**

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

### **UNIT-IV NATIONALIZATION 16**

Evaluation- Private Ownership- Nationalization and Disinvestment- Protection of

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

### **UNIT - V RECENT TRENDS OF BANKING SYSTEM IN INDIA 16**

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

**TOTAL: 80H**

### **TEXT BOOKS**

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

### **REFERENCE BOOKS**

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

## **INVESTMENT LAWS**

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

### **UNIT-I INTRODUCTION 16**

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

### **UNIT I SHARES 16**

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

### **UNIT- III SECURITIES CONTRACTS 16**

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

### **UNIT-IV SECURITIES AND EXCHANGE BOARD (SEBI) 16**

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

## **UNIT-V DEPOSITORIES ACT 16**

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

**TOTAL: 60H**

### **TEXT BOOKS**

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

### **REFERENCE BOOKS**

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



## **INSURANCE LAW**

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

### **UNIT- I INTRODUCTION 16**

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

### **UNIT - II CONTRACT OF INSURANCE 16**

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

### **UNIT- III LIFE INSURANCE 16**

Nature and Scope of Life Insurance Kinds of Life Insurance -The Policy and Formation of a Life Insurance Contract Event Insured Against Life Insurance Contract Circumstances Affecting the Risk - Amount Recoverable Under the Life Policy – Persons Entitled to Payment - Settlement of Claim and Payment of Money - Life Insurance Act, 1956-Insurance Against Third Party Rights - General Insurance Act, 1972 - The Motor Vehicles Act, 1988 - (Sec. 140 176 )-Nature and

Scope - Absolute or No Fault Liabilities- ThirdParty or Compulsory Insurance of Motor Vehicles Claims from Tribunal - Public Liability insurance - Legal Aspects of Motor Insurance Claims - Own Damages Claims – ThirdParty Liability Claims.

#### **UNIT IV FIRE INSURANCE**

**16**

Nature and Scope of Fire Insurance Basic Principles Conditions and Warranties Rights and Duties of Parties - Claims- Some Legal Aspects Introduction to Agriculture insurance - History of Crop Insurance in India - Crop Insurance Underwriting- Claims-Problems Associated with Crop Insurance Cattle Insurance in India.

#### **UNIT-V MARINE INSURANCE 16**

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

**TOTAL: 80H**

#### **TEXT BOOKS**

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

#### **REFERENCE BOOKS**

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

# **THE LAW OF CORPORATE FINANCE AND SECURITIES REGULATIONS**

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

## **UNIT-I PUBLIC ISSUE OF SHARES 16**

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

## **UNIT II DEBENTURES 16**

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

## **UNIT III INSIDER TRADING 16**

Insider Trading- SEBI's Guidelines on Insider Trading- Securities and Exchange B0ard of India (SEB): Constitution, Powers and Functions.

## **UNIT- IV RECONSTRUCTION, AMALGAMATION AND TAKE OVER 16**

Provisions in Company Law and SEBI Guidelines.

## **UNIT - V CORPORATE GOVERNANCE AND SOCIAL RESPONSIBILITY**

**16**

Statutory Registers and Statistical Registers- Maintenance of Registers and Responsibility of Directors and Officers Towards Maintenance of Registers Authorities of company Law Board- Composition and Powers- Corporate Social Responsibility- Consequences on Violations - Authorities Under the Company Law- Powers of Various Government Initiative on Protection of Investors Rights – Corporate social and environmental responsibility – Legal reforms of Corporate governance in India.

**TOTAL: 80H**

### **TEXT BOOKS**

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

### **REFERENCE BOOKS**

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