

# **Introduction of Course structure**

## **LL.M Corporate and Commercial Law**

**Programme Code: ILM**

**Duration – 1 Year Full Time**

### **Programme Structure**

**2018-2019**

**AMITY UNIVERSITY R A J A S T H A N**

**LL.M –I<sup>st</sup> SEMESTER**

<b>Code</b>	<b>Course</b>	<b>Category</b>	<b>L</b>	<b>T</b>	<b>P/FW</b>	<b>Credit Units</b>
ILM 101	RESEARCH METHOD & LEGAL WRITING	CC	1	1	1	3
ILM 102	COMPARATIVE PUBLIC LAW/ SYSTEM OF GOVERNANCE	CC	1	1	1	3
ILM 103	LAW AND JUSTICE IN A GLOBALIZING WORLD	CC	1	1	1	3
	<b>SPECIALIZED BRANCH (CORPORATE AND COMMERCIAL LAW )</b>					
ILM 104CCL	LAWS ON SECURITIES AND FINANCIAL MARKETS		1	1		2
ILM 105 CCL	CORPORATE GOVERNANCE		1	1		2
<b>Total</b>			<b>5</b>	<b>5</b>	<b>3</b>	<b>13</b>

**LL.M –II<sup>nd</sup> SEMESTER**

<b>Code</b>	<b>Course</b>	<b>Category</b>	<b>L</b>	<b>T</b>	<b>P/FW</b>	<b>Credit Units</b>
ILM 205	DISSERTATION				3	3
ILM 206	TUTELAGE		1			1
	<b>SPECIALIZED BRANCH (CORPORATE AND COMMERCIAL LAW )</b>					
ILM 201 CCL	COMPETITION LAW		1	1		2
ILM 202 CCL	INTERNATIONAL TRADE LAW		1	1		2
ILM 203 CCL	INVESTMENT LAW		1	1		2
ILM 204 CCL	INTELLECTUAL PROPERTY LAW		1	1		2
<b>Total</b>			<b>5</b>	<b>4</b>	<b>3</b>	<b>12</b>

## RESEARCH METHOD & LEGAL WRITING

Course Code : ILM 101

Credit Units : 3

### Course Objectives:-

Law is a social science. Therefore principles and methodologies generally applicable to social science research are applicable in legal research also with a difference. The difference is that decided cases of different courts, legislations and their background often become the main data for analysis. Lawyers or legal researchers often try to deduct social and political facts and situations from them. This may lead to unreliable results. Hence it becomes necessary to equip a legal researcher with techniques of legal as well as social research.

### Module I : Understanding About Research Methods

Scientific method of research and its limitation in social science research, Theoretical Study and empirical study (Qualitative and quantitative research), Legal Research: Socio-legal, historical and comparative analysis methods. Case law analysis in legal research: Scientific or objective method (ratio and obiter), reading a case in social, political, economic and historical background

### Module ii: Methodology Of Research

Literature review, Theoretical context, Hypothesis, Research problem and Research questions, Empirical research methods: Sampling and Survey

### Module iii: Framing A Research Proposal

Planning a Research Project/proposal, Problem Identification, Objectives of the study, Formulation of Research Design, Research Process, Problems and limitations in framing research proposal.

### Module iv: Ethics In Research And Report Writing

Ethical Conundrums: Plagiarism, Types of plagiarism, Consequences of Plagiarism, Fabrication, Informed Consent, Blind Hypothesis, Codes and policies for Research Ethics. Report Writing: Steps in report writing, Components of Research Report, Kinds of research report, Precautions for writing research report

### Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	5	5	70

### Texts & References:

1. Legal Research Methodology, Rattan Singh, Lexis Nexis
2. Research Methodology Methods and Techniques, C R Kothari, New Age International Publishers
3. Legal Research Methodology , H N Tiwari, Commercial Books House

## COMPARATIVE PUBLIC LAW/SYSTEM OF GOVERNANCE

Course Code : ILM 102

Credit Units : 3

### Course Objectives

This course is designed to examine from a comparative perspective –legal structure and concepts that are found in Constitutions across the world.

### Module 1:Introduction

Concept of comparative constitutional law and importance of the study of comparative constitutional law.

Federalism : Concept, nature and meaning, Quasi- federalism, Co-operative federalism.

### Module 2: Governance Structure in Comparative Perspective:

Separation of powers in UK, India and USA. Parliamentary democracy in UK and Britain, Parliamentary privileges in UK and India, parliamentary supremacy in UK, Role of Queen and Indian President in comparative perspective. Powers of the two houses in comparative perspective in India, UK and USA; Role of Judiciary and Judicial review in USA and India.

### Module 3: Fundamental Rights in Comparative Perspective:

Comparison of fundamental rights in India and USA. Freedom of speech and expression, freedom of press, assembly and association, freedom of religion and protection of minority rights in India, freedom of religion in USA, Freedom of Profession and trade in India and USA.

### Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	5	5	70

### Texts & References:

1. D.D.Basu, Comparative Constitutional Law, 2nd ed., Wadhwa Nagpur, 2008,
2. Mark Tushnet, The Possibilities of Comparative Constitutional Law (1999) 108 Yale.L.J. 1225.
3. M.P. Jain, Indian Constitutional Law, 5th Ed., Wadhwa, Nagpur, 2003.
4. V.N Shukla's Constitutional Law, (11th Ed.) Eastern Book Company.
5. Reimann, Mathuas and Zimmermann, Reinard, The Oxford Handbook of comparative Law, OUP, Oxford, 2006
6. Michael Burgess, Comparative Federalism, Theory and Practice, Routledge, NewYork, 2006.
7. Vicki C. Jackson and Mark V. Tushnet, Comparative Constitutional Law, Foundation Press.
8. M.V. Pylee – Constitutions of the world I,II. Universal law Publication Co.
9. M.V. Pylee – Selected constitutions of the world II Edition. Universal Law Publication co.
10. Vishanu Bhagwan Vidiya Bhushan Worlds Constitutions a comparative study IX edition Sterling Publisher PVT. Ltd.

11. K.C. Wheare – Modern Constitution – Oxford University Press(1964)
12. Barendt. E.M. An introduction to Constitutional Law; Oxford University Press
13. Cane, Peter; Administrative Law; Oxford University Press
14. Finer, S.E. Comparative Government; Penguin Books.
15. Loughlin, Martin; The Idea of Public Law; Oxford University Press
16. K.C. Wheare – Federal Government; Oxford University Press IInd Edition (1966)

## LAW AND JUSTICE IN A GLOBALIZING WORLD

**Paper Code: ILM 103**

**Credit: 03**

### **Course Objectives:**

The main objectives of this course is to acquaint the students with historical background on the Law and Justice in the Globalized world & to understand the importance and interface of justice delivery system with the statutory and regulatory framework. Besides this to facilitate an understanding of the politics behind such legal framework and the emerging public policies concerning this field.

### **Course Outlines**

#### **Module: I**

Concept of law, Concept of Global Justice, Cosmopolitanism, Global distributive justice, Impact of Globalization in Judicial Process, Administration of Justice(Theories of Punishment).

#### **Module : II**

Globalization and Free Market: Natural Resources, Environment, Displacement for Development, Problem of Unemployment

#### **Module : III**

Globalization: Meaning, Reach and Form, Social, Political, and Economic Dimensions of Globalization, Impact of globalization on Human Rights and Trade Law, Impact of Globalization on Federalism and Democratic Law Making.

### **Examination Scheme:**

<b>Components</b>	<b>P/S/V</b>	<b>CT</b>	<b>C</b>	<b>A</b>	<b>EE</b>
<b>Weightage (%)</b>	10	10	5	5	70

### **Suggested Readings**

1. Andrew Kuper, Democracy Beyond Borders: Justice and Representations in Global Institutions (OUP, 2006)
2. Anthony McGrew, David Held (eds.), Governing Globalization: Power, Authority and Global Governance (Polity Press, 2002).
3. David B. Goldman, Globalization and the Western Legal Tradition: Recurring Patterns of Law and Authority (Cambridge University Press, 2008).
4. David Held, A Globalizing World? Culture, Economics, Politics (2004).

## **LAWS ON SECURITIES AND FINANCIAL MARKETS**

**Course Code: ILM 104 CCL**

**Crédit Unit: 02**

**Course Objective:**

To provide expert knowledge and understanding of securities laws and the regulatory framework concerning capital markets in India.

**Course Contents:**

**MODULE- I: - LAWS ON SECURITIES**

SEBI Act, 1992- Listing provisions, Powers & Functions, Adjudication system, Capital market – Capital Market Instruments- Shares, Debentures, Sweat Equity share, Differential Right Share, Debentures, Derivatives, Kinds of Depository Receipts , SEBI Rules for Issue of Securities

**MODULE- II: - FINANCIAL MARKETS**

Capital Market, Money Market, Primary Market, Secondary Market, Listing of Securities, Capital Market Intermediaries- Merchant Bankers, Underwriter, Stock Broker, Depositories Act 1996- Role of Depositories, Procedure, Dispute Resolution, and Rules for Investors Protection, Securities Contract Regulation Act 1956,

**Examination Scheme:**

<b>Components</b>	<b>P/S/V</b>	<b>CT</b>	<b>C</b>	<b>A</b>	<b>EE</b>
<b>Weightage (%)</b>	10	10	5	5	70

**Text Books:**

1. M. Y. Khan . Indian Financial System; Tata Mc Graw Hill, New Delhi
2. H. R. Machiraju. Indian Financial System. Vikas Publishing House Pvt Ltd. New Delhi
3. V. K. Bhalla. Financial Derivatives- Risk Management. S. Chand and Comp. Ltd.

## **CORPORATE GOVERNANCE**

**Course Code: ILM 105 CCL**

**Crédit Unit: 02**

Course Objective:

This course, Corporate Governance, is specially designed for the postgraduate study of such areas as financial law, corporate law and related subjects. The course is designed to increase the depth of your understanding of corporate governance issues. Upon successful completion of this course, it is hoped that students with a variety of backgrounds will understand the key elements of corporate governance and its importance to the international economy. In order to achieve this, a strong emphasis is placed on the relationship between theoretical concepts and real world issues. It is therefore hoped that the course can make a real contribution to your in-depth understanding of the relevant corporate governance issues.

**Course Contents:**

### **Module-I**

Evolution, Concept, Principles, Development Of The Concept Of Corporate Governance.

### **Module-II**

Recommendations Made By Various Committees, Guidelines Made By MCA From Time To Time, Management Structure For Corporate Governance, Issues And Challenges, Effectiveness Of Board, Board Committees ,Auditing Committee, Appraisal Of Board Performance, Transparency And Disclosures.

### **Module-III**

SEBI Act, Securities Contract Regulations Act, Depositories Act, Clause-49 Of Listing Agreement, Corporate Crimes

### **Module-IV**

Corporate Social Responsibility

**Examination Scheme:**

<b>Components</b>	<b>P/S/V</b>	<b>CT</b>	<b>C</b>	<b>A</b>	<b>EE</b>
<b>Weightage (%)</b>	10	10	5	5	70

**Text Books:**

1. Praveen. B. Malla., (2010).,Corporate Governance: History, Evolution and India Story. New Delhi: Routledge Publications Ltd.



2. Nerru Vasishth & Namita Rajput.,(2010),,Corporate Governance: Values & Ethics with case studies. New Delhi: Taxman Allied Services Pvt Ltd.
3. K.M.Ghosh,K.R.Chandratre,(2012),, Company Law with Secretarial Practice (13 ed.). New Delhi: Bharat Law House.
4. Jayati Sarkar, (2012),, Corporate Governance in India(5 ed.). Mumbai: Sage Publications Pvt. Ltd.

**Journals/Articles/Lectures/Websites/E-Journals:**

1. Google Scholar (to be visited regularly).
2. Oxford Journal (to be visited regularly).
3. Company Secretary (website to be visited regularly).

**Course Code: - ILM 205**

**DISSERTATION**

**Credit Units: - 3**

## TUTELAGE

**Course Code : ILM 206**

**Credit Units : 1**

### **Course Objectives:-**

- 1 To enhance research and teaching capability
- 2 In depth study of the topic concerned to solve the students query
- 3 To develop confidence and also communication skills / presentation skills

### **Rules**

1. The study material (prepared by student) has to be submitted to the concern faculty on the same day of presentation. Lecture notes will be kept as record and will be included in evaluation.
2. Each class will be calculated separately and will be of 10 marks each and will be included for final evaluation.
3. Each student will undergo 14 classes in total. Best 10 classes will be considered for scoring. The marking will be calculated accordingly.
4. Mode of teaching can be lecture method / PPT method.
5. Every Student will be given four days time for preparation(approx).
6. Schedule of the student class and faculty allotted will be intimated on every Friday for next week.
7. Student may take guidance from faculty member for further improvement.
8. If a student fails in tutelage program, he / she have to repeat the same in next semester only along with the subsequent batch since in supplementary exam it is not possible to conduct tutelage classes.
9. In case of ill health of the faculty / student, student needs to do mutual arrangement for the class session after informing the coordinator. If the student does not report even after being informed earlier, he'll be marked absent and no marks will be allotted for that class.

### **Examination Scheme**

<b>Components</b>	EE	10 classes
<b>Weightage (%)</b>	100	10 (per class)

## COMPETITION LAW

Course Code: ILM 201 CCL

Credit: 02

### Course Objective:

The objectives of the course are to acquaint students with the rationale for competition law, and give them an understanding of key statutory provisions and case law to provide practical understanding of competition law and policy.

### Course Contents:

#### Module - 01.

Introduction to Competition Act, 2002. Definitions. Prohibition of certain agreements, Abuse of Dominant position and Regulation of Combinations, Anti-competitive agreements, Abuse of dominant position, Combination. Regulation of combinations

#### Module - 02.

Introduction : Competition Commission of India, Establishment, Composition, Selection committee, Resignation, Removal and suspension, Administrative powers of Chairperson, Director General. Appointment of Employees of Commission,

#### Module - 03.

Introduction: Duties, Powers and Functions of Commission, Duties of Commission, Inquiry, Meetings, Investigation, Interim Order, Awards, Power of Compensation, Review of orders, Duties of Director General, Penalties, Competition Advocacy,

#### Module- 04.

Competition Appellate Tribunal [ CPT], Establishment of CPT, Appeal to Appellate tribunal, Composition of Appellate Tribunal, Qualifications of Chairperson, Members, Terms of office, Selection Committee, Terms of condition of service , Resignation, Removal, Suspension, Procedure and power of Appellate Tribunal, Awarding Compensation, Appeal to The Supreme Court, Right to legal representation, Power to punish for Contempt

### Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	5	5	70

### References and Reading Materials:

1. Agrawal. V. K. (2012). Competition Act, 2002. Bharat Law House Pvt. Ltd. New Delhi.
2. Competition Law by Avtar Singh (2012).
3. Ramappa. T. (2013). Competition Law in India: Policy, Issues, and Developments. Third Edition. Oxford University Press. India.

## INTERNATIONAL TRADE LAW

**Course Code : ILM 202 CCL**

**Credit Units: 2**

### **Course Objective**

The purpose of the paper is to focus on different aspects of international law, the general treaties of international law, such as the GATT, WTO, and related agreements relevant to trade and investment; specific trade laws; case histories; and dispute settlement procedures.

### **Module I:**

GATT, World Trade Organisation: their Background.

### **Module II:**

Basic Principles of GATT and WTO: Non-Discrimination- Most Favoured Nation treatment, National Treatment Rule, Exceptions to MFN and National Treatment.

### **Module III:**

General agreement on Trade in Services (GATS); Trade Related Intellectual property Rights (TRIPS), Trade Related Investment Measures (TRIPS).

### **Examination Scheme:**

<b>Components</b>	<b>P/S/V</b>	<b>CT</b>	<b>C</b>	<b>A</b>	<b>EE</b>
<b>Weightage (%)</b>	10	10	5	5	70

### **Text & References:**

1. Indira Carr- Peter Stone - International Trade Law.
2. Myneni S.R. - The World Trade Organization.
3. Clive M Schmithoff- Export Trade: The Law and Practice of International Trade.
4. Rajiv Jain- Guide on Foreign Collaboration: Policies and Procedures.
5. C. Singhania- Foreign Collaborations and Investment in India: Law and Procedures.
6. Jayanta Bagachi – World Trade Organisation: An Indian Perspective, Eastern Law House

### **Further readings**

1. UNCTAD-ICTSD, Resource book on TRIPs and Development , Cambridge University Press, 2005
2. Surendra Bhandari , World Trade Organisation and Developing Countries, 1998
3. Hiarin wardha, WTO and Third World Trade Challenges, Commonwealth, 2002 edition. 13.
4. Dam, Kenneth. W., The GATT: Law and International Economic Organization (Chicago: University of Chicago Press, 1970).

## INVESTMENT LAW

**Course Code: ILM 203 CCL**

**Credit Units: 2**

**Course Objective:**

This paper focuses on the investment and competition laws of India in the contest of new economic order.

**Course Contents:**

**Module I: Corporate Finance and regulatory framework**

Security Contract (Regulation) Act 1956, SEBI Act 1992, Depositories Act 1996, The Securitizations and Reconstruction of Financial Assets and enforcement of security Interest Act, 2002

**Module II: Regulatory framework for foreign trade, multinational companies**

Foreign Trade (Development & Regulation) Act 1992, UNCTAD Draft Model on Trans – national Corporations, Control and regulation of foreign companies in India, Foreign collaborations and joint ventures.

**Module III: Foreign Exchange Management**

Background, Policies, Authorities

**Examination Scheme:**

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	5	5	70

*Text & References:*

- Security Contract (Regulation ) Act 1956
- SEBI Act 1992
- Depositories Act 1996
- Foreign Trade (Development & Regulation) Act 1992,
- Foreign Exchange Management Act, 1999
- Taxman’s Student’s Guide to Economic Laws

## INTELLECTUAL PROPERTY RIGHTS

**Course Code: ILM 204 CCL**

**Credit Units: 02**

### **Course Objective:**

The course is designed to provide comprehensive & advanced knowledge to the students regarding Various Intellectual Property Rights like Patent Law, Copy Right Law, Trade Marks, Geographical Indications, Plant varieties etc. Which invariably form the part of Intellectual Property Law

### **Course Contents:**

#### **Module I: Introduction**

Intellectual Property a Concept, Need for Private Rights versus Public Interests, IPR & Legal education, Impact of IPR on Indian economy, TRIPS.

#### **Module II: Patent**

Development of patent law, Reciprocity, Bio patents and software patents, Patent in pharmaceutical industry, Patent cooperation treaty, Paris convention, emerging issues relating to patent, filing of patent, Dispute settlement mechanism under WTO.

#### **Module III: Plant Varieties Protection Act, 2001**

Concept, Objectives, Registration process

**Module IV: Geographical indications of Goods (Registration and Protection Act, 1999:** Definition, Registry, Rights conferred, and Registration Procedure. Redressal Machinery, Appeal, Passing off, Offences, Penalties and Procedure.

#### **Module V: Copyright**

Concept & Development of copyright, fundamentals of Copyrights, Doctrine of fair use, Lay observer test, assignment and licensing, Economic rights, Moral rights: Neighboring rights, Berne Convention, Universal Copyright Convention - WIPO Copyright Treaty: WIPO Phonograms and Performances treaty,

#### **Module VI: Trademarks**

Introduction , Evolution, Functions, Objective, Definition, Kinds of Marks, Domain names, Registration, Concurrent registration, Procedure for registration, Good will ,Doctrine of Passing off action & its development in India, Difference between Trade Mark and Geographical Indications, TRIPS on Trademarks ,Madrid Agreement ,Cyber squatting

#### **Module VII: Designs,**

Designs Act of 2000: Historical development, Meaning of Design, Conditions for grant of protection,

**Examination Scheme:**

<b>Components</b>	<b>P/S/V</b>	<b>CT</b>	<b>C</b>	<b>A</b>	<b>EE</b>
<b>Weightage (%)</b>	10	10	5	5	70

**Text & References:**

- D.P. Mittal (Taxman Publication), Indian Patents Law and Procedure
- B.L. Wadera, Patents, trademarks, copyright, Designs and Geographical Judications.
- P. Narayanan (Eastern Law House), Intellectual Property Law
- W. Cornish (Universal Publication), Intellectual Property Law
- R.K. Nagarjan, Intellectual Property Law