

University of Mumbai



AAMS_UGS /ICC/2023-24/50

CIRCULAR:-

Sub :- LL.M (Commercial Law).

Ref :- RB / MU-2023 / CR-490 / Edn-3 /950, dated 12th July, 2023.

All the Principals of the Affiliated Colleges, the Head of the University Department and Directors of the recognized Institutions in Faculty of Humanities are hereby informed that the recommendations made by the **Board of Studies in Law** at its online meeting held on **12th July, 2022** vide item No. **3** and subsequently passed by the Board of Deans at its meeting held on **8th December, 2022** vide item No. **8.4 (N)** have been accepted by the Academic Council at its meeting held on **6th April, 2023**, vide item No. **8.4 (N)** and subsequently approved by the Management Council at its meeting held on **27th April, 2023** vide item No. **11** and that in accordance therewith, in exercise of the powers conferred upon the Management Council under Section 74(4) of the Maharashtra Public Universities Act, 2016 (Mah. Act No. VI of 2017) the Ordinance **6873 & 6874** Regulations **9697 to 9700** and the syllabus of **LL.M (Commercial Law) (Sem. I to IV) (CBCS)** has been introduced and the same have been brought into force with effect from the academic year **2023-24**, accordingly. (The said circular is available on the University's website www.mu.ac.in).

MUMBAI – 400 032
01st August, 2023


(Prof. Sunil Bhirud)
I/c. REGISTRAR

A.C/8.4 (N)/06/04/2023.
M.C/11/27/04/2023.

Copy forwarded with Compliments for information to:-

- 1) The Chairman, Board of Deans
- 2) The Dean, Faculty of Humanities,
- 3) The Chairman, Board of Studies in Law ,
- 4) The Director, Board of Examinations and Evaluation,
- 5) The Director, Board of Students Development,
- 6) The Director, Department of Information & Communication Technology,
- 7) The Co-ordinator, MKCL.

Copy for information and necessary action :-

1. The Deputy Registrar, College Affiliations & Development Department (CAD),
2. College Teachers Approval Unit (CTA),
3. The Deputy Registrar, (Admissions, Enrolment, Eligibility and Migration Department (AEM),
4. The Deputy Registrar, Academic Appointments & Quality Assurance (AAQA)
5. The Deputy Registrar, Research Administration & Promotion Cell (RAPC),
6. The Deputy Registrar, Executive Authorities Section (EA)
He is requested to treat this as action taken report on the concerned resolution adopted by the Academic Council referred to the above circular.
7. The Deputy Registrar, PRO, Fort, (Publication Section),
8. The Deputy Registrar, Special Cell,
9. The Deputy Registrar, Fort Administration Department (FAD) Record Section,
10. The Deputy Registrar, Vidyanagari Administration Department (VAD),

Copy for information :-

1. The Director, Dept. of Information and Communication Technology (DICT), Vidyanagari,
He is requested to upload the Circular University Website
2. The Director of Department of Student Development (DSD),
3. The Director, Institute of Distance and Open Learning (IDOL Admin), Vidyanagari,
4. All Deputy Registrar, Examination House,
5. The Deputy Registrars, Finance & Accounts Section,
6. The Assistant Registrar, Administrative sub-Campus Thane,
7. The Assistant Registrar, School of Engg. & Applied Sciences, Kalyan,
8. The Assistant Registrar, Ratnagiri sub-centre, Ratnagiri,
9. P.A to Hon'ble Vice-Chancellor,
10. P.A to Pro-Vice-Chancellor,
11. P.A to Registrar,
12. P.A to All Deans of all Faculties,
13. P.A to Finance & Account Officers, (F & A.O),
14. P.A to Director, Board of Examinations and Evaluation,
15. P.A to Director, Innovation, Incubation and Linkages,
16. P.A to Director, Department of Lifelong Learning and Extension (DLLE),
17. The Receptionist,
18. The Telephone Operator,

Copy with compliments for information to :-

19. The Secretary, MUASA
20. The Secretary, BUCTU.

University of Mumbai



Syllabus for LLM (Commercial Law)

Semester – (I to IV)

(Choice Based Credit System)

(Introduced from the academic year 2023-24)

University of Mumbai



<u>O: 6873</u> Title of Course	LL. M (COMMERCIAL LAW)
<u>O: 6874</u> Eligibility	1. Eligibility Criteria for Admission: The minimum qualification for a candidate of general category for seeking admission to the LL.M (Commercial Law) degree course is a LL.B degree of this University or a LL. B. degree recognized as equivalent thereto of any other recognized University. N.B.: The students who have passed LL.B. degree from other than Mumbai University are required to obtain Provisional Statement of Eligibility Certificate from Eligibility Section Babasaheb Ambedkar Bhavan, Santacruz (E.), Vidyanagari, Mumbai – 400 098. They are further required to pay the amount in UMLA or Thane sub campus as a fee for procedural Document Verification as prescribed by this University from time to time for confirmation of the validity of their certificates of their previous University and confirmation of Eligibility to their LL.M. (Commercial Law) Course. 2. Rules Relating to Admission: There shall be Entrance Examination for all students seeking LL.M (Commercial Law) Admission in University of Mumbai Law Academy/ Thane sub campus. The minimum qualification for a candidate of general category making an application to the LL.M (Commercial Law) Degree course of this University or LL.B. degree recognized as equivalent thereto. An application for admission to the LL.M (Commercial Law) degree course must be made in the prescribed form and be submitted to the University of Mumbai Law Academy within the prescribed time, immediately after the declaration of the results of the LL.B. degree examination of this University held in first half of every year. Admission forms for the LL.M. (Commercial Law) degree course shall be referred to the Admission Committee comprising of the Director, teachers from the UMLA, Thane sub campus, and the recognized post-graduate teachers of the University / affiliated colleges to fix the criteria of admission. The students selected for admission to LL.M. (Commercial Law) degree course shall register themselves with University of Mumbai as the Post-graduate students. Students will not be permitted to pursue the LL.M. (Commercial Law) degree course simultaneously with any other course of this or any other recognized University.

	Admission of the students shall be made in accordance with the marks scored in the LL.M. entrance exam and marks secured at LL.B degree. Admission to the LL.M. degree course shall be made for the entire academic year, i.e. for both the First and Second Semesters at the beginning of the academic year at one time. Admission for the students of Backward Classes shall be in accordance with the Maharashtra Government Policy. Students applying for admission under the reserved category other than SC/ST are required to submit non-creamy-layer certificate along with their application form. Students applying for admission for other reservation will be admitted as per the Maharashtra government policy from time to time. N.B.: Students are required to submit all the documents required for Scholarship/Free ship within one month of their admission to the course failing which their application for Scholarship/Free ship will be rejected without any intimation.												
<u>R: 9697</u> Duration of Course	2 YEARS												
<u>R: 9698</u> Intake Capacity	70 STUDENTS												
<u>R: 9699</u> Scheme of Examination	A. SCHEME OF EXAMINATION: The performance of the learners shall be evaluated into two parts. The learner’s performance shall be assessed by Internal Assessment with 40% marks in the first part. By conducting the Semester End Examinations with 60% marks in the second part. This is regular course and the students will not be allowed to give examinations unless he/she secures 75% attendance for each semester if not otherwise exempted according to the University Rule with this regard. The allocation of marks for the Internal Assessment and Semester End Examinations are as shown below: - i. Internal assessment: 20 Marks (20%) <table><tr><td>Sr. No</td><td>Evaluation type (Foundation Course) (20 marks)</td><td>Marks</td></tr><tr><td>1</td><td>ONE ASSIGNMENT / LONG TERM RESEARCH PAPER / CASE STUDY/ PROJECT</td><td>10</td></tr><tr><td>2</td><td>VIVA- VOCE (COMPULSORY)</td><td>05</td></tr><tr><td>3</td><td>ATTENDANCE AND CLASS INTER-ACTION</td><td>05</td></tr></table>	Sr. No	Evaluation type (Foundation Course) (20 marks)	Marks	1	ONE ASSIGNMENT / LONG TERM RESEARCH PAPER / CASE STUDY/ PROJECT	10	2	VIVA- VOCE (COMPULSORY)	05	3	ATTENDANCE AND CLASS INTER-ACTION	05
Sr. No	Evaluation type (Foundation Course) (20 marks)	Marks											
1	ONE ASSIGNMENT / LONG TERM RESEARCH PAPER / CASE STUDY/ PROJECT	10											
2	VIVA- VOCE (COMPULSORY)	05											
3	ATTENDANCE AND CLASS INTER-ACTION	05											

	4	TOTAL MARKS	20	
	ii. Internal assessment: 40Marks (40%)			
	Sr. No	Evaluation type (Elective Course) (40 marks)	Marks	
	1	ONE ASSIGNMENT / LONG TERM RESEARCH PAPER / CASE STUDY/ PROJECT	20	
	2	VIVA- VOCE (COMPULSORY)	10	
	3	ATTENDANCE AND CLASS INTER-ACTION	10	
	4	TOTAL MARKS	40	
	Internal assessment: 40Marks (40%)			
	Sr. no	Evaluation Type	Marks	
	Semester	(Research Courses)		
	semester – I	Selection and submission of research proposal	40	
	semester – II	Progress report (Literature review and data collection)	40	
	semester – III	Progress report	20	
	Semester – III PGLA (POST GRADUATE APPLIED COURSE) MARKING SCHEME			
	SR. NO	Evaluation Component	MARKING SCHEME	
	1.	Classroom teaching Seminar / presentations	20 marks	
	2.	Soft skill assignments	20 marks	
	3.	Seminar, Conferences, Workshop, Legal writing, Lok Adalat	20 marks	
	4.	Field visit and report writing	20 marks	
		Total	80 marks	

	<table><tr><td>Semester- IV</td><td>Dissertation &</td><td>200</td></tr><tr><td></td><td>Viva voce</td><td>50</td></tr></table> External Theory examination: 60 Marks • Duration–2 Hours for each paper. • There shall be 04 questions each of 15 marks. • All question shall be compulsory with internal choice in each question. • Questions may be sub divided into subjective questions - a,b,c...and the allocation of marks depend on the weight age of the topic. The LL. M PROGRAMME CONTENTS • 04 Foundation Courses (Compulsory) • 05 Research Courses • 05 Core Courses (Specialization) • 03 Elective Courses (Specialization) • 01 Applied Course	Semester- IV	Dissertation &	200		Viva voce	50
Semester- IV	Dissertation &	200					
	Viva voce	50					
R: <u>9700</u> Standards of Passing	Internal and External examinations a. The Internal and External examinations will have equal weightage of 50% each. b. A Student has to obtain 50% marks in both examinations of Internal and External with minimum passing of 40% in both of these examinations separately. c. A student cannot register for third semester, if he/she fails to complete any 6 papers consisting of 24 credits, out of total 8 papers of first and second semester consisting of 32 credits in total. d. The external examination answer papers shall be evaluated by Central Assessment Program. e. There shall be a revaluation of the answer scripts of External examination but not of internal examination. f. The (PGLA) is applied course: There will be internal assessment only. University Examination will not be conducted for the same. g). Research Courses: University Examination will not tbe conducted for the research courses. Evaluation will be based on the basis of submission of proposal – (semester – I), progress report (semester II & Semester – III) Internal Assessment as per Ordinance a. While marks are given for all internal and external examinations for a maximum number of (40 marks internal and 60 marks external) each, they will be converted into grades by University. b. Semester end grade sheets will have only grades & final grade sheet and transcripts shall have grade points average and total percentage of marks. c. The final grade sheets will also indicate the P.G. Centre to which the candidate belongs.						

Internal marks remain unchanged and internal assessment cannot be repeated.

a. If student remains absent during internal assessment examination, he/she will have second chance with the permission of the competent authority. It will be under the discretion of the competent authority and internal departmental assessment committee. In case he/she wants to repeat Internal, he/she can do so only by registering for the said courses.

b. External Examination for the 60% marks will be conducted by the University of Mumbai.

c. The External examination program will be scheduled as per the notifications and guidelines issued by the Examination section of University of Mumbai.

d. Internal assessment for each course would be continuous and dates for each Internal exam will be pre-notified.

e. The P. G. Department / College Internal Assessment Committee will coordinate this activity.

f. It is a continuous evaluation process. The Internal marks will be evaluated on the basis of the following i.e. attendance, punctuality, practical skills, and oral skills etc. on the parameters indicated.

g. Assessment of internal work will be conducted before conducting External examination.

Semester wise Evaluation:

The first semester consists of four courses; there will be internal and external examination for all the four courses.

Semester wise	Number of courses	Number of Credits	Internal Marks	External Marks	Total Marks
Semester – I	02 Foundation	04 +04	20+20	60+60	80+80
	01 Research	04	40	-	40
	01 Core	06	40	60	100
	01 elective	06	40	60	100
Total	05	24	200	200	400
Semester – II	02 Foundation	04 +04	20+20	60+60	80 +80
	01 Research	04	40	-	40
	01 core	06	40	60	100
	01 elective	06	40	60	100
Total	05	24	200	200	400

Assessment and Grade point average

In case a student fails to earn the minimum number of credits required for obtaining a degree within the stipulated period of 4 years, then such a student will be declared INCOMPLETE EXIT and in such a case the student can seek a fresh admission as per the admission rules prevailing at that time.

ATKT RULES

- A student cannot register for third/fourth semester, if he/she fails to complete six courses consisting of 24 % credits of total eight papers consist of 32 credits and he/ she is expected ordinarily to complete within two semesters.
- Grades will be awarded from grade point average (GPA) of the credits.

The system of evaluation will be as follows:

- a. Each internal assessment and External Examination will be evaluated in terms of marks. The marks for internal assessment and External Examination will be added together and then converted into a grade and later a grade point average.
- b. Results will be declared for each semester.
- c. After the gain of minimum number of credits towards a Completion of a PG program, a student will get a grade sheet with total grades earned and a grade point average.

Evaluation System on the basis of Credit based award Pattern:

The academic performance of a student during a semester shall be graded on a Ten-point scale. The grade awarded to a student shall depend on his/her performance in external and internal examinations. The academic performance of a student during a semester and at the end of the program, shall be evaluated on the basis of:

- (i) Grade Point (GP) obtained in each subject;
- (ii) Semester Grade Point Average (SGPA); and
- iii. Cumulative Grade Point Average (CGPA)

At the end of each semester examination, a student shall be awarded a Semester Grade Point Average (SGPA).

A Cumulative Grade Point Average (CGPA) shall be awarded to each student at the end of Final Semester of the Program.

The details regarding method of calculating SGPA& CGPA is explained in para 10.

Award of Grade Letter, Grade Points, Credit Points, SGPA, CGPA:**(a) Award of Grade Letter and Grade Points:**

Each course/paper shall be valued in a 10-point grading system. The letter grades and their equivalent grade points are listed below.

Range of % of Marks	Grade Letter	Grade Point
91 to 100	O - Outstanding	10
81 to 90	A+ - Excellent	9
71 to 80	A - Very Good	8
55 to 70	B+ - Good	7
51 to 54	B - Average	6
50	P - Pass	5
Less than 50	F - Fail	0
Absent	Ab (Absent)	0

(b) Calculation of Credit Points: - Credit Points for the course = (No. of Credits assigned for the course x Grade Point secured for that course.)

(c) Semester Grade Point Average (SGPA): - SGPA indicates the performance of a student in a given Semester. SGPA is based on the total credit points earned by the student in all the courses and the total number of credits assigned to the courses/papers in a Semester.

SGPA = Total Credit Points in the Semester

Total Number of Credits for the Semester

OR

SGPA (Si) = $\Sigma(C_i \times G_i) / \Sigma C_i$ where C_i is the number of credits of the course and G_i is the grade point scored by the student in the course.

(d) Cumulative Grade Point Average (CGPA): CGPA refers to the Cumulative Grade Point Average weighted across all the semesters.

CGPA = Total Credit Points Obtained in all Semesters

Total Credits of all Semesters

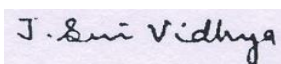
OR

CGPA = $\Sigma (C_i \times S_i) / \Sigma C_i$ where S_i is the SGPA of the semester and C_i is the total number of credits in that semester. The SGPA and CGPA shall be rounded off to 2 decimal points and reported in the transcripts.

11. Standard of Passing the Semester Examinations: In order to qualify in a particular examination, a candidate shall have secured at least 50% of marks taken together of University Assessment (UA) and College Assessment (CA) in each and every theory/ Practical/Dissertation prescribed for a particular semester.

12. Award of the Degree: A student will be eligible for the award of the Degree of Master of Laws (LL.M) (**Commercial Law**) with his chosen specialization/s, after he has successfully completed all the four semesters.

No. of years/Semesters:	Two Years/Sem – IV
Level:	Post-Graduation (P.G.)
Pattern:	Semester
Status:	New
To be implemented from Academic Year :	2022 – 2023 2023-24



Signature:
Chairman of Board of Studies



Signature:
Dean Faculty of Interdisciplinary Studies

LL.M. (Commercial Law)

Master of Law is a post-Graduation (2 years) program of University of Mumbai conducted at following two campuses:

1. University of Mumbai Law Academy, Shankar Rao Chavan Building, Santacruz (E) (Kalina Campus)
2. The School of Law, Behind Runwal Garden City, Balkum Pada, Thane West, Thane, Maharashtra 400608 (Thane Sub Campus)

Aims and Objectives of the Program

- The implementation of choice-based credit-based curriculum would enable students to develop a strong analytical, evaluative understanding in the fundamentals of specialized disciplines.
- The students pursuing this course shall gain understanding of varied National and International Legal Perspective.
- **The LL.M. Program is intended to produce Academicians and Lawyers with competence and expertise, as it is imperative that the students should have an in-depth knowledge of advance Principles and Dynamics of Law.**
- The LL.M. (Commercial Law) is structured to prepare students for various facets of successful corporate practice by providing an excellent academic platform for those who have embarked upon a legal career with intent to specialize in the area of Commercial Laws.
- **Learning Outcomes**
 - The specialization provides students with ample opportunity to engage with the key theoretical debates of corporate law and related areas of law, like Banking and Finance, Insurance, Intellectual Property Rights, E-Commerce and Competition Laws. This course aims to bridge the gaps between the various disciplines and skills required by the modern business professional.
 - The generic electives are structured to enable a holistic understanding of the corporate world, when seen through the prism of theory and practice of varied laws.
 - The elective courses are designed to address the contemporary challenges arising from the unique dynamics of the current corporate environment, where business intersects with Cyber Law and Modern Dispute Resolution Systems. LL.M. Commercial Law program will prepare the student for a career in global business by providing insights on the complexities of transnational business interactions.
 - The Program is of two years duration. Each academic year is divided into 2 semesters (Odd and Even).
 - Each semester consists of 90 working days which extends over a period of 18 weeks. The semester pattern is designed with continuous assessment system.

LL.M (Commercial Law)

SUBJECTS IN SEMESTERS -

SEMESTER – I

Courses	Course Code	Name of the Course / Subject	Credits	Total Marks UA/ CA
Foundation 01	PGLF01	Law and Social Transformation in India	4 Credits	80 Marks (60 +20)
Research course 01	PGLR01	Legal Research and Methodology	4 Credits	100 Marks (60 + 20)
Research Course 02	PGLR 02	Selection and Preparation of Research Proposal	4Credits	40 marks (120 Marks)
Core 01	PGLC01	Legal Framework of Corporate Management and Financial Regulations in India	6 Credits	100 Marks (60 + 40)
Elective 01	PGLE01A PGLE01B	Laws Regulating Economic Enterprises in India OR Law of Industrial and Intellectual Property Rights (Student can select Any One paper)	6 Credits	100 Marks (60 + 40)
Total			24 Credits	400 Marks

SEMESTER II

Courses	Course Code	Name of the Course / Subject	Credits	Total Marks UA/ CA
Foundation 03	PGLF02	Indian Constitutional Law: New Challenges	4 Credits	80 Marks (60 + 20)
Foundation 03	PGLF03	Legal Theory	4 Credits	80 Marks (60 + 20)
Research Course 03	PGLR 03	Progress Report- Literature Review and Data Collection	4Credits	40 Marks
Core 02	PGLC02	International Trade Law and Development	6 Credits	100 Marks (60 + 40)
Elective 02	PGLE02A PGLE02B	Laws Regulating Electronic Commerce and Cyber Security OR Banking Laws (Student can select Any One paper)	6 Credits	100 Marks (60 + 40)
Total			24	400

SEMESTER III

Courses	Course Code	Name of the Course / Subject	Credits	Total Marks UA/ CA
Core 03	PGLC 03	Law of Taxation	6 Credits	100 Marks (60 + 40)
Core 04	PGLC 04	Competition Law	6 Credits	100 Marks (60 + 40)
Applied Course	PGLA	Practical Training: Skill Enhancement	4 Credits	80 Marks
Research Course 04	PGLR 04	Research Progress Report	2 Credits	20 Marks
Elective 03	PGLE03A	Consumer Protection Laws OR	6 credits	100 Marks (60 + 40)
	PGLE03B	International Dispute Resolution Mechanism (Student can select Any One paper)		
Total			24	400

SEMESTER IV

Courses	Course Code	Name of the Course / Subject	Credits	Total Marks UA/ CA
Foundation 04	PGLF 04	Judicial Process	4 credits	80 (60+ 20)
Core 05	PGLC 05	Insurance Law	6 credits	100
Research 05	PGLR 05	Dissertation (200) Viva voce (50)	14 credits	250 Marks
Total			24	430 Marks
Grand Total			96 Credits	1630 Marks

Schemes of teaching of the courses shall be as indicated under Appendix – 1 appended with this Direction.

The Course Code shall be referred as follows

PG-Post Graduate, L- Law, C- Core, F-Foundation, E- Elective, A- Applied

PGLF; PGLC; PGLE; PGLR; PGLA

Credits distribution over types of courses with %

<u>Foundation courses</u>	<u>Research Courses</u>	<u>Core courses</u>	<u>Elective Courses</u>	<u>Applied course</u>	<u>Total</u>
4 courses	5 courses	5 courses	3 courses	1 course	29

(4 credits each)	(4+4+4+2+14)	(6 credits each)	(6 credits each)		
PGLF 01 to 04	PGLR 01 to 05	PGLC 01 to 05	PGLE 01 to 03	PGLA	29
16 credits	28 credits	30 credits	18 credits	4 credits	96 credits
16.6%	29.2%	31.3%	18.8%	4.2%	100%

Appendix-1

Schemes of teaching under semester pattern Choice Based Credit System (CBCS) for LL.M. Program (Commercial Law)

SEMESTER I

PGLF01 Foundation 01: Law and Social Transformation in India (4 Credits)

Objective

- Optimal utilization of knowledge of legislative reforms towards the service of our society
- To study the social problems of society and find their solution
- To have a legally tenable approach towards social problems

Content

Module I: Interrelationship between Law and Social Change

1. Law: Historical Growth and Development
2. Law: Instrument of Social Change
3. Law: The Product of Traditions and Culture
4. Law: Equality Principle

Module II: Language and the Law:

1. Constitutional Provisions
2. Protection of Linguistic Minorities
3. Recent Judicial Trend

Module III: Women, Children and the Law

1. Jurisprudential Dimensions of Gender Injustice and its various forms
2. Crimes against women & remedial measures
3. Empowerment of women: Constitutional and other legal provisions
4. Child Labour and Sexual exploitation
5. Provisions related to adoption
6. Children and education

Module IV: Contemporary issues and the Law

1. Agrarian Reform – Industrialization of agriculture
2. Industrial Reform: Free enterprise v. State regulation (Sustainable Development)
3. Prison Reforms
4. Reform of Court Processes (Alternative Dispute Resolution Methods)
5. Criminal law: Plea bargaining; compounding and payment of compensation to victims.
6. Naxalite movement: causes and cure

Outcome

- Legal awareness augmentation towards the society.
- Suggestions to the law makers for enacting the law accordingly.
- Implementation of the suggested laws through appropriate mechanism.

Recommended Books

- P. Ishwara Bhat, Law and Social Transformation, EBC, (2012)
- Oliver Mendelsohn, Law and Social Transformation in India, Oxford University Press, (2014)
- Agnes Flavia, Law and Gender Inequality: The Politics of Women's Rights in India, Oxford University Press, (1999)
- Duncan Derret, The State, Religion and Law in India, Oxford University Press, New Delhi, (1999)
- D. D. Basu, Shorter Constitution of India, Prentice Hall of India, (P) Ltd., New Delhi, (1999)
- J. B. Kripalani, Gandhi: His Life and Thought, Ministry of Information and Broadcasting, Government of India, (1970)
- Robert F. Meagher, Indian Law Institute, Law and Social Change: Indo-American Reflections, N. M. Tripathi (1988)
- M. P. Jain, Outlines of Indian Legal History, Tripathi, Bombay, (1993)
- Marc Galanter (ed.), Law and Society in Modern India, Oxford, (1997)
- Robert Lingat, The classical Law of India, Oxford, (1998)
- Manushi, A journal about women and society (bi-monthly journal)
- Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour, Armol Publications, Delhi, (2000)
- Savitri Gunase Khare, Children, Law and Justice, Vikas Publications, New Delhi, (1982)
- U. Baxi (ed.), Law and Poverty Critical Essays, Tripathi, Bombay, (1988)

PGLR01 Research 01: Legal Research and Methodology: Selection and Preparation of Research Proposal (4 Credits)

Objective

- The main objective of this course is to acquaint the students of Law with the method of social science research.
- To develop research skills to analyze the facts and theoretical framework with exposure to its operational viability
- This course is expected to provide the knowledge of technique of selection, collection and interpretation of primary and secondary data in socio –legal research.
- To enhance the analytical and critical thinking of the student.

Content

Module-I: Nature and Scope

1. Meaning and Objective of Legal Research.
2. Socio-Legal Research, Interdisciplinary Research
3. 1.3. Doctrinal and Non-Doctrinal Methods of Research

Module-II: Research Design

1. Research Problem- Definition, Determination, Sources of Data.
2. Hypothesis- Meaning and Definition, Characteristics, Formulation and Testing of Hypothesis
3. Essential Steps of Research Design

Module-III: Research Methods Tools and Techniques

1. Observation
2. Interview and Schedule
3. Questionnaire
4. Data Processing, Induction & Deduction
5. Sampling, scaling of data
6. Socio and Legal Survey
7. Case study method

Module-IV: Legal Writing

1. Classification and Tabulation of Data
2. Analysis and Interpretation of Data
3. Use of Statistical Methods and Computers in Legal Research
4. Reporting and Method of Citations
5. Ethics in Research
6. Book Review

Selection and Preparation of Research Proposal for semester IV Dissertation

1. The respective faculties are required to guide students for selecting research topic.
2. The students are required to submit the literature review to the guiding teachers.
3. At the end of semester, the students should submit their progress report to the guiding teacher in the paper of legal research and methodology

Outcome

- With this course, the students will learn skills and techniques to carry out research in the area of law.
- Students will be equipped to carry out quick, comprehensive and focused research in the evolving jurisdictions.
- It will develop the scientific approach of students towards socio- legal issues.

Recommended Books

- Erwin C. Surrency, B. Fieff and J. Crea, A Guide to Legal Research, Oceana Publications, (1959)
- H.M. Hyman, Interviewing in Social Research, Cambridge University Press, (1954)
- Payne, The Art of Asking Questions, Princeton University Press, (1965)
- Hugh Brayne, Nigel Duncan, and Richard Grimes, Clinical legal Education: Active Learning In Your Law School, Blackstone Press Limited, (1998)
- M.O. Price, H. Bitner and Shirley Raissi Bysiewicz, Effective Legal Research, Little Brown and Company, (1978)
- Morris L. Cohan and Kent C. Olson, Legal Research in Nutshell, West Academic Publishing; 12. Edition (2016)
- N.R. Madhava Menon, A Handbook of Clinical Legal Education, Eastern Book Company, (1998)
- Pauline V. Young, Scientific Social Survey and Research: An Introduction To The Background, Content, Methods And Analysis Of Social Studies, Prentice Hall (1949)
- S.K. Agrawal, Legal Education in India, N.M. Tripathi, Bombay, (1973)
- Legal Research Methods Teaching Material Prepared by: Prof (Dr) Khushal Vibhute & Filipos Aynalem Prepared under the Sponsorship of the Justice and Legal System Research Institute.
<https://chilot.files.wordpress.com>

PGLR 02: Selection and Preparation of Research Proposal (4 credits)

Objective

- To guide and assist students for selecting research topic.
- Assisting students for framing research topic and preparing research proposal.

Content

Module I: Guidance to students for selection of research topic

Module II: Guidance to students for literature review and drafting of research proposal and submission of progress report by the students at the end of first semester

Outcome

To enable students to prepare and frame a research proposal

- To enable students to begin their research work for dissertation which is required to be submitted in the last semester

PGLC 01 Core 01: Legal Framework of Corporate Management and Financial Regulations in India (6 Credits)

Objective

- This course strives to cover the essential legal framework to strengthen corporate governance of a corporation.
- Equip the students to analyze the principle of corporate management and strategies adopted by corporate towards achieving their objectives.
- Enable the students answer some vital questions regarding the law of corporate management, governance and legal perspectives pertaining to the same.

Content

Module I: Introduction to Corporate Management

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

Module II - Corporate Securities

1. Shareholders-Role of Shareholders-Shareholder Rights-Responsibilities of Shareholders – Protection to the shareholders.
2. Debentures-Role of Debenture holders - Debenture holders rights-
3. Responsibilities of Debenture holders - Protection to the Debenture holders.
4. Other Stakeholders role, rights and responsibilities-Relationship of Shareholders and Other Stakeholders-Comparative analysis of Shareholders and Debenture holders.

Module III: Directors and Key Managerial Personnel, Audit and Investor Protection

1. Board of Directors-Structure of the Board-Role, Authority and independence of the Board - Difference between Board and Management.
2. Role of Directors-Types of Directors-Manual remuneration.
3. Duties, Rights of Directors-Fiduciary responsibilities-Role of the board in Shareholders protection through disclosure and transparency.
4. The Audit Committee and corporate governance-Defining Audit and Auditors-Significance of accounting and auditing for governance.
5. Objectives of an Audit-Types of Audit-Types of Auditors.
6. Roles Duties, & Responsibilities of Auditors-Responsibilities of the Audit Firm - Role of institutional investors-Investor's Problems and Protection-Classification of Investor Protection-Impact of Investor Protection

Module IV: Transparency, Disclosures & Communication

1. Defining Disclosure and Transparency-Effective Tools for Disclosure.
2. Role of Financial Institutions-Significance of Memorandum and Articles of Association.
3. Significance of timely and accurate disclosure-Extent of disclosure.

Module V: Legal Framework of Financial Regulations In India

1. Securities and Exchange Board of India Act, 1992.
2. Corporate Governance in Securities (Contracts and Regulations) Act, 1956 (SCRA).
3. The Depositories Act 1996.
4. Non-banking financial institution (NBFI) or non-bank financial
5. company (NBFC)
6. SEBI (Prohibition of Fraudulent and Unfair Trade Practices relating to Securities Market) Regulations, 2003 [Last amended on September 6, 2013]
7. Securities and Exchange Board of India (Listing Obligations and Disclosure Requirements) (Amendment) Regulations, 2022

Module VI: International Legal Framework of Corporate Governance

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

Outcome

- Understand the principles and concepts of corporate management law that governs various commercial transactions.
- Equip the students to analyse the principle of corporate management and strategies adopted by corporate towards achieving their objectives.

- Grasp a knowledge of the Institutions and stakeholders that play a major role in corporate structuring.
- Refine their understanding of shareholder rights, audit committee, investor funds, its composition and responsibilities. Adhere to sound principles of corporate governance.

Recommended Books

- V. Balachandran, V. Chandrasekaran, Corporate Governance, Ethics and Social Responsibility, PHL Learning, 2nd ed., (2011)
- Sharma J. P., Corporate governance and social responsibility of business, Ane Books Pvt. Ltd., New Delhi, (2019)
- A.C. Fernando, Corporate governance – Principles, policies and practices, Pearson, (2009)
- Swami (Dr.) Parthasarthy, Corporate governance – Principles, mechanisms and practices, Biztantra, (2011)
- A.C. Fernando, Corporate governance, Pearson, (2018)
- Dr. S. N. Ghosh, Law of corporate governance, Thomson Reuters, (2020)
- SEBI Manual 3 volumes, Taxman, (2022)
- Sandeep Parekh, Fraud, manipulation and insider trading in the Indian securities markets, Wolters Kluwer India Pvt. Ltd., 3rd ed., (2020)
- Kesho Prasad, Corporate Governance, PHI Learning Pvt. Ltd., (2011)

PGLE 01 (Elective-A): Laws Regulating Economic Enterprises in India (6 Credits)

Objective

- To educate students on the Economic regulations which have a significant role in establishing the terms under which investment is made.
- To educate and equip students with the regulatory policies, mechanisms for regulating economic enterprises in India
- To educate students on distinctive perspectives of regulatory bodies in India

Content

Module I: Prevention of Money Laundering

1. Economic Theory of Law, Genesis.
2. Prevention of Money Laundering.
3. Obligations of Banks and Financial Institutions.
4. Emerging issues and challenges before the Government. International Response.

Module II: Control of Imports and Export

1. Legislative Control
2. Power of Control: Central Government and 2.3. 2.3. RBI. Foreign Trade Development and Regulation Act (1992)
3. Law Relating to Customs
4. Prohibition and Penalties
5. Export-Import Formulation: Guiding Features. Foreign Exchange and Currency, Import of Goods
6. Export Promotion Councils: Export Oriented Units and Export Processing Zone

Module III: Foreign Exchange Management

1. Foreign Exchange Management Act, 1999.
2. Foreign Direct Investment and abroad
3. Establishment of Branch, office etc. in India. Export of Goods and Services
4. Realization and Repatriation of Foreign Exchange. Foreign Contribution (Regulation) Act, 2010
5. Foreign Contributions and Hospitality. Exemptions
6. Powers of Central Government

Module IV: Industrial Operations and Environmental Challenges

1. Regulation of Hazardous Activity, Mass Disaster and Environmental Degradation: Legal Liability and Legal Remedies.
2. Public Liability Insurance: Issues in Zoning and Location of Industrial Units.

Module V: EXIM Policy: Changing Dimensions

1. Investment Policy: NRIs, FIIs (Foreign Institutional Investors), FDIs, Joint Venture,
2. Promotion of Foreign Trade Regulation on Investment,
3. Borrowing and Lending of Money and Foreign Currency, Purchase of Securities and Immovable Property Abroad, Establishment of Business Outside.
4. Investment in Indian Banks.

Module VI: Legal Regulation of Select Public Enterprises for Transport, Mining and Energy

1. Telecom Regulatory Authority.
2. Insurance Regulatory Authority.
3. Broadcasting Regulatory Authority.
4. Legal Regulation of Multi-Nationals.
5. Collaboration Agreements for Technology Transfer.
6. Development and Regulation of Foreign Investments. Investment
7. in India: FDIs and NRIs
8. Repatriation and Surrender of Foreign Securities,

Outcome

- Assist students in their legal profession
- Assist students with analytical approach
- To be educators, teachers and legal stalwarts, researchers

Recommended Books

- Taxmann, Foreign contribution regulation law manual, Taxmann, 1st ed., (2021)
- Chandra S. Prasad, Economic laws, regulations and procedures in India, New Century Publications, (2011)
- V.S.Datey, Customs law and foreign trade policy as amended by Finance Act 2022, Taxmann, (2022)
- Virag Gupta, Manual on the Telecom Regulatory Authority of India Act, 1997 with Rules and Regulations, Tariff order and National Telecom Policy, Commercial Law Publishers (India) Pvt. Ltd., (2015)

- R.Subhashree and G. Gokul Kishore, Cross-border transactions under tax laws and FEMA, Taxmann, (2022)
- Insurance Regulatory and Development Authority Act, 1999, (2020)
- Stephen Jukes, Katy McDonald, Guy Starkey, Understanding Broadcast Journalism, Routledge, 1st ed., (2017)
- Taxmann, Foreign Exchange Management Manual, Taxmann, 39th ed., (2022)
- Industrial Policy Resolutions of 1948, 1956, 1991
- Industrial Licensing Policy (1970, 1975)
- Industrial Policy Statements (1973, 1977, 1980)
- Reports of Committees on Public Undertakings of Parliament
- Industries (Development and Regulation) Act, (1951)
- U. Baxi and T. Paul, (eds.), Mass disasters and multinational liability, Indian Law Institute, New Delhi, (1986)
- U. Baxi and A. Dhandba, Valiant victims and legal litigation: The Bhopal case, Indian Law Institute, New Delhi, (1989)

PGLE 01B (Elective-B): Law of Industrial and Intellectual Property Rights (6 Credits)

Objective

- The basic objective of the course is to create awareness and educate students on the significant role of Intellectual property rights.
- Introducing students with the theories justifying intellectual property rights
- The significant role of treaties in safeguarding the interests of innovators.
- Educating students with the contemporary challenges in the area of intellectual property rights.

Content

Module I: Introduction to Intellectual Property Rights (IPR)

1. Concept & Meaning of Intellectual Property
2. Nature and Characteristics of Intellectual Property
3. Origin and Development of Intellectual Property
4. Kinds of Intellectual Property
5. Theories of Intellectual Property
6. Balancing the Protection of IPR and Public Policy Objective
7. Civil and Administrative Procedures and Remedies

Module II: Theories of Intellectual Property Rights (IPR)

1. Natural Theory
2. Hegelian Philosophy (Personality Theory)
3. Lockes' Theory of Property (Labour Theory)
4. Social Contract Theory
5. Social Planning Theory
6. Incentive Theory
7. Reward Theory
8. Prospect Theory
9. Schumpeterian Theory
10. Economic Theory

Module III: Biotechnology Patents

1. Nature and Types of Biotechnology Patents
2. Patent over New Forms of Life: TRIPS Obligations,
3. Plant Patenting, *sui generis* Protection for Plant Varieties (Sikkim Perspective).
4. Multinational Ownership, Regulation of Environment and Health Hazards in Biotechnology Patents, Indian Policy and Position.
5. European Patent Treaty, Patent Co-operation Treaty (PCT), Special Problems of Proof of Infringement: Need and Scope of Law Reforms.

Module IV: International Institutions and Basic International Conventions

1. World Trade Organization (WTO)
2. World Intellectual Property Organizations (WIPO)
3. Paris Convention for the Protection of Industrial property, 1883
4. The Berne Convention, 1886
5. TRIPS Agreement, 1994

Module V: Contemporary Issues in Intellectual Property Rights (IPR)

1. Interface between IPR and Human Rights
2. Interface between IPR and Competition Law
3. IPR and sustainable development
4. The Impact of Internet on IPR
5. IPR Issues in Biotechnology
6. Domain Names & Trademark: Cyber Squatting & Reverse Hijacking
7. Copyright and Patent in Digital Medium

Module VI: Enforcement of Intellectual Property Rights (IPR)

1. Civil and Administrative procedures and Remedies
2. Provisional Measures
3. Special Requirements Related to Border measures
4. Dispute Prevention and Settlement. Rules and procedure Governing the Settlement of Disputes
5. Role of intellectual Property in Economic Development

Outcome

- Students will be equipped with the intellectual property rights regime.
- Students will benefit as researcher, lawyer, academician for meeting the contemporary challenges.

Recommended Books

- Helena Howe, and Jonathan Griffiths, Concepts of Property in Intellectual Property Law, Cambridge University Press, 1st Edition (2013)
- Terence, P. Stewart, The GATT Uruguay Round: A Negotiating History ((1986-1994) The End Game, Deventer: Kluwer Law and Taxation Publication, (1999)
- Iver P. Cooper, Biotechnology And Law, Clark Boardman Callaghan, (1998)
- Alexandra George, Globalization and Intellectual Property (The International Library of Essays on Globalization and Law), Routledge Publication, 1st Edition (2006)
- Gustavo Ghidini, Intellectual Property and Competition Law: The Innovation Nexus, Edward Elgar Publishing Ltd, (2006)

SEMESTER II

PGLF02 Foundation 02: Indian Constitutional Law: New Challenges (4 Credits)

Objective

- To develop the insight among students for their commitment to the concepts of Rule of Law and Social Justice in contemporary Indian society.
- To encourage the students to study Indian Constitution as a base of Indian Legal System and to prepare them to deal with the new challenges arising as per the changing times.
- To secure the contribution of the students in order to perpetuate the functioning of Constitution as a living document for People of India, satisfying the changing needs of the society.

Module I: Fundamental Rights and Directive Principles of State Policy

1. Right to equality and Affirmative Action: Encountering Challenges
2. Freedom of Speech & Expression: Challenges of new scientific development
3. Media Freedom in Digital Age: New Threats, New Challenges
4. Right to Protest & Dissent: The Defies Phase
5. Doctrine of Basic Structure: Constitutional Amendments
6. Directive Principles, Fundamental Rights and Fundamental Duties

Module II: Judicial Interpretation of Rights and Remedies

1. Jurisprudential Interpretation of Rights and Remedies: At Revolutionising Juncture
2. Constitutional Rights and Safeguards for Minorities: The Legal Challenges
3. Rights of minorities to establish and administer educational institutions in the Transforming Phase
4. Compensatory Jurisprudence: Paving way to Cope up with Challenges

Module III: Secularism

1. Concept of Secularism in the Changing Times
2. Freedom of Religion Facing New Challenges
3. Personal Laws: A Transformative Approach
4. Uniform Civil Code: Challenges faced by Endeavours
5. Privileges of Vulnerable Groups: Needs and Challenges

Module IV: Federalism

1. Legislative Relations between Center and State: A Strong Foundation
2. Role and Responsibilities of Center and State in the Present Era
3. Instances of Cooperative Federalism: Achieving Tasks beyond Challenges
4. Creation of New State and Special Status to Certain States: The New Experience
5. Anti-Defection Law: Challenges to the flaws and Falls
6. Abrogation of Article 370 of Constitution of India: A creation of Possibilities

Outcome

- The students will be able to understand the significance of the study of Indian Constitution, will be equipped to handle the new challenges posed.
- It will enable them to understand the importance of the implementation of the concept of a Social Justice and Rule of Law thus grooming students with spirit of humanism in the changing phases
- Students will also be able to understand Constitutional obligation imposed on various units of the Indian Legal System while discharging their assigned functions in the transformative stages
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Recommended Books

- G. P. Tripathi, Constitutional law: New challenges, Central Law Publications, (2015)
- Mahendra Singh, Comparative Constitutional law, Eastern Book Co., (1989)
- M. P. Jain, Indian Constitutional Law, Lexis Nexis, 8th ed., (2018)
- Dr. Subhash Kashyap, Framing of Indian Constitution, Universal Law Publishing Co. Pvt. Ltd., New Delhi, (2004)
- D. D. Basu, Comparative Constitutional law, Wadhwa and Co., Nagpur, 2nd ed., (2008)
- Seervai H. M., Constitutional Law of India – A critical Commentary, N. M. Tripathi Pvt. Ltd., (1967), Universal Law Publishing Co. Pvt. Ltd., 4th ed., (2006)
- Vikram Amar and Mark Tushnet, Global Perspective on Constitutional law, Oxford University Press, (2009)

PGLF03 Foundation 03: Legal Theory 4 credits

Objective

- The basic objective of the program is to familiarize students with the basic tenets of foundation theories of law
- To acquaint students with the evolutionary process of law in context of social, political, economic and other factors.
- To explore the subject matter in detail with help of legislative, judicial and other international legal instruments.

Contents

Module I: Introduction

1. Meaning of the term 'Jurisprudence'
2. Norms and the normative system
3. Different types of normative systems: Games, Languages, Religious Orders, Unions, Clubs and Customary Practice
4. Legal System as a Normative Order: similarities and differences with other normative systems
5. Nature and definition of law

Module II: Schools of Jurisprudence

1. Analytical Positivism
2. Natural Law
3. Historical School
4. Sociological School
5. Economic Interpretation of Law
6. Ancient concept of 'Dharma'

Module III: Persons

1. Nature of personality
2. Status of the unborn, minor, lunatic, drunken and dead persons]
3. Corporate personality
4. Dimensions of the modern legal personality: Legal personality of non-human being
5. Concept of Rights, Types of Rights, Inter-relation between rights, duties and liability

Module IV Concept of Law

1. Theory of liability
2. Fault liability or no-fault theory
3. Strict liability
4. Concept of Property: Possession, Ownership
5. Corporate Personality

Progress Report (Literature Review and Data Collection)

1. The Guiding Teachers are required to guide the students for data collection and literature review
2. The students are required to submit the progress report to the guiding teachers

Outcome

- Students are better equipped with the understanding of theoretical evolution of distinctive theories of law, their purpose
- Students are equipped to have analytical, critical approach towards the recent developments and challenges.

Recommended Books

- George Paton, A Textbook of Jurisprudence, Oxford University Press, 4th Edition (Reprint 2018)
- RWM Dias, Jurisprudence, LexisNexis, 5th Edition (Reprint 2017)
- Michael Freeman, Lloyd's Introduction to Jurisprudence, Thomson Sweet & Maxwell, 9th Edition - South Asian Edition 2021
- Bodenheimer, Jurisprudence – the Philosophy and Method of the Law, Universal Law Publishing, Revised Edition (2011)
- Benjamin Cardozo, The Nature of Judicial Process, Yale University Press, 1st Edition (Reprint 2011)
- Henry J. Abraham, The Judicial Process: An Introductory Analysis of the Courts of the United States, England, and France, Oxford University Press, 7th Edition (1998)
- Edward H. Levi, An Introduction to Legal Reasoning, University of Chicago Press, 2nd Edition (2013)
- Julius Stone, The Province and Function of Law, Universal Law Publishing Co Ltd, (2016)
- J. Stone, Precedent and the Law: Dynamics of Common Law Growth, Butterworth Laws, (1985)
- J. Stone, Legal System and Lawyers' Reasonings, Stanford University Press, (1964)
- John Rawls, A Theory of Justice, Universal Law Publishing - An imprint of LexisNexis, (2013)
- Rajeev Dhavan, The Supreme Court of India – A Socio Legal Critique of its Juristic Techniques, N.M. Tripathi, Bombay, (1977)
- Upendra Baxi, The Indian Supreme Court and Politics, Eastern Book Company, (1980)

PGLR 03 Research Progress Report (4 Credits)

Objectives

- The students will be guided for data collection and application of research methodology
- The students will be guided by the teachers with respect to literature review, research problem and hypothesis

Content

Module I: Literature Review and Data Collection

Module II: Application of Research Methodology and submission of progress report by the end of semester

Outcome

- The students will be enabled for literature review, collection of data, evaluation of data
- The students will be equipped for preparing their progress report at the end of the semester

PGLC Core 02: International Trade Law and Development (6 Credits)

Objective

- The objectives of the course are to familiarize the students about the World Trade Organization and the various agreements entered into under the auspices of the WTO.
- Students will be given an insight into the transnational commercial transactions and the related matters thereto.
- To give students understanding about the various constituents of global business environment in reference to WTO.
- To study the benefits and cost of globalization.
- To study economics of regional trading blocs and multilateralism.

Content

Module I: History and Structure of WTO

1. The Agreements GATT, and TRIPs, the Covered Agreements, Agreement on Agriculture, Agreement on Sanitary and Phytosanitary Measures, Technical Standards, Food Safety, Government Procurement and other agreements.
2. The three pillars of WTO, MFN, NT and the SDT, Dispute Settlement Procedures in international Trade Law Jurisprudence
3. Adjudicatory and Conciliatory Structures. Study of cases against India and by India at the WTO
4. Economic and Political Rationale behind trade liberalization. Founding of General Agreement on Tariffs and Trade (GATT) and its successor, the WTO. Trade and Geopolitical Tensions between the Developed and the Developing Countries
5. Trade Liberalization Agenda – the Doha Round and the Issues. Trans Pacific Partnership trade negotiations
6. Integration of the WTO jurisprudence with Environmental and Human Rights Jurisprudence

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

1. International investment Law Regime
History and Development, TRIMs Agreement of the WTO and Evolution of BITs.
2. Sources of international investment Law –
Customary Law and Treaty Law. State Responsibility for Breach of investment Obligations.

3. Concept of ‘investor’ and ‘investment’,
Scope of investment Treaties, Expropriation, Non-contingent standards and contingent standards, defenses and excuses.
4. Settlement of Disputes – investor – State and inter –
State Investment Treaties with India and current international investment Arbitration cases in India.

Module III: Plurilateral Trade Agreements (PTAs) (Article XXIV of GATT)

1. What are PTAs and Customs Union (Article XXIV of GATT)
2. What conditions have to be satisfied for a PTA to be consistent with Article XXIV of GATT (internal and external trade requirements) Notification and Transparency mechanism for PTAs
3. South Asian Free Trade Area (SAFTA)

Module IV: Imposition of Anti-Dumping Duties under the Anti-Dumping Agreement

4. Dumping and Anti-dumping Measures;
5. Challenging anti-dumping measures;
6. Concept of Zeroing in anti-dumping investigations;
7. Determination of Injury and demonstration of a causal link
8. Managing the interface between trade liberalization and the domestic regulatory state;

Module V: International Sale and Carriage of Goods

1. Passing of Risk and Property, CIF and FOB Sales
2. Functions and significance of bills of lading and other shipping documents. Payment’s methods, letters of credit and UCP600,
3. Frustration and force Majeure,
4. Remedies for breach of contract OF SALE.
5. The Vienna Convention on international Sale of Goods 1980.
6. The governing law and jurisdiction in the international sale of goods.

Module VI: The Future of the Global Trading System

1. Managing the interface between trade liberalization and the domestic regulatory state;
2. Strengthening the legal and institutional foundations of open markets in developing countries; and
3. Addressing the dangers that regionalism poses to the sustainability of the global trading system.

Outcome

- The students will be equipped with overall understanding of various international agreements treaties under the auspices of the World Trade Organization and their significance under World Trade Organization
- Analyze legal regime of subsidies and countervailing measures under the organization’s machinery

Recommended Books

- Bernard M. Hoekman, Petros C. Mavroidis, World Trade Organization (WTO): Law, economics, and politics, Routledge, (2015)

- Patrick F. J. Macroy; Arthur Edmond Appleton; Michael G. Plummer, The World Trade Organization: legal, economic and political analysis, Springer, New York, (2005)
- Peter Van den Bossche, The law and policy of the World Trade Organization, Cambridge University Press, (2006)
- Jan Wouters; Bart De Meester, The World Trade Organization: a legal and institutional analysis, Antwerp: Intersentia, (2007)
- Daniel Bethlehem., (et al.) (ed), The Oxford handbook of international trade law, Oxford University Press, (2009)
- Jan Ramberg, International commercial transactions, International Chamber of Commerce, Paris, 4 ed., (2011)
- Peter Binder, International commercial arbitration and conciliation in UNCITRAL model law jurisdictions, Sweet and Maxwell, London, 3rd ed., (2010)
- Christoph H. Schreuer, The ICSID Convention: a commentary on the convention on the settlement of investment disputes between states and nationals of other states, Cambridge University Press, 2nd ed., (2009)

PGLE 02 A (Elective A): Laws Regulating Electronic Commerce and Cyber Security (6 Credits)

Objective

- Student can understand the significance of Electronic Commerce and Cyber Security
- Knowledge about the nexus between Cyber Security measures to be applied
- Significant developments of legislation for protecting data piracy and cyber security.

Content

Module I: Cyber Security and Data Protection in India

1. Conventional Crime and Cybercrime: Classification and Distinction
2. Cyber Security: Objectives, Needs, Issues and Challenges
3. Cyber Crime in India under it Act: Penalties & Offences
4. Establishment of Authorities Under IT Act
5. Investigation of Cyber Crimes in India
6. Right to Privacy under Indian Constitution
7. IT (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011
8. Right to Privacy and Data Theft under Draft of the Privacy Bill

Module II: Legal Provisions of Electronic Commerce and E-Governance

1. Meaning and Types of E-Commerce, Electronic Marketplace and Online Marketing
2. Electronic Signatures, Digital Signatures and Certificates
3. Formation of E-Contracts, Validity and Enforcement
4. Electronic Governance in India: Concept and Practicality
5. UNCITRAL Model Law on e-Commerce and e-Signatures

Module III: International Personal Data Protection Regulations: Role of OECD

1. OECD Guidelines on the Protection of Privacy and Trans-Border Flow of Personal Data, 1980
2. OECD Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices Across Borders, 2003
3. OECD Guidelines for The Security of Information Systems and Networks, 2002
4. OECD Guidelines for Electronic Authentication, 2007

Module IV: International Personal Data Protection Regulations: EU, APEC & UN Principles

1. Protection of Personal Data and EU Principles (EU Convention 1981 and Directive 1995)
2. Asia-Pacific Economic Cooperation (APEC) Privacy Framework, 2004
3. UN General Assembly, Guidelines for the Regulation of Computerized Personal Data Files, 1990

Module V: Domain Names and Trademark Disputes

1. Concept of Trademark and Domain Name
2. Domain Name and Trademark Disputes
3. Cybersquatting and Reverse Hijacking
4. Jurisdiction in Trademark Disputes: Zippo Test
5. Universal Dispute Resolution Policy (UDRP) & Indian Dispute Resolution Policy (INDRP)
6. Some Landmark Cases of Cybersquatting

Module VI: Emerging Challenges in Cyberspace Regulations and Relevance

1. Social Media and Emerging Crimes: Need for Digital Literacy
2. Cyber Terrorism
3. Jurisdictional Issues in Transnational Crimes
4. Electronic Taxation issues in Cyberspace
5. Protection of Intellectual Property Rights in Digital Medium
6. Need of cyber security in Cloud computing
7. Concept of Artificial Intelligence and Machine Learning

Outcome

- This will give comprehensive information to all the problems related to cybercrime, data protection in cyberspace, e-commerce and e-governance and intellectual property rights in digital medium in India in comparison with international law
- Evaluate the human role in security systems with an emphasis on ethics and social engineering vulnerabilities
- Interpret and investigate security incidents in corporate sector

Recommended Books

- Parag Diwan; Shammi Kapoor (ed.), Cyber and e-commerce laws: with Information Technology Act, 2000, Bharat Publishing House, New Delhi, (2000)
- Dr.Keval Ukey, Cyber Forensics: A Legal Perspective of Data Protection and E-Commerce, 2018 Edition, SSB Publication, New Delhi
- Rahul Matthan, The law relating to computers and the internet, Butterworths, Nagpur, (2000)
- Nitant P. Trilokekar, Information Technology Act, 2002, Snow White Publishing Ltd., Mumbai, (2004)

- F. Lawrence Street; Mark P. Grant; Sandra S. Gardiner, Law of the internet, Lexis Nexis, (2000)
- D. P. Mittal, Law of information technology (cyber law), Taxmann Allied Services, New Delhi, (2000)

PGLE 02 B 02 (Elective B): Banking Law (6 Credits)

Objective

- To be able to understand the banking regulation and governance in India.
- To understand the powers of the Reserve Bank of India and role in governance of Banking and Non- Banking Financial Institutions.
- To understand and evaluate the contemporary issues in banking and financial institutions.
- To learn the regulatory challenges in Technological issues in Banking and Financial Institutions.

Content

Module I: Introduction

1. Evolution of Banking and its history in India: Indigenous banking, Banks, Banking Business.
2. Different types of Banks
3. Growth and development of Non-Banking Financial Companies and Capital Market
4. Organizational structure and Functions of Reserve Bank of India
5. RBI's control over banking and non-banking financial companies
6. Banking Ombudsman scheme
7. Procedure for Redressal of Grievance; Arbitration and Conciliation Procedure

Module II: Regulation of Banks

1. Reserve Bank of India Act,
2. Banking Regulation Act, 1949
3. Prevention of Money Laundering Act, 2002

Module III: Negotiable Instrument Act 1881

1. Negotiable Instrument Act, 1881: Meaning and kinds- Promissory Note, Bill of Exchange, Cheque, Drawer, Drawee, Payee, Inland Instrument, Foreign Instrument
2. Holder and holder in due course. Rights and duties of paying banker and a collecting banker. Presentment and payment. Negotiation, Indorsement, inchoate stamped Instruments.
3. Crossing of Cheques, Criminal liability on Dishonour of Cheque, the law relating to payment of customers cheque.

Module IV: Payment and Settlement Systems Act, 2007

1. Payment and Settlement Systems Act, 2007
2. Designated Authority
3. Authorisation of payment systems
4. Regulation and supervision by the reserve bank
5. Rights and duties of a system provider
6. Settlement of disputes
7. Offences and penalties

Module V: Debt Recovery

1. The Recovery of Debt Due to Banks and Financial Institutions Act, 1993.
2. Insolvency and Bankruptcy Code, 2016
3. Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002
4. Enforcement of Security Interest under SARFAESI Act 2002 and the Security Interest (Enforcement) Rules, 2002.

Module VI: Technology in Banking System and Financial Enterprises in India

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

Outcome

1. The main learning outcome of this course is to provide the student an understanding of legal and regulatory aspects of banking.
2. To acquire knowledge about banking laws in India as it is must for management students.
3. to have conceptual clarity about the process of banking, product and stakeholders with reference to particular acts passed in India.
4. A deep study about the remittance process, virtual banking, digital banking with various laws applicable in India.

Recommended Books

- M. L. Tannan; Vinod Kothari, Banking law and practice in India, Universal Law Publishing (Lexis Nexis), 28- ed., (2022)
- S. K. Basu, A review of current banking theory and practice, MacMillan, London, 2- ed., (1998)
- Mark Hapgood (Ed.), Paget's law of banking, Butterworths, London, 15- ed., (2018)
- Ross Cranston, Principles of banking law, Oxford University Press, 3- ed., (2018)
- Ashish Makhija, Insolvency and Bankruptcy Code of India, Lexis Nexis, (2018)

SEMESTER III

PGLC Core 3 : Law of Taxation (6 Credits)

Objective

- To acquaint students with proper knowledge about Taxation Law in India.
- Students will learn Classification of taxes; Income Tax Act and profits and gains of business or profession and capital gains.
- Students will learn the Constitutional powers to levy taxes.

Content

Module I: An Overview of Income Tax Act, 1961

1. Background, Important definitions, Residential Status, Basis of Charge, Scope of Total Income, Tax Rates in accordance with the applicable Finance Act for the relevant assessment year.

2. Computation of Income under the head of Salary: Salary – Valuation and Taxability, Profits in lieu of Salary, provisions of the Provident Fund and Miscellaneous Provisions of Act 1952, Practical Case Studies. Profits and Gains from Business and Profession
3. Computation of Income under the head of House Property : Chargeability, Owner of house property, Determination of Annual Value, Deduction from Net Annual Value, Treatment of Unrealized Rent, Arrears of Rent, Exemptions, Practical Case Studies. Computation of Income under the head of Capital Gains, Mode of Computation of Capital Gains, Exemptions and Deduction, Special Provision Practical Case Studies. Computation of Income from Other Sources: Taxation of Dividend u/s 2(22)(a) to (e).

Module II: Computation of Income

1. Profits and Gains from Business and Profession – An overview, Chargeability, Profits and Losses of Speculation Business, Deductions Allowable, Expenses Disallowed, Deemed Profits u/s 41, Maintenance of Accounts, Tax Audit, Presumptive Base Taxation, Practical Case Studies.
2. Computation of Income under the head of Capital Gains: Chargeability, Capital Gains, Capital Assets & Transfer, Types of Capital Gains, Mode of Computation of Capital Gains, Exemptions and Deduction, Special Provision – Slump Sale, Compulsory Acquisition, Fair Market Value, Reference to valuation officer, Practical Case Studies.
3. Computation of Income from Other Sources: Taxation of Dividend u/s 2(22)(a) to (e), Provisions relating to Gifts, Deductions, Other Miscellaneous Provisions, Practical Case Studies.

Module III: Exemptions, Deduction and Clubbing Provisions for Taxes

1. Rebate and Relief: Income's not included in Total Income,
2. Tax holidays, Clubbing of Income,
3. Aggregation of Income, Set off and/or Carry forward of losses, Deductions (General and Specific), Rebates and Reliefs.
4. TDS/TCS, Returns, Refund & Recovery: Tax Deduction at Source 'TDS' & Tax Collection at Source 'TCS',
5. Advance Tax & Self-Assessment Tax 'SAT', Returns, Signatures,
6. E-Filing, Interest for default in furnishing return of Income,

Module IV: Computation of Total Income and Tax Liability

1. TDS/TCS, Returns, Refund & Recovery: Tax Deduction at Source 'TDS' & Tax Collection at Source 'TCS',
2. Advance Tax & Self-Assessment Tax 'SAT', Returns, Signatures,
3. E-Filing, Interest for default in furnishing return of Income,
4. Collection, Recovery of Tax, & Refunds, Assessment,
5. Appeals, Revisions, Settlement of Cases, Penalties etc.,
6. Assessment, Appeals & Revisions, Settlement of Cases, Penalties, Offences & Prosecution, Practical Case Studies.

Module V: Module V. Tax Planning & Tax Management

1. Tax Planning, Tax Management and
2. Tax avoidance through legitimate tax provisions,
3. Various Avenues,

4. Collection, Recovery of Tax, & Refunds, Assessment,
5. Appeals, Revisions, Settlement of Cases, Penalties etc.,
6. Assessment, Appeals & Revisions, Settlement of Cases, Penalties, Offences & Prosecution, Practical Case Studies.
7. Practical Case Studies.

Module VI: International Taxation: An Overview

1. Double Taxation Avoidance Agreement 'DTAA', Residency Issues, Tax Heaven, Controlled Foreign Corporation (CFC),
2. Concept of Permanent Establishment, Business Connection, General Anti Avoidance Rules 'GAAR',
3. Advance Ruling – Practical Aspect, Transfer Pricing –An Overview, Practical Case Studies. 12.
4. Recent Case Laws:
5. Practical Case Studies, Case Laws, Case Studies & Practical Aspects.

Outcome

- Understand concepts and importance of direct tax
- Understanding the status of persons and industries
- Classification of allowances and calculation of income from salaries.
- Computation of annual value & deductions from income from house property.
- Computation of income from other sources and capital gains.

Recommended Books

- Bharat's Direct Taxes Manual, Bharat Law House Pvt. Ltd. , 30th edn. (2022) Book Code: 9789393749512
- CA. Kamal Garg, Bharat's Guide to International Taxation, Bharat Law House Pvt. Ltd., 7th edn. (2019) Book Code: 9789351397298
- Bomi F. Daruwala and CA. Prerna Peshori, Bharat's Handbook to Direct Taxes, Bharat Law House Pvt. Ltd., 30th edn. (2021) Book Code: 9789390854745
- Kanga and Palkhivala, The Law and Practice of Income Tax, LexisNexis, 11th edn. (2020) ISBN: INK9389991178
- Vinod K. Singhania and Kapil Singhania, Taxmann's Direct Taxes Law & Practice Professional Edition (2022) ISBN-10: 9789356220881 ISBN-13: 9789356220881

PGLC 04 Core: Competition Law (6 Credits)

Objective

- Application of economic tools and techniques in competition analysis such as assessment of market power and definition of relevant market
- Analytical skills to comprehend issues relating to business strategy and competition policy & law
- Understanding of substantive issues relating to competition laws of India, the United States, the European Union, South Africa
- Understanding of emerging issues relating to competition law such as those emanating from Intellectual Property Laws, Cross-border issues, etc

Content

Module I: History of Completion Law

1. History and Development of Competition Law
2. Constitutional vision of Social Justice – Liberalization and Globalization- Raghavan Committee Report
3. Competition Act 2002; an Overview of Competition Law in India
4. Important Definitions under the Competition Act, 2002

Module II: Anti-Competitive Agreements

1. Anti- Competitive Agreements under the Competition Act, 2002
2. Appreciable Adverse Effect on competition in the Market
3. Determination of Relevant Market: Rule of Reason and Per se
4. Illegal Rule: Horizontal and Vertical restraints, Exemption, Penalties
5. Prohibition of Anti- Competitive Agreements
6. Cartel- Predatory Pricing, bid rigging

Module III: Regulation of Abuse of Dominant Position & Combination

1. Introduction: Dominance in the Market
2. Relevant Market- Appreciable Adverse Effect on Competition in the Market 3.3 (AAEC) – Abusive Conducts under the Competition Act. 2002
3. Penalties – Prevention of Abuse of Dominance

Module IV: Regulation of Combinations:

1. Combinations: Merger, Acquisition, Amalgamation and Takeover-
2. Horizontal, Vertical and Conglomerate Mergers-
3. Combinations covered under the Competition Act. 2002 – Regulations, Penalties.
4. Combinations: Merger, Acquisition, Amalgamation and Takeover
5. Horizontal, Vertical and Conglomerate Mergers
6. Combinations covered under the Competition Act, 2002: Regulations, Penalties

Module V: Enforcement Mechanisms and Emerging Trends in Competition Advocacy

1. Enforcement Mechanisms under the Competition Act. 2002
2. Competition Commission of India: Constitution of the CCI
3. Powers and Functions

4. Jurisdiction of the CCI adjudication and appeals
5. Director General of Investigation (DGI)
6. Competition Appellate Tribunal (CAT): Enforcement Mechanisms.
7. Competition Advocacy in India and other foreign jurisdictions

Module VI: Competition Advocacy and Emerging Trends in Competition Law

1. Competition Advocacy in India and other foreign jurisdictions
2. Intellectual Property Rights and Competition Law
3. International Trade Law and Competition Law

Outcome

- Enhanced understanding regarding linkages between trade and competition policy with focus on anticompetitive practices and trade remedial measures.
- Develop analytical capacities to comprehend competition policy and law issues, their perspectives and linkage with the industry and the economy.
- Understand the expected role of different stakeholders and groups in order to ensure fair competitiveness of the markets and to accelerate economic growth.

Recommended Books

- Dr. V.K. Agarwal, Competition Act, 2002 – Principles and Practices, Bharat Law House Pvt. Ltd, 2nd edn. (2019)
- Dr. V.K. Agarwal, Competition Act, 2002 (Student Edition), Bharat Law House Pvt. Ltd., 2nd edn. (2019)
- Suresh T. Vishwanathan, Law and Practice of Competition Act 2002, Bharat Law House Pvt. Ltd, 1st edn. (2003)
- Richard Whish and David Bailey, Competition Law, Oxford University press, 10th edn. (2008)
- Mark Furse, Competition Law of the EC and UK, Oxford University Press, 6th edn. (2008)
- S. M. Dugar, Commentary on MRTP Law, Competition Law & Consumer Protection Law, Wadhwa and Company Nagpur, 4th edn. (2006)
- Abir Roy and Jayant Kumar, Competition Law in India, Eastern Law House, 2nd edn. (Revised 2018)
- Satyanarayana Prasad, Competition Law and Cartels, Amicus Books, ICFAI University Press (2007)
- Kristy Middleton, Barry Rodger & Angus MacCulloch, Cases and Materials on UK and EC Competition Law, Oxford University Press, 2nd edn. (2003)
- Vinod Dhall (ed.), Competition Law Today, Oxford University Press (2007)
- Philips E. Areeda & H. Hovenkoup, Fundamentals of Antitrust Law, Wolters Kluwer Law & Business, 4th edn. (2022)
- T Ramappa, Competition Law in India: Policy, Issues and Developments, Oxford University Press, 3rd edn. (2013)
- Dr. Varun Chhachhar, Competition Law and Telecom Sector in India, VLMS Publishers, 1st edn. (2013)

PGLA Applied: Practical Training: Skill Enhancement (4 Credits)

Objective

- To train students with the practical application of research methodology for drafting, for enhancing teaching learning skills
- To train students in organizing workshops, seminars
- To encourage students for participating in various activities like seminars, internship and legal literacy campaigns

Content

Module I: Methods of Teaching

- **Classroom Teaching Lecture Method**
- **Seminar Method**
- **Case -Study**
- **Legal Writing Pedagogy**
- **Types of Citation and referencing styles (OSCOLA, APA, AMA, Harvard referencing, and MLA style)**

Module II: Soft Skill Training

- Use of scaling techniques
- Jurimetrics and communication
- Information Analysis and Research
- Commercial Awareness
- Creative Problem Solving
- Ethics in Research
- Plagiarism Check
- Comparative Analysis
- Cordial Relationship, Acceptance of Failure and Adaptability

- **Module III: Organising workshop in small groups for class**
- **Participating in Conferences/ Seminars,**
- **Conducting and participating in Legal Literacy Programme,**
- **Attending and Report writing on Lok Adalats**

Module IV: Field Visit & Report Writing

- Field visits to different Financial, Corporate and Judicial Institutions including SEBI, BSE, NSE, DRT, LIC, Banks, High Court and other Institutions.
- Interviewing experts during field visit.

- Report writing on the basis of field visit with learning outcome.

Outcome

- The practical aspects of application of research methods enhances lawyer's techniques in drafting petitions, preparing for argumentative skills and building analytical thought process.
- Outreaching to the masses and understanding the practicalities.
- Developing over all skills required for legal practice and profession

PGLR 04 Research Progress Report (4 Credits)

Objectives

- The students will be guided for data collection and application of research methodology
- The students will be guided by the teachers with respect to literature review, research problem and hypothesis

Content

Module I: Literature Review and Data Collection

Module II: Application of Research Methodology and submission of progress report by the end of semester

Outcome

- The students will be enabled to design research proposal
- The students will be equipped to prepare finale dissertation

PGLE 03 (Elective A): Consumer Protection Laws (6 Credits)

Objective

- To enabling students for understanding the need and the regulatory framework governing Consumer protection.
- The practice of safeguarding buyers of goods and services, and the public, against unfair practices in the marketplace.
- The consumer protection laws are intended to prevent businesses from engaging in fraud or specified unfair practices in order to gain an advantage over competitors or to mislead consumers.

Content

Module I: Evolution and Growth of Consumer Protection Laws

1. Consumer Protection: An overview, the rationale for consumer protection, Development of market and consumer relations
2. Definition of consumer, consumerism, state's responsibility in consumer protection

Module II Global Perspective of Consumer Protection

1. Organization for Economic Cooperation and Development (OECD)
2. United Nations Conference on Trade and Development (UNCTAD)

3. EU Consumer Protection Cooperation Network (CPC)
4. European Consumer Centre Network (ECC-Net)
5. Ibero-American Forum of Consumer Protection Agencies (FIAGC)
6. International instruments and consumer protection, The United Nations Guidelines for Consumer Protection, Objectives, scope of application and general principles
7. Principles for good business practices Guidelines, International cooperation

Module III: Constitutional Measures for Consumer Protection in India

1. Constitutional provisions on consumer protection, Framework of consumer protection in other legislations
2. Interface between consumer laws and other laws, Sectoral laws, Professional service legislation

Module IV: Consumer Protection Agencies in India

3. New dimensions of consumer protection - present legislative measures, Scope and objective of Consumer Protection Act 2019
4. Expanded definitions, Three Tier System, Jurisdiction of consumer
5. Relief available to consumers, E- commerce and consumer protection

Module V: Comparative Study of Consumer Protection

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

Module VI: New Trends in Consumer Protection

1. The link with competition, non-statutory public bodies, The changing scope of consumer protection, Consumer privacy and data protection
2. WTO and Consumer Protection, Digital marketing and Consumer Rights, Role of Civil
3. Society in Consumer Protection
4. Access to justice and Consumer Laws, ADR in resolution of Consumer disputes

Outcome

1. Leading to awareness regarding government regulations that require businesses to disclose detailed information about their products—particularly in areas where public health or safety is an issue, such as with food or automobiles.
1. Enabling students to be practitioners, academicians, researchers

Recommended Books

- Taxmann's Consumer Protection Law & Practice - A Comprehensive Guide to New Consumer Protection Law, Taxmann Publications, (Enforced with effect from 20-7-2020/24-7-2020) (August 2020 Edition)
- Justice S N Aggarwal, Supreme Court on Consumer protection Act, Universal law Publishing, 2nd edition (2017)

- Peter Asch, Consumer Safety Regulation: Putting a Price on Life and Limb, Oxford University Press (1988)
- Charles E. F. Rickett and Thomas G. W. Telfer, International Perspectives on Consumers' Access to Justice, The Press Syndicate Of The University Of Cambridge (2003)
- V Balakrishna Eradi, Consumer Protection Jurisprudence, LexisNexis (Butterworths, 2005)

OR

PGLE 03B (Elective B): International Dispute Resolution Mechanism (6 Credits)

Objective

- Understand the backdrop, meaning, advantages and disadvantages of Alternative Dispute Resolution (ADR) and ODR Mechanisms.
- Understand the key differences between Alternative Dispute Resolution mechanisms and Judicial Adjudication.
- Understand the skills and elements involved in Negotiation, Mediation and Conciliation.
- Understand the provisions related to reference of disputes to Alternative Dispute Mechanisms under the Code of Civil Procedure (CPC), 1908. (Section 89).
- Understand the complexities involved in drafting “Arbitration Clause”.

Content

Module I: Alternative Dispute Resolution & Online Dispute Resolution

1. Overview of Alternative Dispute Resolution (ADR)
2. Advantages & Disadvantages of ADR Mechanisms
3. Section 89 Code Of Civil Procedure, 1908 and Court Referral of Dispute to ADR
4. Online Dispute Resolution (ODR)
5. Comparison of ADR & ODR
6. Emerging Methods and Advantages of ODR

Module II: Alternative Dispute Resolution Mechanism

1. ICANN’s Universal Dispute Resolution Policy (UDRP)
2. Other Transnational ODR Systems
3. Comparison of UDRP with Other Transnational ODR Systems
4. Currents Issues in ADR & ODR
5. Driving Forces behind ODR and Core Regulatory Principles

Module III: Negotiation, Mediation and Conciliation

1. Negotiation: Meaning, Characteristics and Theories

2. Skills involved in Negotiation
3. Mediation and conciliation: Meaning and Characteristics
4. Distinction of Mediation and Conciliation
5. Advantages of Mediation
6. Sources of contemporary mediation and conciliation
7. Role of Mediator / Conciliator

Module IV: Arbitration & Lok Adalats in India

1. The Arbitration and Conciliation Act, 1996
2. Legislative backdrop, scope and definitions
3. Arbitration agreement
4. Courts power of Supervision
5. Arbitral process and challenges to Arbitration
6. Recognition & enforcement of Foreign Arbitral Awards
7. Genesis & meaning of Lok Adalats
8. Legal recognition for Lok Adalats in India
9. Constitution, Jurisdiction and Powers of Lok Adalats

Module V. Governing Laws for Enforcing the Arbitration Agreement

1. Applicable Laws in International commercial Arbitration
2. Lex Loci Arbitri Lex Loci Contractus - Lex Loci Solutionis
3. Technical aspect of law in dispute matters
4. Curial law/Seat Theory- Governing Law of arbitration
5. The sovereignty of the parties to the contract
6. Synchronized Laws & Combined Laws
7. The Shariah - General principles of law applicable to international commercial arbitration
8. International development law - Lex Mercatoria - Codified terms, Trade Usages and Customs - Conflict Rules

Module VI: Types of International Commercial Arbitration

1. Introduction
2. Types of International Commercial Arbitration
3. Ad-hoc Arbitration
4. Merits of ad-hoc method of Arbitration

5. Institutional Arbitration
6. International Arbitral Institutions
7. Indian Arbitral Institutions
8. Merits and Demerits of International Commercial Arbitration

Outcome

- Appreciate the advantages of resolving disputes through alternative dispute resolution mechanisms.
- Appreciate the conceptual framework related to various ADR processes.
- Appreciate the skills required for successfully conducting the ADR proceedings.
- Identify various styles of drafting the arbitration clause in an agreement.

Recommended Books

- Dr. Avatar Singh - Law of Arbitration and Conciliation including ADR System, Eastern Book Company, Lucknow.
- Venu Gopal KK – Justice Bachawat's Law of Arbitration and Conciliation including commercial, international and ADR.
- Dr. Keval Ukey, Cyber Forensics: A Legal Perspective of Data Protection and E-Commerce, 2018 Edition, SSB Publication, New Delhi
- P.C. Rao & William - Alternative Dispute Resolution, Universal Law Sheffield Publishing Ltd.
- S. K. Chawla, Law of Arbitration and Conciliation Act 1996, A Commentary, Universal Law Publishing Ltd.
- Anthony Walton, Russell - Law of Arbitration, Stevens & Sons Ltd., London, 18th Ed. (1970).
- G. K. Kwatra - The Arbitration and Conciliation Law of India (with case law on UNCITRAL model law on Arbitration), The Indian Council of Arbitration.
- N. D. Basu- Arbitration & Conciliation Commentary, Orient Publishing House (1998).
- John Sutton, Kendall & Judith Gill, Russell - Arbitration, Sweet & Maxwell, London (1997).
- H. C. Johri - Commentary on Arbitration & Conciliation Act, 1996, Kamal Law House, Calcutta (1997).
- G. K. Kwatra- The New Arbitration & Conciliation Law of India, ICA, 1998.
- Relevant Reports of the Law Commission of India.

SEMESTER IV

PGLF04 Foundation: Judicial Process (4 Credits)

Objective

- The objective of this course is to study the nature of judicial process as an instrument of ordering the society in India within the background of evolution of judicial role and judicial process in other societies.
- This course is intended to highlight the role of court as policy maker, participant in power and an instrument of social change.
- The emergence of the Indian Supreme Court as the most powerful judicial tribunal of the democratic world makes it necessary to study amongst other things the social background and orientation of the judges, the techniques employed by it and the constituencies it serves.

Content

Module I: Nature of Judicial Process

1. Judicial Process as an instrument of Social Ordering
2. Judicial Process and creativity in law - Common Law Model
3. Legal Reasoning and growth of law - Change and Stability
4. The tools and techniques of Judicial Creativity and Precedent
5. Legal Development and creativity through Legal Reasoning under statutory and codified systems

Module II: The Doctrine of Precedent and Reasoning

1. Different aspects of Precedent, precedent in India & England
2. Ratio decidendi and different tests to determine ratio
3. Obiter dicta
4. Logical reasoning, deductive & inductive reasoning and reasoning by analogy
5. Factors influencing judicial reasoning

Module III: Judicial Process in India

(1 Credit)

1. Indian debate on the role of judges and on the notion of Judicial Review.
2. Judicial Activism and creativity of the Supreme Court - the tools and techniques of creativity.
3. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges.
4. Problems of accountability and judicial law making.
5. Notions of Judicial Review
6. Role in constitutional adjudication-Varieties of Theories of Review
7. Tools and Techniques in Policy making and creativity in constitutional adjudication.
8. Process of accountability and judicial law making.

Module IV: The Concepts of Justice and its Relationship with Law (1 Credit)

1. Various theoretical bases of justice: the liberal contractual tradition, the Utilitarian tradition and the liberal moral tradition.
2. Nozick's theory of justice.
3. Equivalence theories - justice as nothing more than the positive law of the stronger class.
4. Dependency theories - for its realization justice depends on law, but justice is not the same as law.
5. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.
6. The concept of Justice or Dharma in Indian thought.
7. Dharma as foundation of legal order

Outcome

- The course will help the learners to understand the intricacies of judicial process and growth of law through the judgments.
- It will sharpen the logic and enable the learners to evaluate the impact of the judgments on impact constituencies.

Recommended Books

- Cardozo - The Nature Of Judicial Process, Universal, New Delhi (1995).
- Bodenheimer - Jurisprudence The Philosophy And Method of the Law, Universal Publication, New Delhi (1997).
- Rawls, John - A Theory of Justice, Universal, New Delhi (2000).
- Stone, J., - Precedent and The Law: Dynamics of Common Law Growth, Butterworths, London (1985).
- Stone, J., - Legal System and Lawyers' Reasoning's, Universal Store, New Delhi (1999)
- Julius Stone., - The Province and Function of Law, Universal Publication, New Delhi (2000)
- Baxi, U., - The Indian Supreme Court And Politics, Eastern Book Company, Lucknow (1980).
- Sathe, S.P., - Judicial Activism in India: Transgressing Borders And Enforcing Limits, Oxford University Press, New Delhi (2002).
- Lakshminath, A., - Judicial Process: Precedent in India, Eastern Book Company, Lucknow (2009).
- Cross & Harris - Precedent in English Law, Clarendon Law Series (1991).

PGLC05 Core: Insurance Law (6 Credits)

Objective

- To achieve a complete grasp and understanding of general principles of law of insurance and their kinds.
- Equip with the law of Insurance that regulates various transactions at the international level.
- Enable them to understand the nature and complexities of the legal issues pertaining to varied types of Insurance.

Content

Module I: Introduction to Insurance Agreements

1. Evolution and history of Insurance-Definition and Meaning.
2. Need for insurance-Nature-Scope and significance-Constitutional perspectives.
3. Insurance as a Social Security Tool-Risk pooling-Role of insurance in economic development.

Module II: General Principles of Law of Insurance

4. Essential elements of insurance contracts- Nature
5. Contract is Aleatory
6. Contract of Uberrima fide
7. Contract of Indemnity
8. Contract of Wager
9. Contract of Adhesion.
10. Insurable interest-Premium-Risk-Assignment of Insurance

11. Policies-Warranties & disclosures.
12. Double insurance & Re-insurance-Doctrine of Contribution, Subrogation & Reinstatement.

Module III: Insurance Contracts

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

Module IV: Insurance Regulatory & Development Authority Act, 1999

1. Salient features of the Act-Insurance Regulatory & Development Authority.
2. Establishment-Objectives-Composition-Duties-Powers-Functions.
3. Finance, Accounts and Audit- Amendments-Regulations-Guidelines.

Module V: Corporate Governance in Insurance Sector

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

Module VI: The Regulatory Mechanism for governing agents and brokers under IRDA

1. Regulations issued by IRDA for Insurance Agents & Brokers-Rights and responsibilities-
2. The IRDAI (Insurance Brokers) Regulations 2018-
3. The IRDAI (Appointment of Insurance Agents) Regulations, 2016.
4. Agency Contract-License to act as insurance agent-Authority of a life Insurance Agent- Licensing of Insurance Brokers-Role & Responsibilities of Insurance Brokers.
5. Insurance Ombudsman and Dispute Resolution Mechanisms
6. International Trends in Insurance Regulations
7. International Association of Insurance Supervisors-Insurance Core Principles-Financial
8. Services Authority, U.K.-Department of Financial Services, New York.
9. Insurance Board of Sri Lanka-Beema Samiti (Insurance Board of Nepal).
10. Royal Monetary Authority (Bhutan)-Monetary Authority of Singapore-Bank Negara, Malaysia.

Outcome

- Grasp a knowledge on the Institutions which play a major role in relation to the Insurance Sector.

- Enable the students answer some vital questions regarding the law of international aspects of Insurance Law.

Recommended Books

- Professor John Birds - Birds' Modern Insurance Law, Sweet & Maxwell, 11th Edition (2019).
- Taxmann - Insurance Laws Manual 2020, 21st Edition (2020).
- K. S. N Murthy & K. V. S. Sharma - Modern Law of Insurance in India, Lexis Nexis, 6th Edition (2019).
- Avtar Singh - Law of Insurance, Eastern Book Company Explorer, 3rd Edition (2017).
- Gaurav Varshney - Insurance Laws, Lexis Nexis, (2016).
- S.K Sarkaria - Commentary on The Insurance Regulatory and Development Authority Act, Universal Law Publishing, (2017).

PGLR 05 Research 14 credits

200 marks / Dissertation and viva voce (Compulsory)

50 marks for viva

Objective

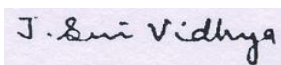
- The students adopt fair research practices while writing their dissertations.
- The students are enabled to adapt to socio legal research.
- The students are enabled to think, to write on distinct legal topics with critical, analytical perspectives.

Content:

- Final Analysis of Data
- Application of ICT Tools for tabulation of data
- Findings, Conclusions,
- Suggestions and Recommendations
- Different styles of references
- Final Dissertation writing

Outcome

- Students are enabled to develop research approach which can be applied in practice as a lawyer, as academician while preparing notes teaching,
- Enabling and equipping students with socio legal critical perspectives.
- Enabling them to be writers, critique.



Signature:

Chairman of Board of Studies



Signature:

Dean Faculty of Interdisciplinary Studies

Justification for LL.M (COMMERCIAL LAW)

1.	Necessity for starting the course:	LL.M (COMMERCIAL LAW) is a specialized course 1. The program is designed with intent to address the contemporary challenges arising from the unique dynamics of the current corporate environment, where business intersects with Cyber Law and Dispute Resolution. International Trade Law. 2. The program will prepare the student for a career in global business by providing insights on the complexities of transnational business interactions. 3. The specialization provides students with ample opportunity to engage with the key theoretical debates of corporate law and related areas of law, like Banking and Finance, Insurance, Intellectual Property and Competition Laws
2.	Whether the UGC has recommended the course:	Yes
3.	Whether all the courses have commenced from the academic year 2019-2020 (2022-23):	The course is to commence from the academic year 2023- 2024
4.	The courses started by the University are self-financed, whether adequate number of eligible permanent faculties are available?:	Self – financed The permeant faculties are to be appointed by the university of Mumbai authorities
5.	To give details regarding the duration of the Course and is it possible to compress the course?:	2 years full time
6.	The intake capacity of each course and no. of admissions given in the current academic year:	70 STUDENTS
7.	Opportunities of Employability / Employment available after undertaking these courses:	YES Academicians, lawyers, counsels, judges, arbitrators, legal practitioners, Corporate Lawyers and Researcher

J. S. Vidhye

Signature:

Chairman, Board of Studies