

**LLM (Corporate and Commercial Law)**

**FLEXILEARN**

**-Freedom to design your degree**



**Program Structure**

**Curriculum & Scheme of Examination**

**2017**

**AMITY UNIVERSITY CHHATTISGARH**

**RAIPUR**

**FIRST SEMESTER**

<b>Course Code</b>	<b>Course Title</b>	<b>Lectures (L)(Hours per week)</b>	<b>Tutorials (T) (Hours per week)</b>	<b>Practical (P) (Credits)</b>	<b>Total Credits</b>
LAW4101	Research Method & Legal Writing	1	1	2	3
LAW4102	Comparative Public Law/ System of Governance	1	1	2	3
LAW4103	Laws on Securities and Financial Markets	1		2	2
LAW4104	Corporate Governance	1		2	2
LAW4105	Intellectual Property Law	1		2	2
	<b>TOTAL</b>				<b>12</b>

**SECOND SEMESTER**

<b>Course Code</b>	<b>Course Title</b>	<b>Lectures (L)(Hours per week)</b>	<b>Tutorials (T) (Hours per week)</b>	<b>Practical (P) (Credits)</b>	<b>Total Credits</b>
LAW4201	Law and Justice in a Globalizing World	1	1	2	3
LAW4202	Competition Law	1		2	2
LAW4203	International Trade Law	1		2	2
LAW4204	Investment Law	1		2	2
LAW4237	Dissertation			6	3
	<b>TOTAL</b>				<b>12</b>

## **Centre for Post-graduate Legal Studies (CPGLS)**

As per guideline issued by University Grant Commission (UGC) for LLM 1 year Course, we must fulfill below mentioned requirements:

- There shall be a **Centre for Post-graduate Legal Studies (CPGLS)** which must have dedicated team of senior law teachers and will function at **Amity Law School, Jaipur**.
- The CPGLS established under the University, shall have full time qualified and experienced faculty members of not less than **10 numbers** consisting of minimum 04 Professors/associate Professors in Law and other necessary research personnel, and sufficient non teaching staff, to start the programme.
- Given the advanced nature of postgraduate studies and research in law and the need for proper supervision of PG students by senior faculty, the ratio of students admitted to LL.M. to the availability of Professors / Associate Professor should be not more than 5 students to one Professor / Associate Professor.
- The Centre of Post-Graduate Legal Studies shall have:
  - 1. The details of the teaching and non-teaching staff;**
  - 2. The specialization in which is offered; and availability of adequate faculty in the concerned specialization;**
  - 3. Well-equipped library with sufficient print as well as online materials, on the disciplines proposed;**
  - 4. Infrastructure and student support services;**
  - 5. Facilities for Tele-conferencing and technologically advanced equipments for teaching/research;**
  - 6. Availability of ICT enabled facilities.**
- Detail UGC circular is attached with this mail.

# FIRST SEMESTER

## RESEARCH METHODOLOGY AND LEGAL WRITING

Course Code: LAW 4101

Credit Units: 03

### Module – I: Precepts

1. Nature
2. Objectives
3. Types: Doctrinal and Non-Doctrinal

### Module - II: Necessary Steps

1. Identification and Formulation of Research Problem
2. Hypothesis and Research Design (Characteristics and contents)
3. Processing the Plan of Research: Data Collection, Analysis and use of Internet, Legislative material, Indian & foreign court decision and juristic writings.

### Module - III: Techniques

1. Methodology: Tool and Techniques for collection of data, collection of case materials and juristic literature, use of historical and comparative research material and use of questionnaire and inter view.
2. Census and Survey
3. Sampling: Types, Merits and Demerits
4. Report Writing

### Module – IV: Conduct of Research

1. Supervision
2. Guidelines for researchers

### REFERENCES:

1. S.K. Verma and M. Afzal Wani (Eds.) Legal Research and Methodology, Indian Law Institute (2001) 2nd Edition.
2. Baxi, Upendra, 'Socio-Legal Research in India – A Program Schriff, ICSSR, Occasional Monograph, 1975.
3. Cohen, Morris L., 'Legal Research', Minnesota, West Publishing Co. 1985.
4. Ghosh, B.N., 'Scientific Method and Social Research', New Delhi, Sterling Publishers Pvt. Ltd., 1984.
5. Goode and Hatt, 'Methods in Social Research', Singapore, Mc. Graw Hill Book Co., 1985 (reprint).
6. Johari J.C. (ed), 'Introduction to the Method of Social Sciences', New Delhi, Sterling Publishers Pvt. Ltd. 1988.

## COMPARATIVE PUBLIC LAW & SYSTEM OF GOVERNANCE

Course Code: LAW 4102

Credit Units: 03

Subject : Comparative Public Law/System of Governance	Course code: _____
Faculty Name: Ranjan Kumar	Semester: 1 <sup>st</sup>
Designation: Lecturer	Email: <a href="mailto:rkumar4@ggn.amity.edu">rkumar4@ggn.amity.edu</a>

### 1. Course Overview:

This paper focuses, inter alia, on comparative public and administrative law as part of the legal structure of established states and to understand the constitutional laws, its concept, constitutionalism and the comparative constitutional and public law. The students will also be able to understand the requirement of protection of individuals from state overreaching and providing democratic legitimacy when the legislature delegates policymaking power to the executive.

### 2. Course Coverage:

This course is designed in a manner to cover the following major legal topics namely,  
Module-I- Public Law – Constitution and Administrative Law  
Module-II- Constitutional foundations of powers  
Module-III- Constitutional Review  
Module-IV- Amendment of Constitution

### 3. Learning Outcomes:

At the end of the course students will be able to know, inter alia, about the constitutional laws, its concept, constitutionalism and the comparative constitutional and public law.

### 4. Suggested Readings Include:

- a) Barendt, An Introduction to Constitutional Law (1998)
- b) Cane, Administrative Law (4th ed 2004)
- c) Finer, Comparative Government (1970)
- d) Loughlin, The Idea of Public Law (2003)
- e) Marks, The Riddle of All Constitutions: International Law, Democracy, and Critique of Ideology (2000)
- f) Peter Strauss, *Administrative Justice in the US*, 2d edition. Carolina Academic Press (2002)
- g) Modern Constitutions (2nd ed 1966) Zines, Constitutional Change in the Commonwealth (1991)
- h) Seervai, Constitution of India (4<sup>th</sup> Edition)
- i) Jackson and Tushnet, Comparative Constitutional Law (1999)
- j) de Smith and Brazier, Constitutional and Administrative Law (8th ed 1998)
- k) Bradley and Ewing, Constitutional and Administrative Law (13th ed 2003)
- l) Dicey, The Law of the Constitution (10th ed 1959, ed ECS Wade) Cambridge Centre for Public Law, Constitutional Reform in the United Kingdom - Practice and Principles (1998)
- m) Kincaid and Tarr, Constitutional Origins, Structure and Change in Federal Countries (2005)

- n) Prof. Hood Philips, Constitutional and Administrative Law, (1973).

**5. Other readings:**

- a. Susan Rose-Ackerman and Peter Lindseth, eds., *Comparative Administrative Law*, Edward Elgar, paper, 2010.
- b. Daniel B. Rodriguez, "Administrative Law," in Keith E. Whittington, R. Daniel Kelemen, and Gregory A. Caldeira, eds. *Oxford Handbook of Law and Politics*, Oxford UK: Oxford University Press, 2008, pp. 340-359.
- c. Giandominico Majone, "From the Positive to the Regulatory State," *Journal of Public Policy* 17(2): 139-167 (1997).
- d. Benedict Kingsbury, Nico Krisch, and Richard B. Stewart, "The Emergence of Global Administrative Law," *Law and Contemporary Problems* 68: 15-61 (2005).
- e. Sabino Cassese, Globalization of Law (Mss. 2011) [Good accessible overview, from a "continental" perspective, of the rise of global governance and law.]

Other Articles, Journals and Electronic Resources on specific topics of comparative study of constitutions, administrative and public laws.

**6. Web Resources:**

[www.westlaw.com](http://www.westlaw.com)  
[www.jstor.org](http://www.jstor.org)  
[www.heinonline.org](http://www.heinonline.org)  
[www.peacepalacelibrary.nl](http://www.peacepalacelibrary.nl)

**7. Session Plan:**

**Module-1- Public Law – Constitution and Administrative Law**

**Sub Topics-**

Concept; Meaning and Idea of Constitution; Nature and its Goals; Constitution as a Living Document and Constitution as Supreme Law, Comparative Constitutional Law – Relevance Problems and Concerns in Using Comparative approach, Constitutionalism – Concept; Distinction between Constitution and Constitutionalism; Essential features of Constitutionalism - Written Constitution; Separation of Powers; Fundamental Rights; Independence of Judiciary and Judicial Review.

**Module-2- Constitutional foundations of powers**

**Sub Topics-**

Supremacy of Legislature in law making, Rule of law - Dicey's concept of rule of law; Modern concept of rule of law; Socio-Economic rights as part of rule of law, Separation of powers – Concept; Checks and balances; Separation of powers or separation of functions, Forms of Governments – Federal, Unitary; Parliamentary and Presidential, Their Features; Advantages and Disadvantages, Models of Federalism and Concept of Quasi-federalism; Role of Courts in Preserving Federalism.

**Module-3- Constitutional Review**

**Sub Topics-**

Concept & Origin of Judicial Review, Methods of Constitutional Review - Judicial and Political Review; Concentrated and Diffused Review; Anticipatory and Successive Review, Limitations on Judicial Review.

#### **Module-4- Amendment of Constitution**

##### **Sub Topics-**

Methods of Amendment, Limitations on Amending Power and its Comparative Perspective, Theory of Basic Structure its Origin and Development.

Legal materials: Case law, Statutes, Reports, Constituent Assembly and Parliamentary Debates, Journals, Manuals, Digests etc.; Importance of legal research; Techniques of Legal Research : Doctrinal, Empirical Research, Legal writings and citations.

#### **8. Examination Scheme:**

<b>Components</b>	<b>CT</b>	<b>H</b>	<b>A</b>	<b>S</b>	<b>EE</b>
<b>Weightage (%)</b>	<b>15</b>	<b>05</b>	<b>05</b>	<b>05</b>	<b>70</b>

**CT-** Class Test

**H-** Home Assignment

**A-** Attendance

**S-** Seminar

**EE-** End Semester Examination

# **LAW ON SECURITIES & FINANCIAL MARKETS**

**Course Code: LAW 4103**

**Credit Units: 02**

## **MODULE I: An Overview of Legal and Regulatory Framework**

Introduction to Securities and financial Markets; Regulatory framework of Capital Market- Security Contracts(Regulation) Act, 1956, SEBI Act, 1992, Company Act, 1956, Depositories Act, 1996; Authorities Governing Capital Market- Objective, powers and functions of SEBI and Securities Appellate Tribunal.

## **MODULE II: Primary Market and Secondary Market**

Shares, Allotment of Shares and Issue of Shares; Initial Public offer, Difference between Primary and secondary Market;  
Functions and Significance of Stock exchanges; Regulatory framework; Operations and trading mechanism of Stock exchanges; Settlement of Securities.

## **MODULE III: Capital Market and Money Market Instruments**

Capital Market Instruments: Equity, debentures, Preference Shares, Sweat Equity, Non-voting Shares; Pure, Hybrid and derivatives Instruments.  
Money Market Instruments: Scope and Significance of treasury bills, Commercial bills, commercial bills; regulatory framework.

## **MODULE IV: Primary and Secondary Market Intermediaries**

Merchant bankers, Stock brokers, Registrars to an Issue, Underwriters, Bankers to Issue, Portfolio Managers, Debentures-trustees, Foreign Institutional Investors, Self Regulatory Organisations, Guidelines on anti-money Laundering.

## **MODULE V: Mutual Funds And Collective Investment Schemes**

Mutual Funds: Introduction, Definitions, types, risks involved, setting up of Mutual fund, Regulatory Framework  
Collective Investment Scheme: Regulatory Framework governing collective Investment Schemes, Restrictions on Business activities, Submission of Information and documents, trustees and their obligations.

## **MODULE VI: Depository System**

Overview of Depository System In India; Depositories Act: Definitions, setting up of Depository, Role and Functions of Depository, Depository Participants, Inspection and Penalties, Internal Audit and Concurrent Audit of Depository Participants.



**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>	<b>10</b>	<b>10</b>	<b>5</b>	<b>5</b>	<b>70</b>

**Texts and References:**

**E. Gordon & K. Natarajan: Capital Market In India; Himalaya Publishing**

**H.R. Machiraju: Indian Financial Sysytem; Vikas Publishing House Pvt. Ltd.**

**Sanjeev Aggarwal: Guide to Indian Capital Market**

**V.L. Iyer: SEBI Practice Manual**

**Texman's SEBI Manual**

# CORPORATE GOVERNANCE

**Course Code: LAW 4104**

**Credit Units: 02**

Corporate governance is a set of customs, policies and processes by which an institution is governed. It is an important topic of strategic management, how a company is governed influences rights and relationships among the stakeholders and eventually how an organization is managed. This course will focus on the fundamentals of Corporate Governance from a varied prospect including the board of directors, investors and other stakeholders and assessing the effectiveness and execution of governance roles, regulators and responsibilities.

## UNIT- I

### *Concepts, origin, development of Corporate Governance*

- Meaning of the term governance
- Kumarmangalam committee Report
- Naresh Chndra committee Report
- Cadbury Committee Report
- Rahul Bajaj Committee Report
- Meaning of “Corporate Governance”
- Definitions of Corporate Governance
- Need for good Governance
- Problems in effective Governance
- Corporate Governance and Ethics
- Corporate Governance and financial accounting

## UNIT-II

### **Legal and Policy Issues in Corporate Governance**

- Transparency and Disclosure
- Board and management structure
- Shareholders claim satisfaction and financial information
- Corporate Social Responsibility

## UNIT-III

### **Corporate Governance in India**

#### Listing Agreement Clause 49- SEBI Role

- Changes since liberalization
- Corporate Governance of Banks
- The Board of Directors
- The Role of Auditors
- Role of Regulatory Agencies
- The Role of International Economic Institutions

#### Companies Bill, 2013

- Policy document on Corporate Governance
- Overarching principles of Corporate Governance

## UNIT- IV

### International Corporate Governance

- OECD Guidelines on Corporate Governance
- MNC/ TNC/ MNE Companies
- UNCTRIAL Model Law
- Governance and Development

## UNIT –V

### Role of judicial bodies on Governance and Accountability

- Constitutional law and principles on corporate governance
- Recent Case studies (India and International Corporate Law)

### Examination Scheme:

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

### BOOKS RECOMMENDED

Larcker, David and Tayan, Brian, Corporate Governance Matters: A Closer Look at Organizational Choices and Their Consequences, (Pearson Education 2011) ISBN: 978-0-13-218026-9

Monks, Robert A.G. and Minow, Nell, Corporate Governance, 5th Edition, (Wiley 2011) ISBN: 978-0-470-97259-5

Goergen, Marc, International Corporate Governance, Prentice Hall (2012) ISBN: 9780273751250

Rajput, Namita (Dr.) and Vasishth, Neeru (Dr.) Corporate Governance Values & Ethics with Case Studies, Taxman (2010) ISBN: 9788171946938

Pandya, Prakash and Balakrishnan, R, Compliance Guide to Corporate, Taxman (2006) ISBN: 8174967559

K.R. Chandratre (Dr.) Manual of Corporate Law Compliance & Corporate Governance, Bharat Law House (2006) ISBN: 81-7737-111-8

# **INTELLECTUAL PROPERTY LAW**

**Course Code: LAW 4105**

**Credit Units: 02**

## **Principles of IPR**

### **Module I**

Introduction to Intellectual Property Rights  
Concept and Theories  
Kinds of Intellectual Property Rights  
Economic analysis of Intellectual Property Rights

### **Module II**

Criticisms of Intellectual Property Rights  
Politics of Intellectual Property Rights  
Third World Criticisms  
Marxist Criticisms

### **Module III**

International Regime Relating to IPR  
TRIPS and other Treaties (WIPO, WTO, GATTs)

## **Copyright Law and Practices**

### **Module I**

Copyright and Neighbouring Rights  
Concept and Principles  
Historical background and Development of Copyright Law  
Leading International Instruments, Berne Convention, Universal Copyright Convention, International Copyright under Copyright Act

### **Module II**

Copyright Act, 1957  
Copyright in Literary, Dramatic and Musical Works, Sound Recording, Cinematograph Films, Copyright in Computer Programme, Author Special Rights, Right of Broadcasting and performers, Terms of Copyright.

### **Module III**

Copyright Registrar and Copyright Board-Power and Procedure  
Copyright Societies, Ownership, Assignment, Licence, Translation of Copyright, Compulsory Licences, Infringement-Criteria of Infringement, Infringement of Copyright-Films, Literary and Dramatic works, Importation and Infringement, Fair use provisions

## **Trademark Law and Practices**

### **Module I**

Historical development of the concept of trademark and trademark law- National and International -- Introduction to Trademarks  
Need for Protection.

Kinds of trademarks  
Concept of Well known trademark

#### Module II

Registration of trademark  
Grounds of refusal of registration  
    Absolute ground  
    Relative ground  
Procedure of registration of trademark  
Opposition

#### Module III

Infringement of trademark  
Passing off  
Deceptive similarity  
Defences  
Remedies for infringement and passing off  
    Civil remedies  
    Criminal remedies

### **Patent Law and Practices**

#### Module I

Introduction to Patents  
Overview  
Historical development  
Concepts:  
    Novelty  
    Utility  
    Inventiveness/Non-obviousness

#### Module II

Patent Act 1970 – amendments of 1999, 2000, 2002 and 2005  
Patentable subject matter  
Pharmaceutical products and process and patent protection  
Software Patents  
Patenting of Micro-organism

#### Module III

Procedure for obtaining patents  
Working of Patents  
Compulsory License  
Revocation of patents

#### Module IV

Infringement  
What Is Infringement?  
How Is Infringement Determined?  
Who Is an Infringer?  
Direct, Contributory, and Induced  
Defences to Infringement

Research exemption

## **Emerging Issues and Challenges**

### **Module I**

Public health and Intellectual Property Rights  
Case study—Novartis Pharmaceuticals  
Bayer Pharmaceuticals

### **Module II**

TRIPS Flexibilities and access to medicine  
IPR and Climate change  
Patents and Biotechnology

### **Module III**

Traditional knowledge and IPR  
Bio piracy  
Domain Name Disputes and Cyber squatting

### **References:**

1. W.R. Cornish, **Intellectual Property**, Sweet & Maxwell, London (2000)
2. **Terrell On Patent**, 2000
3. P. Narayana, **Patent Law**, Wadhwa Publication.
4. **Merges, Patent Law and Policy: Cases and Materials**, 1996
5. Brian C. Reid, **A Practical Guide to Patent Law**, 2nd Edition, 1993
6. Brinkhof (Edited), **Patent Cases**, Wolters Kluwer
7. Prof. Willem Hoyng & Frank Eijvogels, **Global Patent Litigation, Strategy and Practice**, Wolters Kluwer
8. Gregory Stobbs, **Software Patents Worldwide**, Wolters Kluwer
9. Feroz Ali Khader, **The Law of Patents – with a special Focus on Pharmaceuticals in India**, LexisNexis Butterworths Wadhwa, Nagpur.
10. Sookman, **Computer Law**, 1996
11. N.S. Gopalakrishnan & T.G. Agitha, **Principles of Intellectual Property** (2009), Eastern Book Company, Lucknow
12. Dr. B.L. Wadhera, **Law Relating to Patent, Trademarks, Copyright & Designs**
13. Hilarry Pearson and Clifford Miller, **Commercial Exploitation of Intellectual Property**

### **Status Prescribed :**

1. **The Patent Act, 1970**
2. **The Copyright Act, 1957**
3. **The Trade and Marchandise Marks Act. 1958**

## SECOND SEMESTER

### LAW & JUSTICE IN GLOBALISING WORLD

**Course Code: LAW 4201**

**Credit Units: 03**

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.

#### **I. Introduction**

- (a) Meaning and significance of Globalization
- (b) concept of Global Justice
- (c) Global Justice and Right to Development

#### **II. Theoretical Propositions of Global Justice**

- (a) Realism
- (b) Particularism
- (c) Nationalism
- (d) Cosmopolitanism

#### **III. Historical and Central Challenges to Global Justice**

- (a) Global Poverty- Role of International Mechanism
- (b) Armed Conflict
- (c) Nationalist practices
- (d) Crimes against Humanity
- (e) Environment and Health
- (f) Oppressive Policies- Threat of Terrorism, Global Politics

#### **IV. Role and Reformation of Global Institutions**

- (a) States, sovereignty and Transnational Law
- (b) Economic and Trade Institutions-MNC's
- (c) structural reforms of United Nations-Security Council
- (d) International Judicial Institutions

#### **V. Models To Achieve Global Justice**

- (a) Social Contract and Social Justice
- (b) Sarvodaya Model of Justice
- (c) Multi Culturalism and Cosmopolitanism
- (d) Significance of Human Rights Education
- (e) Global Justice and Global Rule of Law

## Recommended Readings

- Springer: Encyclopedia of Global Justice 2012
- Brian Barry, *Culture and Equality*. Cambridge: Polity, 2001
- Duncan Bell (ed.) *Ethics and World Politics*. Oxford 2010.
- Allen Buchanan. Justice, Legitimacy, and Self-determination: Moral Foundations for International Law. Oxford 2004.
- Simon Caney, *Justice Beyond Borders*. Oxford:, 2005
- Nicole Hassoun. 2008a. "World Poverty and Individual Freedom." American Philosophical Quarterly. Vol. 45, No. 2: 191-198.
- Andrew Hurrell. 2001. "Global Inequality and International Institutions." Global Justice. Thomas Pogge ed. Meta-philosophy Series in Philosophy A.T. Marrobian and Brian Huschle eds. Blackwell Publishing: Oxford.
- Martha Nussbaum, *Frontiers of Justice*. Cambridge, Mass.: Harvard University Press, 2006.
- Thomas Pogge, *World Poverty and Human Rights*. Cambridge: Polity, 2002.
- John Rawls, *The Law of Peoples*. Cambridge, Mass.: Harvard University Press, 1999
- Amartya Sen, *Development as Freedom*. Oxford: 1999
- Amartya Sen: Global Justice  
[http://www.lexisnexis.com/documents/pdf/20080806034945\\_large.pdf](http://www.lexisnexis.com/documents/pdf/20080806034945_large.pdf)
- Amartya Sen The Idea of Justice 2009
- Amartya Sen: Development as Freedom 1999 Oxford
- Amartya Sen: Human and Public Action Oxford
- Journals of Oxford and Cambridge on global Justice
- Global Justice Net work: [www.theglobaljusticenetwork.org/journal](http://www.theglobaljusticenetwork.org/journal)
- R PIERIK : Cosmopolitanism Global Justice and International Law Cambridge 2005
- American Journal of International Law and Proceedings of American Society of International Law
- THOMAS NAGEL The Problem of Global Justice  
<http://as.nyu.edu/docs/IO/1172/globaljustice.pdf>
- Anthony J. Langlois:
- **Is global justice a mirage?** European Journal of International Relations March 2011 17: 145-
- Sabino Cassese, Globalization of Law (Mss. 2011) [Good accessible overview, from a "continental" perspective, of the rise of global governance and law.]



## COMPETITION LAW

Course Code: LAW 4202

Credit Units: 02

### **I. Introduction**

- a. Basic economic and legal principles
- b. Restraint of Trade under Indian Contract Act
- c. Monopolistic Trade Practices
- d. Restrictive Trade Practices

### **II. Development of law from MRTP to Competition Act 2002**

- a. Aims, Objects and Salient features
- b. Comparison between MRTP Act and Competition Act
- c. Anti-Competitive Agreement
- d. Abuse of Dominant Position
- e. Combination
- f. Protection of consumers

### **III. Competition Commission Of India**

- a. Structure and function of CCI
- b. Regulatory role

### **IV. Competition Appellate Tribunal-**

- a. Composition, Functions, Powers and Procedure 11
- b. Award Compensation
- c. Power to punish for contempt
- d. Execution of orders

### **V. IPRs and Competition Law**

- a. Concept of IPRs
- b. Transactions Involving Intellectual Property Rights
- c. Protection offered by IPRs
- d. Licencing IPRs
- e. Territorial restraints

### **VI. Competition and WTO**

- a. Trade and Competition Policy relationship (debate)
- b. Investment and Competition Policy
- c. Technical Barriers to Trade and Competition.
- d. International Co-operation in Competition Policy.
- e. Most favoured Nation Theory

### **Suggested Reading:**

- K.S. Anantanarayanan : Lectures on Company Law and MRTP
- Dr. R.K. Singh : Restriction Trade Practices and Public Interest
- Suzan Rab- Indian Competition Law- An International Perspective
- S.M. Dugar's MRTP Law, Competition Law and Consumer Protection
- Report of the Monopolies Inquiries Commission, Govt. of India 1965 (Dr. Hazari Report)
- Sachar Committee Report, High Powered Committee on MRTP Act & Company Act, 1980 and other related work
- A.E. Rodrigues, Ashok Menon- The limits of Competition Policy, the shortcomings of Economics
- Taxmann's competition Law and Practice

# INTERNATIONAL TRADE LAW

Course Code: LAW 4203

Credit Units: 02

## Course Manual

Name of Institution: Amity Law School

Program: LL.M (2<sup>nd</sup> Semester)

Batch – 2013-2014

<b>Subject : INTERNATIONAL TRADE LAW</b>	<b>Course code:</b>
<b>Faculty Name: JELIS SUBHAN</b>	<b>Semester: 2<sup>nd</sup></b>
<b>Designation: Lecturer</b>	<b>Email:</b> <b>jaleessubhan@gmail.com</b>

### I. COURSE OVERVIEW:

This course is devoted to focus on the fundamentals of International Trade Law, which encompasses the laws relating to international sales, contracts, finance, dispute resolution systems and regulations.

### II. COURSE COVERAGE:

This course is designed in a manner to cover the following topics of Family Laws namely,

<b>MODULE I</b>	<b>INTRODUCTION TO INTERNATIONAL TRADE LAW</b>
<b>MODULE II</b>	<b>WORLD TRADE ORGANIZATION</b>
<b>MODULE III</b>	<b>INTERNATIONAL TRADE FINANCING</b>
<b>MODULE IV</b>	<b>INTERNATIONAL COMMERCIAL ARBITRATION</b>

### III. LEARNING OUTCOMES:

At the end of the course students will be well versed with the laws relating to international trade laws, their sources, nature and applicability. Also they will be familiar with the various international dispute resolution and regulatory agencies.

### IV. REFERENCES:

- 1) An Introduction to the WTO Agreements by Bhagirat Lal Das
- 2) Carriage by Sea by Carver
- 3) Carriage of Goods by Sea by Payne & Ivamy
- 4) Cases and Materials on International Trade Law by Paul Todd,
- 5) Charter parties and Bills of Lading by Thomas Edward Scrutton
- 6) Comments on International Trade Law by Professor Rafiqul Islam
- 7) International Trade Law by Indira Carr
- 8) International Trade Law by Janette Charley
- 9) International Trade Law by Lord Templeman
- 10) International Trade Law by S. C. Chhura

- 11) Law of Carriage by Avtar Singh
- 12) Law of International Trade by Pamela Sellman
- 13) Mercantile Law by M.C. Kuchhal
- 14) Shipping Law by S Baughen
- 15) The WTO after Seattle by Jeffrey J. Schott (Editor)
- 16) Understanding International Trade Law by Simone Schnitzer

## **V. SESSION PLAN:**

### **Module I: INTRODUCTION TO INTERNATIONAL TRADE LAW:**

Definitions, Basic Idea on International Trade; Origin and Development of International Trade Law; Nature and Scope, ESCAP, UNCTAD, GSTP, SAPTA, SAFTA, International Sales Law, Formation of International Contracts, UNIDROIT, INCOTERMS, Carriage of Goods by Land, Water and Air.

### **Module II: WORLD TRADE ORGANIZATION:**

Introduction, Functions of WTO, Basic principles, Obligations, conceptual framework and agreement, Trade in Services, General Agreement on Tariffs and Trade 1994, Most-Favoured-Nation Treatment

### **Module III: INTERNATIONAL TRADE FINANCING**

Legal regime of international trade finance; Bills of exchange- The Geneva Uniform Laws on the bills of exchange; Cheques- the Geneva Uniform Laws on the cheques; common law position as regards cheques; Bank remittances; Collection arrangements; Letter of credit (LC) - Kinds of the letter of credit; UCP

### **Module IV: INTERNATIONAL COMMERCIAL ARBITRATION**

Arbitration: meaning & introduction, Advantages and disadvantages, International commercial arbitration, Types of arbitration, Role of the court, Conventions & laws governing arbitration in India, Foreign Exchange Regulation and Management, Guidelines for the consideration of Foreign Direct Investment (FDI), Foreign Investment Promotion Board (FIPB)

## INVESTMENT LAW

Course Code: LAW 4204

Credit Units: 02

### Unit 1 :

A. Introduction

(i) Nature and Development of Banking.

(ii) Functions of Banking

B. Global Banking Institutions

C. The Banking (Regulation) Act, 1949. Its main provisions, social control, nationalization of Banks.

### Unit 2 :

A. (i) Central Bank, Evolution, Characteristics and Functions. (ii) Reserve Bank of India and It's Role. (iii) Securitization and Reconstruction of Financial assets, (iv) Cash reserve and Statutory Liquidity ratios in Bank.

B. Bank as borrowers :

Forms of borrowing, Types of Deposit, Accounts, Electronics, Withdrawal, Money Transfer and e-Banking.

C. Deposit Insurance Corporation Act, 1962.

### Unit 3 :

A. Bank and Customer Relationship.

B. Banking Operations (i) Lending by Banks, (ii) Collection and Payments of Cheques. (iii) Negotiable Instrument & their characteristics, Cheques, Dishonor of Cheques, Appropriation of payments.

C. Interference by third parties.

(i) Attachment, Mareva Injunctions, Bank and Garnishee, set off.

### Unit 4 :

A. Social Banking

B. Basel II norms

C. Letter of Credit

D. Recovery of Debts Due to Banks.

C. Banking Ombudsman Scheme 2002. Debt Recovery Tribunal Act.

E. Recent Trends of Banking System in India.

### SELECT BIBLIOGRAPHY

Basu, A. : Review of Current Banking Theory and Practice (1998) Mac Miilan

M. Hapgood (ed.) : Paget's law of Banking (1989) Butterworths, London

R. Goode : Commercial Law,(1995) Penguin, London

Ross Cranston : Principles of Banking Law (1997) Oxford

L.C. Goyle : The Law of Banking and Bankers (1995) Eastern

M.L. Tannan : Tamnan's Banking Law and Practice in India (1997), India Law House. New Delhi, 2 Volumes

K.C. Shekhar : Banking Theory and Practice (1998), UBS Publisher Distributors Ltd.. New Delhi

M. Dasesse, S. Isaacs and G. Pen ; E.G. Banking Law..(1994), Lloyds of London Press,

# RESEARCH DISSERTATION

**Course Code: LAW 4237**

**Credit Units: 03**

## Research Dissertations:

- (a) Dissertations are in the nature of monographs based on students' own research work under their respective Guides.
- (b) Length of Dissertations should be between 100-125 pages (typed in 12 points, double-spaced, on A-4 size paper, hard-bound).
- (c) Title-page of the Dissertation should mention its title followed by the words "submitted to Amity Institute of Advanced Legal Studies in part fulfillment of requirements for LLM (mention specialization here) degree of Amity University Uttar Pradesh" and should bear the student's name and year of submission.
- (d) Contents-page of the Term Paper should give its chapter-plan consisting of proper headings and sub-headings. This will be followed by a Preface.
- (e) Each chapter of the Dissertation should begin on a fresh page and references in the prescribed style (given below) for each chapter should be given at the end of that chapter.
- (f) Table of Statutes, Table of Cases and Bibliography must be given in the Dissertation after the last chapter.

## Assessment Scheme:

### Dissertation

Continuous Evaluation: Based on the oral presentations [three], regularity and records etc. – 30%

Final Evaluation: Based on contents and layout of the report, conceptual framework, objectives and methodology and implications and conclusions. – 70%

Term paper: Continuous Evaluation based on chapter-plan, general approach and two presentations – 30%

Final Evaluation: Based on the organization of the paper, objectives, comprehensiveness of the research, flow of the ideas, relevance of the material used. – 70%

## Text & References:

- Books: DW Bowett, *Law of International Institutions*, 4<sup>th</sup> ed, Delhi 2003, pp 11-13.
- Articles: GC Wadhwa, 'Latest Trends in International Law', *Delhi Law Review* 2 (1992) p 223
- Reports: National Human Rights Commission, *Annual Report 1996-97*, p 212
- Constitutions: Constitution of India 1950, Article 29 (2) /
- Codes & Acts: Hindu Marriage Act 1955, Sec. 14
- Cases: Sarla Mudgal v Union of India AIR 1995 SC 337

\* To avoid repetition of references learn to use expressions like *ibid* and *id at....* & *supra* and *infra*, etc.  
Your Dissertation Guide will explain to you how to use these expressions.

## **VIVA VOCE EXAMINATION**

The Viva Voce Examination to be conducted for each student individually in Semester IV has two components of equal marks stated below:-

(i) **GENERAL LEGAL KNOWLEDGE**

- (a) Foundational course common for all LLM programs – Study Paper 1 : Legal English and Research Methodology
- (b) Basic knowledge of the Constitution of India and all major civil, penal and procedural laws of the country
- (c) Latest legal issues of the day

(ii) **AREAS OF SPECIALIZATION**

- (a) Study Papers 2 to 7 of the students' respective areas of specialization – i. e., Constitutional Law, Human Rights, Family Law or Business Law
- (b) Respective Research Dissertations
- (c) Leading Case Law in the area of Specialization
- (d) Latest Legal Issues in the area of specialization

### **Examination Scheme:**

External Assessment by external expert: 70%

Internal Assessment by Internal Faculty: 30%

**Total 100%**

### **Text & References:**

(a) **Books**

- Manish Arora, Legal GK – General Knowledge on Law (6<sup>th</sup> ed, 2008)
- Gopalan & Brindha, Viva General Knowledge (2008)
- Universal, Guide to LLB Entrance Test (19<sup>th</sup> ed, 2009)
- Universal, Practice Test Papers for Common Law Admission Test (2010)

(b) **All issues of the Amity Law Watch published by AIALS**

(c) **Legal News in leading English Dailies (Hindustan Times, Times of India, Indian Express, The Hindu)**