



**MANAV RACHNA UNIVERSITY**



**SCHEME & SYLLABUS**

**MASTER OF LAW (LL.M 2 yrs Part Time)**

**(2021-22)**

## **Program Outcomes:**

### **Law postgraduates will be able to demonstrate**

**PO1: Knowledge of Law:** The advanced knowledge of principles of Law, legislations and leading cases relating to the subjects, that form part of the post-graduate programs of study;

**PO2: Research-related skills:** Learn the art of conducting doctrinal and empirical research using accepted methods and techniques of legal research.

**PO3: Writing skills:** Find and read a variety of legal and inter-disciplinary materials in printed and digital formats, from libraries and online databases and use them for academic and professional writings including essays, research papers and dissertations *inter alia*

**PO4: Analytical Reasoning:** Ability to evaluate the reliability and relevance of evidence; identify logical flaws and holes in the arguments; synthesize data from a variety of sources; draw valid conclusions and support them with evidence and logic.

**PO5: Problem Solving:** Capacity to extrapolate from what one has learned and apply their competencies to solve different kinds of real-life legal and extra-legal problems.

**PO6: Teaching-related skills:** Ability to articulate and communicate legal knowledge to the audience in general and students in particular.

**PO7: Moral and Ethical Awareness/Reasoning:** Ability formulate a position/argument about an ethical issue from multiple perspectives, including social, political and economic context in which basic concepts, values, principles and rules of the legal system operate

**PO8: Digital Proficiency:** Capability to access, evaluate and use ICT sources and tools to fetch relevant information to be used in a variety of learning situations

**PO9: Self-directed Learning:** Ability to work independently, identify appropriate resources required for a project, and work on any project through to completion.

## **Program Specific Outcomes**

Graduates of LLM in Commercial Arbitration will be able to

**PSO1:** Understand the complex legal framework applicable to commercial arbitration.

**PSO2:** Establish the relationship between international sources of law and domestic law in matters of commercial arbitration agreements, procedure and awards.

Graduates of LLM in Criminal Law will be able to

**PSO1:** Critiquing criminal laws and criminal justice delivery system using various methods, including, theoretical, doctrinal, comparative, and socio-legal perspectives/ technique

**PSO2:** Identify and evaluate the different weaknesses/ lacunae/ limitations of Criminal Justice System in Indian society and accordingly suggest measures to strengthen it.

Graduates of LLM in Corporate Law will be able to

**PSO1:** Understand the complex legal framework, including connected rules and regulations, that regulate companies, corporations, and businesses.

**PSO2:** Identify and evaluate the different weaknesses/ lacunae/ limitations of corporate laws in and accordingly suggest measures to strengthen it

**Program Structure  
(2021-22)**

As per the UGC guidelines, the Program structure/curriculum for Two-Year LL.M Part Time. shall have the following components:

- i) Foundation/Compulsory Papers (3 papers of three credits each)
- ii) Optional/Specialization Papers (6 papers of two credits each)
- iii) Dissertation (three credits)

Provided, in case the candidate takes a minimum of four specialization papers from any particular Group/Cluster only, then that Course can be called after the discipline the candidates select; the candidate can opt for remaining paper/papers of his/her choice in order to complete the number of courses/credits prescribed for the Degree.

The specialization offered to LL.M students include

- (i) Commercial Arbitration
- (ii) Corporate Law
- (iii) Criminal Law

The structure of the Program shall be as under:

<b>S. No.</b>	<b>Title of the Course</b>	<b>Credits assigned</b>	<b>Semester</b>
1.	Comparative Public Law/ System of Governance	3	First
2.	Law and Justice in Globalizing World	3	First
3.	Specialization Paper I	2	First
4.	Specialization Paper II	2	Second
5.	Specialization Paper III	2	Second
6.	Specialization Paper IV	2	Second
7.	Research Methods and Legal Writing	3	Third
8.	Specialization Paper V	2	Third
9.	Specialization Paper VI	2	Fourth
10.	Dissertation	4	Fourth
	<b>TOTAL CREDITS</b>	<b>25</b>	

## PROGRAM STRUCTURE

### LL.M. (Corporate Law)

#### LWP01

#### SEMESTER – I

<b>Subject Code</b>	<b>Subject Name</b>	<b>Credits</b>	<b>L</b>	<b>P</b>	<b>O</b>	<b>Contact Hrs/Week</b>
LWH 602	Comparative Public Law/Systems of Governance	3	2	1	0	3
LWH 603	Law and Justice in a Globalizing World	3	2	1	0	3
LWH 631	Corporate Governance and principles of Companies Act	2	2	0	0	2
	<b>Total (L-T-P-O/CONTACT HOURS/CREDITS)</b>	<b>8</b>	<b>6</b>	<b>2</b>	<b>0</b>	<b>8</b>

#### SEMESTER- II

<b>Subject Code</b>	<b>SUBJECT NAME</b>	<b>Credits</b>	<b>L</b>	<b>P</b>	<b>O</b>	<b>Contact Hrs/Week</b>
LWH632	Elective III (Corporate Finance)	2	2	0	0	2
LWH633	Elective IV (Corporate Insolvency and Bankruptcy Law)	2	2	0	0	2
LWH634	Elective V (Corporate Mergers and Acquisitions)	2	2	0	0	2
	<b>TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)</b>	<b>6</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>6</b>

#### SEMESTER - III

<b>Subject Code</b>	<b>SUBJECT NAME</b>	<b>Credits</b>	<b>L</b>	<b>P</b>	<b>O</b>	<b>Contact Hrs/Week</b>
LWH601	Research Methods and Legal Writing	3	2	1	0	3
LWH611	Elective II (Commercial Arbitration: Theory and Doctrines)	2	2	0	0	2
	<b>TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)</b>	<b>5</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>5</b>

**SEMESTER- IV**

<b>Subject Code</b>	<b>SUBJECT NAME</b>	<b>Credits</b>	<b>L</b>	<b>P</b>	<b>O</b>	<b>Contact Hrs/Week</b>
LWH635	Elective VI (Competition Law)	2	2	0	0	2
LWH604	DISSERTATION	4	0	0	4	4
	<b>TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)</b>	<b>6</b>	<b>2</b>	<b>0</b>	<b>4</b>	<b>6</b>

**DETAILED SYLLABUS  
LWU01 – SEMESTER – I**

**Corporate Law**

**SEMESTER – I**

Subject Code	Subject Name	Credits	L	P	O	Contact Hrs/Week
LWH 602	Comparative Public Law/Systems of Governance	3	2	1	0	3
LWH 603	Law and Justice in a Globalizing World	3	2	1	0	3
LWH 631	Corporate Governance and principles of Companies Act	2	2	0	0	2
	Total (L-T-P-O/CONTACT HOURS/CREDITS)	8	6	2	0	8

<b>Course Title/ Code</b>	<b>Comparative Public Law/Comparative Systems of Governance (LWH602)</b>
<b>Course Type:</b>	Core (Departmental)
<b>L-T-P Structure</b>	(3-0-0)
<b>Objectives</b>	The course has been designed to drive the students through the journey of historical development to the law of the Third World. Focus is laid on the endeavours at global unification of law.

**Scheme of evaluation:**

**Informal** – 50 marks

**Formal** – 100 marks

**Module 1**

**The Theoretical Perspectives of Comparative Public Law (Contact Hours – 8)**

- a. Historical Development of Public Law, Meaning, Nature and Significance
- b. Tools of Comparative Public Law
- c. Constitutional and Administrative Law- A Comparative Study
- d. “

**Module 2**

**Study of World Law (Contact Hours – 8)**

- a. Unification of the World Law
- b.
- c. Legislative Mechanism-Common Law, Civil Law
- d. Comparative Constitutional Law – its relevance
- e. Concerns and problems of comparison

### **Module 3**

#### **Constitutionalism (Contact Hours – 8)**

- a. Distinction between Constitution and Constitutionalism
- b. Essential Features of Constitutionalism

### **Module 4**

#### **Forms of Government (Contact Hours – 8)**

- a. Federal and Unitary
- b. Features, advantages, disadvantages
- c. Models of Federalism and Concept of Quasi Federalism
- d. Role of Courts in Preserving Federalism
- e. Parliamentary and Presidential Forms

#### **Reference Material**

1. D.D. Basu, Comparative Constitutional Law ( 2nd ed., Wadhwa Nagpur).
2. David Strauss, The Living Constitution (Oxford University Press, 2010)
3. Dr. Subhash C Kashyap, Framing of Indian Constitution (Universal Law, 2004)
4. Elizabeth Giussani, Constitutional and Administrative Law (Sweet and Maxwell, 2008).
5. Erwin Chemerinsky, Constitutional Law, Principles and Policies (3rd ed., Aspen, 2006)
6. J Baylis, S. Smith, *Globalization of World Politics: An Introduction to International Relations*
7. J.D.M Derrett, An Introduction to Legal Systems(3rd Edition, Universal Law)
8. M.V. Pylee, Constitution of the World (Universal, 2006)
9. Mahendra Kumar, *International Relations*
10. Mahendra P. Singh, Comparative Constitutional Law (Eastern Book Company, 1989).
11. Neal Devins and Louis Fisher, The Democratic Constitution (Oxford University Press, 2010)
12. Prakash Chandra, *International Relations*(Vikas Publishing House)
13. S.N Ray, Judicial Review and Fundamental Rights (Eastern Law House, 1974).
14. Structure Doctrine (Oxford University Press, 2009)
15. Sudhir Krishna Swamy, Democracy and constitutionalism in India – A Study of the Basic
16. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, Comparative Constitutionalism in South Asia (Oxford University Press, 2013).
17. V.N. Khanna (201 Christopher Forsyth, Mark Elliott, Swati Jhaveri, Effective Judicial Review: A Cornerstone of Good Governance (Oxford University Press, 2010).
18. Vikram David Amar, Mark Tushnet, Global Perspectives on Constitutional Law (Oxford University Press, 2009).
19. Zachery Elkins, Tom Ginsburg, James Melton, The Endurance of National Constitutions (Cambridge University Press, 2009).

#### **Articles**

1. Aman Ullah and Uzair Samee, “Basic Structure of Constitution: Impact of Kesavananda Bharati on Constitutional Status of Fundamental Rights”, Vol. 26 (2) South Asian Studies 299- 309 (JulyDecember 2011).
2. Anne Smith, “Internationalization and Constitutional Borrowing in Drafting Bills of Rights”, 60(4) International and Comparative Law Quarterly 867-894 (2011October).
3. Bruce Ackerman, “The New Separation of Powers” 113 (3) Harv. L. Rev. 634-729 (2000)
4. Bryan Clark and Amanda Leiter, “Regulatory hide and seek: What agencies can (and can't) do to limit judicial review” 52(5) Boston College Law Review 1687-1732 (2011 November)
5. Chhavi Agarwal, “Rule of Law: Reflection upon we the People and Beyond”252 (1) Madras Law Journal 8-16 (2010)



6. Chris Brown and Ainley Kirsten (2009) *Understanding International Relations*, New York: Palgrave Macmillan( 4th edition)
7. Daryl Levinson and Richard H. Pildes “Separation of Parties, Not Powers”119(8) *Harvard Law Review* 2311-2386 (2006).
8. David King, “Formalizing Local Constitutional Standards of Review and the Implications for Federalism”97 (7) *Virginia Law Review* 1685-1726 (November 2011).  
*Penn State Law Review* 1073-1098 (Spring 2011).

<b>Course Title/ Code</b>	<b>Law and Justice in Globalizing World (LWH603)</b>
<b>Course Type:</b>	Core (Departmental)
<b>L-T-P Structure</b>	(3-0-0)
<b>Objectives</b>	The objective of the course is to enable students to understand and seek solutions to pressing problems in the domain of global justice. By the end of the term, students are expected to be familiar with multiple dimensions of the theoretical perspectives and be able to critically evaluate the liberal, republican discursive democratic attempts to make sense of, and to ameliorate prevailing instances of injustice in the world.

**Course Outcomes: Students will be able to**

**CO1:** understand the nature of globalization and its historical and developmental course;

**CO2:** apply the analytical tools to analyze the impact of globalization on sovereignty of state, federalism and human rights jurisprudence;

**CO3:** comprehend the concept of global justice and the source of law to achieve justice;

**CO4:** appreciate the working of International institutions, which are instrumental in delivering justice.

**Scheme of evaluation:**

**Informal** – 50 marks

**Formal** – 100 marks

**Module 1**

**Legal Globalization- An Introduction (Contact Hours- 8)**

- a. Meaning of "globalization" in a contemporary context
- b. Introduction to the Increasing Globalization of Law
- c. Impact of globalization-on sovereignty of state, on Federalism and Democratic Law Making, on Human Rights Law

**Module 2**

**Legal Implementation of Global Justice (Contact Hours – 8)**

- a. The Concept of Global Justice
- b. Treaties and the Role of Customary International Law
- c. International Implementation System (International Court of Justice, International Criminal Court)

**Module 3**

**Human Rights and Humanitarian Law (Contact Hours-8)**

- a. War, Terrorism & Genocide, and Humanitarian Intervention;
- b. Migration, Refugees, Asylums;
- c. Universal Jurisdiction for Crimes Against Humanity/War Crimes;

**Module 4**

**Global Justice and Trade Law (Contact Hours – 8)**

- a. Dispute settlement Mechanism in International Trade Law
- b. Theories of global Justice in International Trade Law
- c. Impact of Globalization on Trade Law

- d. Environmental issues in International Trade Law
- e.

### Reference Material

1. Andrew Kuper, *Democracy Beyond Borders: Justice and Representations in Global Institutions* (OUP, 2006)
2. Anthony McGrew, David Held (eds.), *Governing Globalization: Power, Authority and Global Governance* (Polity Press, 2002).
3. CHI CARMODY, FRANK J. GARCIA, & JOHN LINARELLI, GLOBAL JUSTICE AND INTERNATIONAL ECONOMIC LAW: OPPORTUNITIES AND PROSPECTS (ASIL STUDIES IN INTERNATIONAL LEGAL THEORY) (2012)
4. David Schzeiderman, *Constitutionalizing Economic Globalization: Investment Rules*
5. David Weissbrodt, Fionnuala Ní Aoláin, Joan Fitzpatrick, and Frank Newman, *International Human Rights: Law, Policy and Process* (4th ed. 2008)
6. David Weissbrodt, Joan Fitzpatrick, Frank Newman, Marci Hoffman and Mary Rumsey, *Selected International Human Rights Instruments and Bibliography for Research on International Human Rights Law* (3d ed. 2001)
7. HELEN M. STACY & WIN CHIAT LEE, ECONOMIC JUSTICE: PHILOSOPHICAL AND LEGAL PERSPECTIVES (AMINTAPHIL: THE PHILOSOPHICAL FOUNDATIONS OF LAW AND JUSTICE) (2012)
8. HURST HANNUM, *INTERNATIONAL HUMAN RIGHTS: PROBLEMS OF LAW, POLICY, AND PRACTICE* (2011)
9. *International Covenant on Economic, Social, and Cultural Rights (ICESCR) and Optional Protocol* [www2.ohchr.org/english/law/pdf/cescr.pdf](http://www2.ohchr.org/english/law/pdf/cescr.pdf); [www2.ohchr.org/english/law/docs/A.RES.63.117\\_en.pdf](http://www2.ohchr.org/english/law/docs/A.RES.63.117_en.pdf)
10. Jean-Marc Coicaud, Michael W. Doyle et al (eds.), *The Globalization of Human Rights 2003* (United Nations University Press).
11. John Baylis, Steve Smith, et al (eds.) *The Globalization of World Politics: An Introduction to International Relations* (OUP, 2008).
12. Karl-Heinz Ladeur (ed.), *Public Governance in the Age of Globalization* (2004).
13. Laura Valentini, *Justice in a Globalizing World: A Normative Framework* (OUP, 2011).
14. M. Abouharb, David Cingranelli, *Human Rights and Structural Adjustment 2007* (Cambridge University Press)
15. Pablo De Greiff and Ciaran Cronin (eds.), *Global Justice and Transnational Politics: Essays on the Moral and Political Challenges of Globalization* (MIT Press, 2002).
16. Percy E. Corbett, *The Growth of World Law* 184 (1971).
17. *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, UN Doc. A/53/383* (2000). *International Labor Convention 189* (2011) <http://www.ilo.org/ilolex/english/convdisp1.htm>
18. Rosalyn Higgins, *Development of International Law through the Political Organs of the United Nations* (1963).
19. Simon Coney, *Justice Beyond Borders: A Global Political Theory* (Oxford University Press, 2005).
20. Upendra Baxi, *The Future of Human Rights* (OUP, 2002). Warner Menski, *Comparative Law in Global Context: The Legal Systems of Asia and Africa* (Cambridge University Press, 2006).

<b>Course Title/ Code</b>	<b>Corporate Governance (LWH631)</b>
<b>Course Type:</b>	Core (Departmental)
<b>Course Nature:</b>	Hard
<b>L-T-P-O Structure</b>	(2-0-0)
<b>Objectives</b>	The objective of this paper is Acquaint students of fundamental theories and principles governing companies and corporate governance.

**Course Outcomes: Students will be able to**

- CO1:** understand and comprehend the basic theories of incorporation and corporate governance;  
**CO2:** appreciate the basic framework spread out in various legal provisions relating to corporate governance;  
**CO3:** counsel and advice the clients on rights of shareholders under companies Act and other laws;  
**CO4:** advise companies on the structuring of the Board and represent the parties in the court of law;  
**CO5:** identify the duties of auditors and represent the parties in the court on matters relating to financial governance;.

**Scheme of evaluation:**

**Informal** – 40 marks

**Formal** – 60 marks

**Module I**

**Fundamentals of Corporate Governance (8 Class Hours)**

- a. Basic Framework - Meaning, relevance and significance of corporate governance
- b. Theories, Models and Mechanisms of CG – Legal Liability, Social and Ethical Norms, Markets

**Module II**

**Shareholders and Stakeholders (8 class hours)**

- a. Rights, Role(s) and responsibilities of shareholders
- b. Rights, Role(s) and responsibilities other stakeholders

**Module III**

**Board and Management (8 class hours)**

- a. Board of Directors – Role and Responsibilities
- b. Board Structure and Functioning

**Module IV**

**Financial Governance (8 class hours)**

- a. Aspects of financial governance
- b. Audit committees;
- c. Financial reporting;
- d. Role & Responsibilities of Auditors;
- e. Equity market reforms etc.

### Reference Material

1. Andrei Shleifer and Robert Vishny "Management Entrenchment: The Case of Manager-Specific Investments." 25(1) *Journal of Financial Economics* 123-139 (1989).
2. Andrei Shleifer and Robert Vishny, "Large Shareholders and Corporate Control," 94(3) *Journal of Political Economy*, 461-488 (June 1986)
3. Andrei Shleifer and Robert W. Vishny, "A Survey of Corporate Governance." 52(2) *Journal of Finance* 1997
4. Bebchuk, Lucian A., Jesse M. Fried, and David I. Walker, "Managerial Power and Rent Extraction in the Design of Executive Compensation," NBER working paper #9068, July 2002.
5. Bebchuk, Lucian, and Jesse Fried (2004), *Pay without Performance: The Unfulfilled Promise of Executive Compensation.* Cambridge: Harvard University Press.
6. Bebchuk, Lucian, and Yaniv Grinstein (2005), "The Growth of Executive Pay." NBER Working Paper Series No. 11443.
7. Becht, Marco, Patrick Bolton, and Ailsa Röell (2003), "Corporate Governance and Control." In: *Handbook of the Economics of Finance* (Constantinides, Harris, and Stulz eds.), Amsterdam:Elsevier, Chapters 1-4.
8. Bertrand, Marianne and Sendhil Mullainathan, "Do CEOs Set their Own Pay? The Ones without Principals Do," NBER Working Paper No. 7604, March 200. Also available at: <http://econ-www.mit.edu/faculty/mullain/files/papers/CeosPrincipals.pdf>
9. Burkart, Mike, Denis Gromb, and Fausto Panuzi, "Why Higher Takeover Premia Protects Minority Shareholders," *Journal of Political Economy*, Vol. 106, Iss. 1, February 1998, pp. 172-204.
10. Chew, Donald Jr., and Stuart Gillan eds. (2005), *Corporate Governance at the Crossroads*. New York: McGraw-Hill, Section 2.2.d
11. Claessens, Stijn and Simeon Djankov (1999), "Ownership Concentration and Corporate Performance in the Czech Republic." *Journal of Comparative Economics*, 27, 498-513.
12. Claessens, Stijn, "Corporate Governance and Equity Prices: Evidence from the Czech and Slovak Republics," *Journal of Finance*, Vol. 52, Iss. 4, September 1997, pp. 1641-1658.
13. Claessens, Stijn, Simeon Djankov, Joseph Fan, and Larry Lang, "The Separation of Ownership and Control in East Asia Corporations," *Journal of Financial Economics*, Vol. 58, Iss. 1-2, October 2000, pp. 81-112.
14. Coffee, John C. Jr., "The Future as History: The Prospects for Global Convergence in Corporate Governance and its Implications", Columbia University Center for Law and Economic Studies, Working Paper No. 144, February 1999.
15. D Bertrand, Marianne and Sendhil Mullainathan (2003), "Enjoying the Quiet Life? Corporate Governance and Managerial Preferences." *Journal of Political Economy*, 111(5), 1043-1075.
16. Demsetz, Harold and Kenneth Lehn (1985), "The Structure of Corporate Ownership: Causes and Consequences." *Journal of Political Economy* 93(6), 1155-1177.
17. Dyck, Alexander and Luigi Zingales, "Private Benefits of Control: An International Comparison," University of Chicago mimeo, December 2002.
18. Dyck, Alexander, and Luigi Zingales (2004), "Control Premiums and the Effectiveness of Corporate Governance Systems." In: *Global Corporate Governance* (D. Chew and S. Gillan eds.), New York: Columbian Business School Publisher.
19. Earle, John and Saul Estrin (1996), "Employee Ownership in Transition." In: *Corporate*

20. Easterbrook, H. Frank and Daniel R. Fischel, "The Corporate Contract" in Chapter 1 of *The Economic Structure of Corporate Law* (Harvard University Press, Cambridge, MA, 1991) (1-39)
21. Franks, Julian, and Colin Mayer (2009), "Corporate Ownership and Control in the U.K., Germany and France" In: *Global Corporate Governance* (D. Chew and S. Gillan eds.), New York: Columbian Business School Publisher.
22. Gilson, Stuart, "Management Turnover and Financial Distress," *Journal of Financial Economics*, Vol. 25, January 1989, pp. 241-262.
23. *Governance in Central Europe and Russia* (R. Frydman, C. Gray and A. Rapaczynski eds.) Budapest: Central European University Press.
24. Grosfeld, Irena, and Thierry Tresselt (2002), "Competition and Ownership Structure: Substitutes or Complements?" *Economics of Transition* 10(3), 525-551.
25. Hansmann, Henry (1996), *The Ownership of Enterprise*. Cambridge, USA: The Belknap Press of Harvard University Press, Chapters 1-3.
26. Hart, Oliver, "Corporate Governance: Some Theory and Implications," *The Economic Journal*, Vol. 105, Iss. 430, May 1995 (678-689)
27. Hu, Yifan, and Xianming Zhou (2008), "The Performance Effect of Managerial Ownership: Evidence from China." *Journal of Banking and Finance* 32, 2099-2110.
28. Jensen, Michael and William Meckling, "Theory of the Firm: Managerial Behavior, Agency Costs and Ownership Structure," *Journal of Financial Economics*, Vol. 3, Iss. 4, October 1976 (305-360)
29. Jensen, Michael, and Kevin Murphy (1990), "Performance Pay and Top-Management Incentives" *Journal of Political Economy* 98, 225-264.
30. Joh, Sung Wook (2003), "Corporate Governance and Firm Profitability: Evidence from Korea before the Economic Crisis." *Journal of Financial Economics* 68, 287-322.
31. Kaplan, Steven N. and Bernadette A. Minton, "Appointments of Outsiders to Japanese Boards: Determinants and Implications for Managers," *Journal of Financial Economics*, Vol. 36, Iss. 2, October 1994, pp. 225-258.
32. Kester, W. Carl, "Note on Corporate Governance Systems: The United States, Japan and Germany," Harvard Business School, Case #9-292-012.
33. La Porta, Rafael, Florencio López-de-Silanes, and Andrei Shleifer, "Corporate Ownership Around the World," *Journal of Finance*, Vol. 54, Iss. 2, April 1999, pp. 471-517.
34. La Porta, Rafael, Florencio López-de-Silanes, and Andrei Shleifer, "Investor Protection and Corporate Valuation," *Journal of Finance*, Vol. 57, Iss. 3, June 2002, pp. 1147-1170.
35. La Porta, Rafael, Florencio López-de-Silanes, Andrei Shleifer and Robert W. Vishny, "Investor Protection and Corporate Governance," *Journal of Financial Economics*, Vol. 58, Iss.1-2, October 2000, pp. 3-27.
36. Morck, Randall, Andrei Shleifer and Robert W. Vishny (1988), "Management Ownership and Market Valuation: An Empirical Analysis." *Journal of Financial Economics*, 20(1-2), 293-315.
37. Nenova, Tatiana, "The Value of Corporate Votes and Control Benefits: A Cross-Country Analysis," Harvard University mimeo, September 2000.
38. OECD, "Principles of Corporate Governance," May 1999. Available at: <http://www.oecd.org/EN/documents/0,,EN-documents-77-3-no-24-no-77,00.html>
39. Ronald H. Coase, "The Nature of the Firm," *Economica*, Vol. 4, Iss. 16, November 1937(pp. 386-405)
40. Rosenstein, S. and J. G. Wyatt, "Outside Directors, Board Independence, and Shareholder Wealth," *Journal of Financial Economics*, Vol. 26, Iss. 2, August 1990, pp. 175-191.
41. Shleifer, Andrei and Robert Vishny, "Large Shareholders and Corporate Control," *Journal of Political Economy*, Vol. 94, Iss. 3, June 1986, pp. 461-488.
42. Shleifer, Andrei and Robert W. Vishny (1989), "Management Entrenchment: The Case of Manager-Specific Investments." *Journal of Financial Economics*, 25(1): 123-39.

43. Shleifer, Andrei and Robert W. Vishny (1997), "A Survey of Corporate Governance." *Journal of Finance* 52(2)
44. The Economist, "Corporate Boards: The Way We Govern Now," January 9, 2003.
45. Tirole, Jean, "Corporate Governance," *Econometrica*, Vol. 69, Iss. 1, January 2001 (1-35)
46. Volpin, Paolo, "Governance with Poor Investor Protection: Evidence from Top Executive Turnover in Italy," *Journal of Financial Economics*, Vol. 64, Iss. 1, April 2002, pp. 61-90.
47. Weisbach, M. S., "Outside Directors and CEO Turnover," *Journal of Financial Economics*, Vol. 20, January 1988, pp. 431-460.
48. Williamson, Oliver (1985), *The Economic Institutions of Capitalism*. New York: Macmillan, Chapter 2.





**SEMESTER- II**

<b>Subject Code</b>	<b>SUBJECT NAME</b>	<b>Credits</b>	<b>L</b>	<b>P</b>	<b>O</b>	<b>Contact Hrs/Week</b>
LWH632	Elective III (Corporate Finance)	2	2	0	0	2
LWH633	Elective IV (Corporate Insolvency and Bankruptcy Law)	2	2	0	0	2
LWH634	Elective V (Corporate Mergers and Acquisitions)	2	2	0	0	2
	<b>TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)</b>	<b>12</b>	<b>8</b>	<b>0</b>	<b>4</b>	<b>12</b>

<b>Course Title/ Code</b>	<b>Corporate Finance – I (LWH632)</b>
<b>Course Type:</b>	Core (Departmental)
<b>Course Nature:</b>	Hard
<b>L-T-P-O Structure</b>	(2-0-0)
<b>Objectives</b>	<p>The objective of this paper is</p> <p>(i) To understand the economic and legal dimensions of corporate finance in the process of industrial development in establishing social order in the context of constitutional values;</p> <p>(ii) To acquaint the students with the normative, philosophical and economic contours of various statutory rules relating to corporate finance;</p> <p>(iii) To acquaint the students with the organisation, functions, lending, and recovery procedures, conditions of lending and accountability of international national and state financing institutions and also of commercial banks.</p>

**Course Outcomes: Students will be able to**

**CO1: suggest the client company on type, source and conditions of capital for the venture;**

**CO2: advise on the nuances of debt equity ratio;**

**CO3: counsel on capital restructuring with respect to conditions and methods;**

**CO4: identify and propose the ways and measures of investor protection to a company;.**

**CO5: give opinion on the legal framework applicable to raising external capital;.**

**Scheme of evaluation:**

**Informal – 40 marks**

**Formal – 60 marks**

**Module 1**

**Introduction to the Corporate Finance (Contact Hours – 12)**

- a. Introduction
- b. Equity finance
- c. Debit Finance

**Module 2**

**Conservation of Corporate Finance (Contact Hours – 12)**

- a. Conservation of Corporate Finance
- b. Protection of Creditors

**Module 3**

**Investor Protection (Contact Hours – 12)**

- a. Protection of Investors
- b. Corporate Fund Raising

## **Module 4**

### **Corporate Fund Raising and Regulations (Contact Hours – 12)**

- a. Administrative Regulation on Corporate Finance
- b. Relevant leading case studies

### **Reference Material**

1. Alastair Hundson, *The Law on Financial Derivatives* 1998 (Sweet & Maxwell)
2. R P Austen, *The Law of Public Company Finance* 1986.
3. Eil's Ferran, *Company Law and Corporate Finance*, Oxford (1999)
4. Gilbert Harold, *Corporation Finance* 1956.
5. H.A.J. Ford and A.P. Austen, *Fords' principle of Corporations Law* 1999 (Butterworths)
6. Henry E. Hoagland, *Corporation Finance* 1947.
7. J.H. Farrar and B.M. Hanniyan, *Farrar's company Law* 1998 (Butterworths)
8. Maryin M. Kristein, *Corporate Finance* 1975
9. R.C. Osborn, *Corporation Finance* 1959.
10. R.M. Goode, *Legal Problems of Credit and Security* 1988 (Sweet and Maxwell)
11. A. Ramaiya, *Guide to the Companies Act* 1998 (Vol. I, II and III)
12. V.G. Kulkami, *Corporate Finance* (1961)
13. Y.D. Kulshreshta, *Government Regulation of Financial management of Private Corporate Sector in India* (1986)

<b>Course Title/ Code</b>	<b>Corporate Insolvency and Bankruptcy Law (LWH633)</b>
<b>Course Type:</b>	Core (Departmental)
<b>Course Nature:</b>	Hard
<b>L-T-P-O Structure</b>	(2-0-0)
<b>Objectives</b>	This course concerns the law and finance of corporate bankruptcy with an emphasis on reorganization. This basic bankruptcy course covers the major facets of bankruptcy that influence business financing transactions.

**Course Outcomes: Students will be able to:**

**CO2: apply the provisions of relevant laws to corporate debt restructuring;**

**CO3: counsel on bankruptcy procedure in cases of corporate insolvency;**

**CO4: take up cases relating to corporate insolvency in the court of law;**

**Scheme of evaluation:**

**Informal** – 40 marks

**Formal** – 60 marks

**Module 1**

**The fundamentals of debt contracting (Contact Hours – 8)**

- a. Insolvency – Concepts and Evolution
- b. Introduction to Insolvency and Bankruptcy Code
- c. Corporate Insolvency Resolution Process
- d. Insolvency Resolution of Corporate Persons

**Module 2**

**The Bankruptcy Process (Contact Hours – 8)**

- a. Resolution Strategies
- b. Fast Track Corporation Insolvency Resolution Process
- c. Liquidation of Corporate Person
- d. Voluntary Liquidation of Companies

**Module 3**

**Corporate Debt Restructuring and other options (Contact Hours – 8)**

- a. Adjudication and Appeals for Corporate Persons
- b. Debt Recovery and Securitization
- c. Winding-Up by Tribunal
- d. Cross Border Insolvency

**Module 4**

**Cross-border bankruptcies (Contact Hours – 8)**

- a. Insolvency Resolution of Individual and Partnership Firms
- b. Bankruptcy Order for Individuals and Partnership firms
- c. Bankruptcy for Individuals and Partnership Firms
- d. Fresh Start Process

e. Professional and Ethical Practices for Insolvency Practitioners

**Reference Materials**

1. [Bare Act – Insolvency and Bankruptcy Act 2017](#)
2. [Brian A. Blum, \*Bankruptcy and Debtor/Creditor: Examples and Explanations \(Examples & Explanations\)\* 2006.](#)
3. [Bruce G. Carruthers and Terence C. Halliday, \*Rescuing Business: The Making of Corporate Bankruptcy Law in England and the United States\* 1998.](#)
4. Grant W. Newton and Robert Liquerian, [\*Bankruptcy and Insolvency Taxation, 2008\*](#)
5. Grant W. Newton, [\*Corporate Bankruptcy: Tools, Strategies, and Alternatives\* 2003.](#)
6. [Ian Ratner, Grant T. Stein, and John C. Weitnauer, \*Business Valuation and Bankruptcy \(Wiley Finance\)\* 2009.](#)
7. [Irene Lynch-Fannon, \*Corporate Insolvency and Rescue\* 2010.](#)
8. John R. Cornell, [\*Employee Benefits and Executive Compensation in Corporate Bankruptcy: A Collier Monograph\*, 2008.](#)
9. Lynn M. LoPucki and Joseph W. Doherty, [\*Professional Fees in Corporate Bankruptcies: Data, Analysis, and Evaluation\* 2011.](#)
10. [Mark J. Roe, \*Bankruptcy and Corporate Reorganization: Legal and Financial Materials\* 2007.](#)
11. Mark S. Scarberry, [\*Business Reorganization in Bankruptcy: Cases and Materials\* 2006.](#)
12. Mike Wheeler and Roger Oldfield, [\*International Corporate Recovery Procedures\* 2002.](#)
13. Professor Sir Roy Goode and Robert Stevens, [\*Goode on Principles of Corporate Insolvency Law\* 2011.](#)
14. [Rizwaan Jameel Mokal, \*Corporate Insolvency Law: Theory and Application\* 2005.](#)
15. Thomas J. Salerno, [\*Executive Guide to Corporate Bankruptcy\* 2010.](#)

<b>Course Title/ Code</b>	<b>Corporate Mergers and Acquisitions (LWH634)</b>
<b>Course Type:</b>	Core (Departmental)
<b>Course Nature:</b>	Hard
<b>L-T-P-O Structure</b>	(2-0-0)
<b>Objectives</b>	The purpose of the paper is to consider the substance, form, and mechanics of corporate mergers, acquisitions, and reorganizations. It also explores generally the tax, S.E.C., accounting, and successor liability considerations.

**Course Outcomes: Students will be able to**

**CO1: differentiate between different modes of corporate restructuring;**

**CO2: locate and reproduce the laws governing corporate restructuring;**

**CO3: give advise to the companies on the regulatory mechanisms regarding takeovers;**

**CO4: represent the parties in the court of law on matter of mergers and acquisitions;.**

**Scheme of evaluation:**

**Informal – 40 marks**

**Formal – 60 marks**

**Module 1**

**Introduction to Corporate Restructuring (Contact Hours – 6)**

- a. The substance, form, and mechanics of corporate mergers, Acquisitions, and Reorganizations
- b. Theory, Reasons and Factors responsible for M&A
- c. Other Restructuring options

**Module 2**

**Regulations of Mergers & Acquisitions (Contact Hours – 14)**

- a. Legal regime in India
  - a. Companies Act, Takeover Code, Competition Law; Other Relevant Acts and Regulations (Such as Merger Review Provisions; regulations relating to Disclosure; Insiders Trading regulations etc.)
- b. Comparative legal regulatory regime in US, EU/ UK and Australia

**Module 3**

**Other Aspects of Mergers and Acquisitions (Contact Hours – 8)**

- a. Company Valuation
- b. Due Diligence
- c. Merger Agreements
- d. Takeover Defenses

**Module 4**

## Other Aspects of Mergers and Acquisitions (Contact Hours – 10)

- a. Directors
- b. Accountants
- c. Solicitors
- d. Regulators (NCLT, SEBI, CCI and other Sectoral Regulators)
- e. Merchant Bankers
- f. Other Specialists such as Actuaries, Surveyors, Environmental Consultants

## Reference Material

1. “Directors’ Duties in Response to Hostile Takeover Bids” 14(12) *International Company and Commercial Law Review* 370-377 (2003)
2. [Anthony F. Buono](#) and James L. Bowditch [The Human Side of Mergers and Acquisitions: Managing Collisions Between People, Cultures, and Organizations](#) 2003.
3. Arthur Fleischer and Alexander R. Sussman, “Directors’ Fiduciary Duties in Takeover and Mergers” *31<sup>st</sup> Annual Securities Regulation Institute* (Jan. 21-23, 2004)
4. Atreya Chakraborty and Richard, “Takeover Defenses and Dilution: A Welfare Analysis” 36(3) *The Journal of Financial and Quantitative Analysis* 311-334 (Sep., 2001)
5. Carney and [William J. Carney](#) [Mergers & Acquisitions: The Essentials 2009 \(Wolters Kluwer\)](#)
6. [Carol Yeh-Yun Lin](#), [Yu-Chen Wei](#), [The Role of Business Ethics in Merger and Acquisition Success: An Empirical Study](#)” 69(1) *Journal of Business Ethics* 95-109 (Nov., 2006)
7. Carolyn Carroll, John M. Griffith and Patricia M. Rudolph, “Hostile vs. White Knight Bidders” 20 *Managerial and Decision Economics* 163-171 (1999)
8. [Dana Vachon](#) [Mergers and Acquisitions: A Step-by-Step Legal and Practical Guide by Edwin L. Miller](#) 2008.
9. David Austen-Smith and Patricia C. O'Brien, “Takeover Defenses and Shareholder Voting” 59(2) *Economica* 199-219 (May, 1992)
10. [Dennis J. Roberts](#), [Mergers & Acquisitions: An Insider's Guide to the Purchase and Sale of Middle Market Business Interests](#) 2009.
11. [Donald M. DePamphilis](#), [Mergers, Acquisitions, and Other Restructuring Activities, Fifth Edition: An Integrated Approach to Process, Tools, Cases, and Solutions \(Academic Press Advanced Finance Series\)](#) 2009.
12. [Edward F. Greene](#), [James J. Junewicz](#), “A Reappraisal of Current Regulation of Mergers and Acquisitions” 132(4) *University of Pennsylvania Law Review* 647-739 (Apr., 1984)
13. [Enrique R. Arzac](#), [Valuation: Mergers, Buyouts and Restructuring](#) 2007.
14. George D. Gibson, Thomas J. Campbell, “Fundamental Law for Takeovers” 39 *The Business Lawyer* 1551 (1984)
15. [George E. Pinches](#), [Financing Corporate Mergers and Acquisitions with Convertible Preferred Stock](#)” 23(5) *The Journal of Finance* 897-898 (Dec., 1968)
16. J. A. Hornby, “Class Membership in a Company's Scheme of Arrangement” 39(2) *The Modern Law Review* 207-210 (Mar., 1976)
17. Jean-Pierre Labroue, “Directors’ Fiduciary Duties in Hostile Takeovers and the ‘JUST SAY NO’ Defense” 7 *International Business Law Journal* 821-835 (1995)
18. John Birchall, “Duties of Good Faith in Commercial Joint Ventures? Contractual Duties, fiduciary Duties and Shareholders’ Remedies” *Journal of Business Law* 269-285 (May 2005)
19. John C. Coates , “Explaining Variation in Takeover Defenses: Blame the Lawyers” 89(5) *California Law Review* 1301-1421 (Oct., 2001)
20. [Joshua Rosenbaum](#), [Joshua Pearl](#), and Joseph R. Perella, [Investment Banking: Valuation, Leveraged Buyouts, and Mergers and Acquisitions \(Wiley Finance\)](#) (2009)
21. Kenneth C. Johnsen, “Golden Parachutes and the Business Judgment rule: Towards a Proper Standard of Review” 94 *Yale Law Journal* 909 (1985)

22. [Kevin K. Boeh](#) and Paul W. Beamish *Mergers and Acquisitions: Text and Cases 2006 (The Ivey Casebook Series)*
23. [Michael E. S. Frankel](#), *Mergers and Acquisitions Basics : The Key Steps of Acquisitions, Divestitures, and Investments* (2005)
24. [Michael Watkins](#), *Harvard Business Review on Mergers & Acquisitions* (2001)
25. [Mitchell Lee Marks](#) and Philip H. Mirvis, *Joining Forces: Making One Plus One Equal Three in Mergers, Acquisitions, and Alliances* (2010)
26. [Nagesh Kumar](#), “[Mergers and Acquisitions by MNEs: Patterns and Implications](#)” 35(32) *Economic and Political Weekly* 2851-2858 (Aug. 5-11, 2000).
27. Patricia H. Werhane “Two ethical issues in mergers and acquisitions” 7(1/2) *Journal of Business Ethics* 41-45 (1998)
28. [Patrick A. Gaughan](#) *Mergers, Acquisitions, and Corporate Restructurings* (2010)
29. Raghav Sharma and Rajeev Vidhani, “Law Relating to Cross-Border Mergers under Companies Act, 1956”
30. Robert F. Bruner and Joseph R. Perella *Applied Mergers and Acquisitions (Wiley Finance)* (2004)
31. [Robert F. Bruner](#) and Arthur Levitt Jr., *Deals from Hell: M&A Lessons that Rise Above the Ashes* (2009)
32. Shaun J. Mathew, “Hostile Takeovers in India: New Prospects, Challenges and Regulatory Opportunities” 3 *Columbia Business Law Review* 800 (2007)
33. Stephen M. Bainbridge, “Director Primacy in Corporate Takeovers: Preliminary Reflections” 55 *Stanford Law Review* 791 (Dec. 2002)
34. [Stephen M. Bainbridge](#), *Mergers and Acquisitions (University Textbook Series)* (2008)
35. [Steven M. Bragg](#), *Mergers and Acquisitions: A Condensed Practitioner's Guide* (2008)
36. [Therese H. Maynard](#), *Mergers and Acquisitions: Cases, Materials, and Problems* (2008)
37. Vineet Aneja, “Cross Border M & A in India” 19 *International Law Practicum* 53 (Spring 2006)

### **SEMESTER - III**

<b>Subject Code</b>	<b>SUBJECT NAME</b>	<b>Credits</b>	<b>L</b>	<b>P</b>	<b>O</b>	<b>Contact Hrs/Week</b>
LWH601	Research Methods and Legal Writing	3	2	1	0	3
LWH611	Elective II (Commercial Arbitration: Theory and Doctrines)	2	2	0	0	2
	<b>TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)</b>	<b>5</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>5</b>



<b>Course Title/ Code</b>	<b>Research Methods and Legal Writing (LWH601)</b>
<b>Course Type:</b>	Core (Departmental)
<b>L-T-P Structure</b>	(3-0-0)
<b>Objectives</b>	The objective of this paper is to introduce various established legal research methods to the students that will help and guide them to do their research in their relevant areas. This course caters to the needs of Post Graduate students in their pursuit of legal research and Dissertation/thesis writing.

**Course Outcomes: Students will be able to**

- CO1:** understand the nature and techniques of legal research;  
**CO2:** distinguish the methods and techniques of legal research from that of social sciences research;  
**CO3:** apply the techniques of legal research to legal communication and writings;  
**CO4:** develop the proposal for research to write good quality – PG level dissertation;  
**CO5:** to apply the research techniques to prepare class lectures/ lessons based on principles, theories, legislations and cases.

**Scheme of evaluation:**

**Informal** – 50 marks

**Formal** – 100 marks

**Module 1**

**An Introduction to Legal Research (Contact Hours – 8)**

- a. Meaning, Scope and Objectives
- b. Kinds of Legal Research-Doctrinal or Traditional Research
- c. Non-Doctrinal or Empirical Research
- d. Analytical and Critical Research
- e. Inter-disciplinary (e.g. Socio-legal Research) and Multi-disciplinary Research

**Module 2**

**Various Steps in Legal Research (Contact Hours – 8)**

- a. Research Problem: Identification and Formulation
- b. Literature Review
- c. Hypothesis
- d. Research Design (Quantitative & Qualitative)
- e. Data collection
- f. Data Analysis

**Module 3**

**Tools and Techniques of Legal Research (Contact Hours-8)**

- a. Primary and secondary Sources
- b. Questionnaire, Interview, Case study
- c. Survey
- d. Sampling

- e. Use of Library and E-resources

#### **Module 4**

##### **Legal Writing (Contact Hours – 8)**

- a. Essentials of Good Legal Writing
- b. Framing of Title, Research Questions, Identifying relevant areas of law.
- c. Citation, Reference and Footnoting
- d. Research Ethics and Plagiarism
- e. Dissertation Writing
- f. Dissertation Writing

##### **Reference Material**

1. C. R. Kothari — Research Methodology (Methods and Techniques)(2<sup>nd</sup> edn., New Age International Publishers),1990
2. Dennis P. Force and Stephen Richer (ed.), *Stages of Social Research and Legal Writing: Contemporary Perspectives* (New Jersey : Prentice Hall Inc., Englewood Cliffs, 1970).
3. Dr. H.N.Tawari Legal Research Methodology — Allahabad Law Agency.
4. Erwin C. Surrency B. Fielf and .J. Cn, 4 Guide to Legal Research (1959)
5. Frederic Charles Hicks, Materials and Methods in Legal Research (Lawyers Cooperative Publishing, New York).
6. Goode and Hall, Methods in Social Research (Singapore : MacGraw Hill Book Co., 1985).
7. G.P. Tripathi, *Legal Research and Research Methodology*, Central Law Publications, 2019
8. H.M.Hyman, Interviewing in Social Research (1965)
9. Harvard Law Review Association, The Bluebook: Uniform system of Citation (Harvard Law Review, Harvard).
10. High Brayal, Nigel Duncan and Richard Crimes, Clinical Legal Education: Active Learning in your School (1998) Blackstone P. Press Limited, London.
11. Janathan Anderson, Thesis and Assignment Writing (Wiley Eastern Ltd., New Delhi).
12. Johan Galtung, Theory And Methods of Social Research (London: George Allen & Unwin Ltd., 1970).
13. Legal Research and Methodology— Indian Law Institute, New Dethi
14. Leon Festinger (ed.), Research Methods in Behavioral Sciences (Holt, Rinehart and Winston, New York, 1953).
15. Pauline V. Young, Scientific Social Surveys and Research (New Delhi : Prentice Hall of India Pvt. Ltd., 1984).
16. Rattan Singh, *Legal Research Methodology*, Lexis Nexis, 2nd edn., 2016
- 17.
18. S. K. Verma and Afzal Vani, Legal Research and Methodology, ILI, New Delhi William I Grade and Paul K Hatt, Methods in Social Research, Mc GrawHill Book Company, London.

<b>Course Title/ Code</b>	<b>Commercial Arbitration: Theory and Doctrine (LWH611)</b>
<b>Course Type:</b>	Core (Departmental)
<b>L-T-P Structure</b>	(2-0-0)

**Course Outcomes: Students will be able to:**

**CO1:** appreciate the significance of ADR mechanisms including arbitration;

**CO2:** develop the discretion to use ADR mechanisms to resolve disputes;

**CO3:** interpret the arbitration agreements with respect to the intent of the parties, seat of arbitration, applicable law and other relevant clauses;

**CO4:** represent the parties in arbitration and appeal proceedings;

**CO5:** act as an arbitrator to resolve the disputes.

**Scheme of evaluation:**

**Informal** – 40 marks

**Formal** – 60 marks

**Module I (Contact Hours – 10)**

**Fundamentals of Arbitration**

- a. Nature and Scope of Arbitration
  - i. Arbitration v. Litigation
  - ii. What Is and Is Not Arbitration?
  - iii. Specialized Uses and Forms of Arbitration
  - iv. Choosing Arbitration Scenario
  - v. Framework of Arbitration – Statutory and Legal Standards
- b. Arbitration Jurisdiction
  - i. Consent/ Party Autonomy – Contractual Foundations
  - ii. Competence of an Arbitral Tribunal (Principle of *Kompetenze Kompetenz*)
  - iii. May Parties Avoid Arbitration? – Front End Issues
  - iv. Statutory Arbitration in India

**Module II (Contact Hours – 10)**

**Arbitration Agreement and Arbitrability**

- a. Arbitrability
  - i. Substantive and Procedural
  - ii. Defenses to Questions of Arbitrability
- b. Arbitration Agreement
  - i. The Separability Doctrine
  - ii. Choice of Law
    - a) Choice of substantive law
    - b) Choice of seat provisions in arbitration agreements
- c. Role of Arbitrators
  - i. Power and duties
  - ii. Sources of ethical standards and ethical obligations

- iii. Independence and impartiality
- iv. Liability of arbitrators and arbitral organizations

### **Module III (Contact Hours – 10)**

#### **Enforcement of Decisions of Arbitral Tribunals**

- a. The Establishment of Arbitral Tribunal
  - i. Appointment
  - ii. Challenge and replacement
  - iii. Emergency arbitrator
- b. Arbitral decisions
  - i. Procedural directions
  - ii. Arbitral Orders
  - iii. Arbitral Awards
- c. Judicial Enforcement and Review of Arbitral Awards
  - i. Functus officio doctrine
  - ii. Standard of review of awards
  - iii. Grounds for set-aside and enforcement of foreign awards
  - iv. Contract based standards and grounds

#### **Reference Material**

1. A. Ayyasamy v. A. Paramasivam (2016) 10 SCC 386
2. Ajar Rab, “*Defining the Contours of the Public Policy Exception – A New Test for Arbitrability in India*” 7(2) Indiana Journal of Arbitration Law 2019 at 161.
3. Arbitration and Conciliation Act 1996
4. Bharat Bhushan Bansal v. U.P. Small Industries Corporation Ltd. (1999) 2 SCC 166
5. Booz Allen and Hamilton Inc. v. SBI Home Finance Ltd. (2011) 5 SCC 532
6. Chetan Chawla, “*The Muddy Waters of Pre-Arbitration Procedures – Are they Enforceable?*” Kluwer Arbitration Blog, 2019
7. Detlev Kuhner, “*The Impact of Party Impecuniosity on Arbitration Agreements*” *The Example of France and Germany*” 31 (6) Journal of International Arbitration 2014
8. Gary Born and Marija Scekic, “*Pre-Arbitration Procedural Requirements*” 2015 (OUP Uncorrected Proof- Firstproofs)
9. Gracious Timothy Dunna & Juhi Gupta, “*Existential Crisis of Section 11(6A) of the Indian Arbitration Act? Part -I*” Kluwer Arbitration Blog, 2019
10. Indian Farmers Fertilizer Cooperative Ltd. V. Bhadra Products (2018) 2 SCC 534
11. KK Modi v. K.N. Modi and Ors. (1998) 3 SCC 573
12. NTPC v. Siemens Atkeingesellschaft (2007) 4 SCC 451

### **SEMESTER - IV**

**SEMESTER- IV**

<b>Subject Code</b>	<b>SUBJECT NAME</b>	<b>Credits</b>	<b>L</b>	<b>P</b>	<b>O</b>	<b>Contact Hrs/ Week</b>
LWH635	Elective VI (Competition Law)	2	2	0	0	2
LWH604	DISSERTATION	4	0	0	4	4
	<b>TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)</b>	<b>6</b>	<b>2</b>	<b>0</b>	<b>4</b>	<b>6</b>

<b>Course Title/ Code</b>	<b>Competition Law (LWH635)</b>
<b>Course Type:</b>	Core (Departmental)
<b>Course Nature:</b>	Hard
<b>L-T-P-O Structure</b>	(2-0-0)
<b>Objectives</b>	Students will be able to understand the basic economic concepts of Competition, Law and jurisprudence developed through case law.

**Course Outcomes: Students will be able to:**

**CO1: appreciate the economic principles behind competition and relevant law;**

**CO2: apply the law to different forms of competition issues;**

**CO3: counsel on probable violation competition laws by companies;**

**CO4: represent the parties before the tribunals and other authorities on competition matters;**

**CO5: contribute to the development of law on competition in India through opinions and reflections;**

**Scheme of evaluation:**

**Informal** – 40 marks

**Formal** – 60 marks

**Module 1**

**Fundamentals of Competition (Contact Hours 6)**

- a. Basic economic and legal principles;
- b. Restraint of Trade under Indian Contract Act; Monopolistic & Restrictive Trade Practices
- c. Evolution of Competition Law in India

**Module 2**

**Anti-Competitive Agreement (Contact Hours 12)**

- a. Horizontal Agreements
- b. Vertical Agreements
- c. Exceptions

**Module 3**

**Abuse of Dominant position & Combinations (Contact Hours 14)**

- a. Dominant Position
- b. Abusive Practices
- c. Protection of consumers
- d. Combinations (Mergers and Acquisitions)

## Module 4

### Competition Authorities (Contact Hours 8)

- a. Competition Commission of India
  - a. Structure and function of CCI;
  - b. regulatory role
- b. Competition Appellate Tribunal
  - a. Composition, Functions, Powers and Procedure;
  - b. Award Compensation;
  - c. Power to punish for contempt;
  - d. Execution of orders

### Reference Material

1. A.E. Rodrigues, Ashok Menon, *The limits of Competition Policy, the shortcomings of Economics* 2018
2. Dr. R.K. Singh, *Restriction Trade Practices and Public Interest* 2017
3. K.S. Anantaranan, *Lectures on Company Law and MRTP* 2016
4. Report of the Monopolies Inquiries Commission, Govt. of India 1965 (Dr. Hazari Report)
5. S.M. Dugar's *MRTP Law, Competition Law and Consumer Protection* 2018
6. Sachar Committee Report, High Powered Committee on MRTP Act & Company Act, 1980
7. Suzanne Rab, *Indian Competition Law- An International Perspective* 2015
8. Taxmann's *competition Law and Practice*
9. Versha Vahini, *Indian Competition Law* (Lexis Nexis 2020)

<b>Course Title/ Code</b>	<b>Dissertation (LWH124)</b>
<b>Course Type:</b>	Core (Departmental)
<b>Course Nature:</b>	Hard
<b>L-T-P-O Structure</b>	(0-0-4)
<b>Objectives</b>	Students will be learn the execution of research methodology and research techniques to complete the dissertation in a chosen area of research.

**SCHEME AND SYLLABUS**

LL.M. (Criminal Law)

LWP01

**SEMESTER – I**

<b>Subject Code</b>	<b>SUBJECT NAME</b>	<b>Credits</b>	<b>L</b>	<b>P</b>	<b>O</b>	<b>Contact Hrs/Week</b>
LWH602	Comparative Public Law/ Systems of Governance	3	3	0	0	3
LWH603	Law and Justice in a Globalizing World	3	3	0	0	3
LWH641	Elective I (General Principles of Criminal Law)	2	2	0	0	2
	<b>TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)</b>	<b>8</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>8</b>

**SEMESTER – II**

<b>Subject Code</b>	<b>SUBJECT NAME</b>	<b>Credits</b>	<b>L</b>	<b>T</b>	<b>P</b>	<b>Contact Hrs/Week</b>
LWH644	Socio-Economic Offences	2	2	0	0	2
LWH647	Gender in Criminal Law	2	2	0	0	2
LWH648	National Security Laws and Fundamental Rights	2	2	0	0	2
	<b>TOTAL (L-T-P/CONTACT HOURS/CREDITS)</b>	<b>6</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>6</b>

**SEMESTER – III**

<b>Subject Code</b>	<b>SUBJECT NAME</b>	<b>Credits</b>	<b>L</b>	<b>P</b>	<b>O</b>	<b>Contact Hrs/Week</b>
LWH601	Research Methods and Legal Writing	3	3	0	0	3
LWH642	Criminal Justice Administration	2	2	0	0	2
	<b>TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)</b>	<b>5</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>5</b>



**SEMESTER –IV**

<b>Subject Code</b>	<b>SUBJECT NAME</b>	<b>Credits</b>	<b>L</b>	<b>T</b>	<b>P</b>	<b>Contact Hrs/ Week</b>
LWH649	International Criminal Law	2	2	0	0	2
LWH604	DISSERTATION	4	0	0	4	4
	<b>TOTAL (L-T-P/CONTACT HOURS/CREDITS)</b>	<b>12</b>	<b>8</b>	<b>0</b>	<b>4</b>	<b>12</b>

**DETAILED SYLLABUS  
LWU01 – SEMESTER – I**

**SEMESTER – I**

<b>_Subject Code</b>	<b>SUBJECT NAME</b>	<b>Credits</b>	<b>L</b>	<b>P</b>	<b>O</b>	<b>Contact Hrs/Week</b>
LWH602	Comparative Public Law/ Systems of Governance	3	3	0	0	3
LWH603	Law and Justice in a Globalizing World	3	3	0	0	3
LWH641	Elective I (General Principles of Criminal Law)	2	2	0	0	2
	<b>TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)</b>	<b>8</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>8</b>

<b>Course Title/ Code</b>	<b>Comparative Public Law/Comparative Systems of Governance (LWH602)</b>
<b>Course Type:</b>	Core (Departmental)
<b>Course Nature:</b>	Hard
<b>L-T-P-O Structure</b>	(3-0-0)
<b>Objectives</b>	The course has been designed to drive the students through the journey of historical development to the law of the Third World. Focus is laid on the endeavours at global unification of law.

**Course Outcomes: Students will be able to:**

- CO1: understand the nature of public law *vis-a-vis* private law and appreciate in global context;**  
**CO2: appreciate the important features of worlds' major legal systems including common law and civil law systems;**  
**CO3: demonstrate the comprehension of basic theories of constitutionalism including rule of law, separation of powers and judicial review and test it for Indian constitution;**  
**CO4: comprehend the basic principles of comparative criminal law and analyse their working in Indian criminal justice delivery system;**

**Scheme of evaluation:**

**Informal – 50 marks**

**Formal – 100 marks**

**Module 1**

**The Theoretical Perspectives of Comparative Public Law (Contact Hours – 10)**

- Historical Development of Public Law, Meaning, Nature and Significance
- Constitutional and Administrative Law- A Comparative Study
- “Third World” Approaches to Global Law

## **Module 2**

### **An Overview of World's Major Legal Systems (Contact Hours – 10)**

- a. Unification of the World Law
- b. Tools of Comparative Law
- c. Legislative Mechanism-Common Law, Civil Law
- d. Topology of Federalism-USA and India
- e. Comparative Public Interest Litigation

## **Module 3**

### **Constitutionalism, Constitutional Powers, Constitutional Review (Contact Hours – 10)**

- a. Essential Features of Constitutionalism
- b. Rule of Law-Dicey's Concept of Rule of Law, Modern Concept of Rule of Law
- c. Separation of Powers, Checks and Balances
- d. Methods of Constitutional Review, Judicial and Political Review
- e. Limitations on Judicial Review

## **Module 4**

### **Comparative Criminal Law (Contact Hours – 10)**

- a. Domestic Violence Law-National, International
- b. Plea Bargaining-USA, India
- c. Juvenile Justice
- d. White Collar Crimes

## **Reference Material**

1. Aman Ullah and Uzair Samee, "Basic Structure of Constitution: Impact of Kesavananda Bharati on Constitutional Status of Fundamental Rights", Vol. 26 (2) *South Asian Studies* 299-309 (July-December 2011).
2. Bruce Ackerman, "The New Separation of Powers" 113 (3) *Harv. L. Rev.* 634-729 (2000)
3. Bryan Clark and Amanda Leiter, "Regulatory hide and seek: What agencies can (and can't) do to limit judicial review" 52(5) *Boston College Law Review* 1687-1732 (2011 November)
4. Chhavi Agarwal, "Rule of Law: Reflection upon we the People and Beyond" 252 (1) *Madras Law Journal* 8-16 (2010)
5. Chris Brown and Ainley Kirsten, *Understanding International Relations*, 2009 (New York: Palgrave Macmillan( 4<sup>th</sup> edition)
6. D.D. Basu, *Comparative Constitutional Law* ( 2nd ed.) (Wadhwa ,Nagpur).
7. David King, "Formalizing Local Constitutional Standards of Review and the Implications for Federalism" 97 (7) *Virginia Law Review* 1685-1726 (November 2011).5)
8. David Strauss, *The Living Constitution* 2010 (Oxford University Press)
9. Dr. Subhash C Kashyap, *Framing of Indian Constitution* 2004 (Universal Law)
10. Elizabeth Giussani, *Constitutional and Administrative Law* 2008 (Sweet and Maxwell)
11. Erwin Chemerinsky, *Constitutional Law, Principles and Policies* 2006 (3<sup>rd</sup> ed.) (Aspen)
12. J.D.M Derrett, *An Introduction to Legal Systems* (3<sup>rd</sup> Ed.) (Universal Law)
13. M.V. Pylee, *Constitution of the World* 2006 (Universal)
14. Mahendra P. Singh, *Comparative Constitutional Law* 1989 (Eastern Book Company, 1989).
15. Mark Tushnet, *Global Perspectives on Constitutional Law* 2009 (Oxford University Press).
16. Neal Devins and Louis Fisher, *The Democratic Constitution* 2010 (Oxford University Press)
17. Prakash Chandra, *International Relations* 2010 (Vikas Publishing House)

18. S.N Ray, *Judicial Review and Fundamental Rights* 1974 (Eastern Law House).
19. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, *Comparative Constitutionalism in South Asia* 2013 (Oxford University Press).
20. V.N. Khanna, Christopher Forsyth, Mark Elliott, Swati Jhaveri, *Effective Judicial Review: A Cornerstone of Good Governance* 2010 (Oxford University Press).
21. Zachery Elkins, Tom Ginsburg, James Melton, *The Endurance of National Constitutions* 2009 (Cambridge University Press).

<b>Course Title/ Code</b>	<b>Law and Justice in Globalizing World (LWH603)</b>
<b>Course Type:</b>	Core (Departmental)
<b>Course Nature:</b>	Hard
<b>L-T-P-O Structure</b>	(2-1-0-0)
<b>Objectives</b>	The objective of the course is to enable students to understand and seek solutions to pressing problems in the domain of global justice. By the end of the term, students are expected to be familiar with multiple dimensions of the theoretical perspectives and be able to critically evaluate the liberal, republican discursive democratic attempts to make sense of, and to ameliorate prevailing instances of injustice in the world.

**Course Outcomes: Students will be able to:**

- CO1: understand the nature of globalization and its historical and developmental course;**  
**CO2: apply the analytical tools to analyze the impact of globalization on sovereignty of state, federalism and human rights jurisprudence;**  
**CO3: comprehend the concept of global justice and the source of law to achieve justice;**  
**CO4: appreciate the working of International institutions, which are instrumental in delivering justice;**

**Scheme of evaluation:**

**Informal – 50 marks**

**Formal – 100 marks**

**Module 1**

**Legal Globalization- An Introduction (Contact Hours- 10)**

- a. Meaning of "globalization" in a contemporary context
- b. Introduction to the Increasing Globalization of Law
- c. Impact of globalization-on sovereignty of state, on Federalism and Democratic Law Making, on Human Rights Law

**Module 2**

**Legal Implementation of Global Justice (Contact Hours – 10)**

- a. The Concept of Global Justice
- b. Treaties and the Role of Customary International Law
- c. International Implementation System (International Court of Justice, International Criminal Court)
- d. Inter-American Court, European Court of Justice

**Module 3**

**Human Rights and Humanitarian Law (Contact Hours-10)**

- a. War, Terrorism & Genocide, and Humanitarian Intervention;
- b. Migration, Refugees, Asylums, and Movement of People Across Borders;
- c. Alien Tort Claims Act and Fighting Human Rights Abuses Across Borders;

- d. Universal Jurisdiction for Crimes Against Humanity/War Crimes;

#### **Module 4**

##### **Law and Economic Justice; Law & Social Justice**

- a. Global Poverty; Inclusion and Equity for Vulnerable Groups;
- b. Labor Issues Including Outsourcing and Shifting Labor Markets.
- c. Equality and Minority Rights (E.G., Women and Human Rights);
- d. Environment & Natural Resources ;Climate Change; Anti-Corruption

##### **Reference Material**

1. Chi Carmody, Frank J. Garcia, & John Linarelli, *Global Justice and International Economic Law: Opportunities and Prospects* 2012 (ASIL Studies in International Legal Theory)
2. David Weissbrodt, FionnualaNíAoláin, Joan Fitzpatrick, and Frank Newman, *International Human Rights: Law, Policy and Process* 2008 (4<sup>th</sup> ed)
3. David Weissbrodt, Joan Fitzpatrick, Frank Newman, Marci Hoffman and Mary Rumsey, *Selected International Human Rights Instruments and Bibliography for Research on International Human Rights Law* (3d ed. 2001)
4. Helen M. Stacy & Win Chiat Lee, *Economic Justice: Philosophical and Legal Perspectives* 2012.
5. Hurst Hannum, *International Human Rights: Problems of Law, Policy, and Practice* 2011.
6. International Covenant on Economic, Social, and Cultural Rights (ICESCR) and Optional Protocol  
[www2.ohchr.org/english/law/pdf/cescr.pdf](http://www2.ohchr.org/english/law/pdf/cescr.pdf);  
[www2.ohchr.org/english/law/docs/A.RES.63.117\\_en.pdf](http://www2.ohchr.org/english/law/docs/A.RES.63.117_en.pdf)
7. Jean-Marc Coicaud, Michael W. Doyle et al (eds.), *The Globalization of Human Rights* 2003 (United Nations University Press).
8. John Baylis, Steve Smith, et al (eds.) *The Globalization of World Politics: An Introduction to International Relations* 2008 (OUP).
9. Karl-Heinz Ladeur (ed.), *Public Governance in the Age of Globalization* 2004.
10. Laura Valentini, *Justice in a Globalizing World: A Normative Framework* 2011 (OUP).
11. M. Abouharb, David Cingranelli, *Human Rights and Structural Adjustment* 2007 (Cambridge University Press)
12. Pablo De Greiff and Ciaran Cronin (eds.), *Global Justice and Transnational Politics: Essays on the Moral and Political Challenges of Globalization* 2002 (MIT Press).
13. Percy E. Corbett, *The Growth of World Law* 1971.
14. Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, UN Doc. A/53/383 (2000). International Labor Convention 189 (2011)  
<http://www.ilo.org/ilolex/english/convdisp1.htm>
15. Rosalyn Higgins, *Development of International Law through the Political Organs of the United Nations* 1963.
16. Simon Coney, *Justice Beyond Borders: A Global Political Theory* 2005 (Oxford University Press).
17. Upendra Baxi, *The Future of Human Rights* 2002 (OUP).
18. Warner Menski, *Comparative Law in Global Context: The Legal Systems of Asia and Africa* 2006 (Cambridge University Press).

<b>Course Title/ Code</b>	<b>General Principles of Criminal Law (LWH621)</b>
<b>Course Type:</b>	Elective (Departmental)
<b>Course Nature:</b>	Hard
<b>L-T-P-O Structure</b>	(2-0-0)
<b>Objectives</b>	To make students critically understand the meaning of crime and criminal law and how they are different from civil wrongs, to analyze the exemptions and justifications which are available to a person in specific situations even when prima facie appears that crime has been committed.

### **Module I (Contact Hours- 5)**

#### **Introduction to criminal law and Elements of Crime**

- a) History of Indian Penal Code
- b) Nature and Scope of Criminal Law
- c) Definitions (From Penal Code) – Difference between Crime and Other Wrongs

### **Module II (Contact Hours- 10)**

#### **Elements of Crime and Offences against Public Tranquility**

- a) Actus Reus, Mens Rea
- b) Motive, Intention, Preparation and Attempt
- c) Common Intention and Common Object
- d) Abetment; Criminal Conspiracy

### **Module III (Contact Hours – 10)**

#### **General Exceptions**

- a) Mistake-Accident-Necessity-Infancy-Unsoundness of Mind
- b) Intoxication as Defence
- c) Right of Private Defence- Of Body –Self Defence
- d) Of Property- Extent of Such Right under different Circumstances
- e) Commencement and Continuance of Such Right

### **Module IV (Contact Hours – 10)**

#### **Offences against the State; Offences against Decency, Morals and Religion,**

- a. Offences against state (s. 121-130)
  - a. War and Sedition
  - b. Public Mischief (s. 505)
- b. Offences affecting decency, Morals and Religion
  - a. Obscene (s. 292 – 294A)
  - b. Offences relating to religion (s. 295-298)

## References

1. C K Thakker, *Criminal Procedure* 2014 (India: Lexis Nexis)
2. Eugene J. Chesney, "Concept of Mens Rea in the Criminal Law", 29 *Am. Inst. Crim. L. & Criminology* 627 (1938-1939)
3. Glanville Williams, *Textbook of Criminal Law*
4. J. W. Turner, *Kenny's Outlines of Criminal Law*, 2006 (Delhi: Universal)
5. JWC Turner, *Russell on Crime* 1964 (latest Ed.)
6. K D Gaur, *Criminal Law-Cases and Materials* 2015 (India: Lexis Nexis)
7. K D Gaur, *Textbook on Indian Penal Code*, 2017 (Delhi: Universal Law)
8. K L Vibhute, *PSA Pillai's Criminal Law*, 2017 (India: Lexis Nexis)
9. KNC Pillai, *General Principles of Criminal Law* 2011 (Lucknow: EBC)
10. KNC Pillai, *R. V. Kelkar's Criminal Procedure* 2017 (Lucknow: EBC)
11. KNC Pillai, *R. V. Kelkar's Lectures on Criminal Procedure* 2017 (Lucknow: EBC)
12. Versha Vahini, *Ratanlal & Dhirajlal The Indian Penal Code* 2014 (Student Edition) (India: Lexis Nexis)

## Important Cases

1. Abhyanand Mishra v. State of Bihar AIR 1961 SC 1698
2. Asgarali Pradhania v. Emperor AIR 1933 Cal. 893
3. Barendra Kumar Ghosh v. King Emperor
4. Basdev v. Pepsu AIR 1956 SC 488
5. Chandra Bihari Gautam v. State of Bihar (2002) 9 SCC 208
6. Deo Narain v. State of U.P. (1973) 1 SCC 347
7. Dr. Vimla v. Delhi Administration AIR 1963 SC 1572
8. Gian Kaur v. State of Punjab (1996) 2 SCC 648
9. James Martin v, State of Kerala (2004) 2 SCC 203
10. K.N. Mehra v. State of Rajasthan AIR 1957 SC 369
11. Kishan v. State of M.P. (1974) 3 SCC 623
12. Lakshmi v. State AIR 1959 All 534
13. Mahabir Choudhary v. State of Bihar (1996) 5 SCC 107
14. Mahbub Shah v. Emperor AIR 1945 PC 118
15. Maina Singh v. State of Rajasthan (1976) 2SCC827
16. Mizaji v. State of U.P. AIR 1959 SC 572
17. Mobarak Ali v. State of Bombay AIR 1957 SC 857
18. Om Prakash v. State of Punjab (1962) 2 SCR 254
19. Om Prakash v. State of Punjab AIR 1961 SC 1782
20. Pandurang v. State of Hyderabad (1955) 1 SCR 1083
21. Queen-Empress v. Kader Nasyer Shah (1896) ILR 23 Cal. 604
22. Shrikant Anandrao Bhosale v. State of Maharashtra (2002) 7 SCC 478
23. State of M.P. v. Narayan Singh (1989) 3 SCR 549
24. State of Maharashtra v. M. H. George (1965) 1 SCR 123
25. State of Maharashtra v. Mohd. Yakub (1980) 3 SCC 57 24
26. State of Orissa v. Bhagban Barik (1987) 2 SCC 98
27. State of Orissa v. Ram Bahadur Thapa AIR 1960Ori. 161
28. State of U.P. Ram Swarup (1974) 4 SCC 764



**SEMESTER – II**

<b>Subject Code</b>	<b>SUBJECT NAME</b>	<b>Credits</b>	<b>L</b>	<b>T</b>	<b>P</b>	<b>Contact Hrs/ Week</b>
LWH644	Socio-Economic Offences	2	2	0	0	2
LWH647	Gender in Criminal Law	2	2	0	0	2
LWH648	National Security Laws and Fundamental Rights	2	2	0	0	2
	<b>TOTAL (L-T-P/CONTACT HOURS/CREDITS)</b>	<b>12</b>	<b>8</b>	<b>0</b>	<b>4</b>	<b>12</b>

<b>Course Title/ Code</b>	<b>Socio-Economic Offences (LWH644)</b>
<b>Course Type:</b>	Elective (Departmental)
<b>L-T-P Structure</b>	(2-0-0)
<b>Objectives</b>	Understanding the emergence of concept of socio economic offences, multifarious ways in which these crimes may be committed, grasp and analyse the existing legal frameworks as to their investigation, prosecution and judicial approach towards it.

**Course outcomes:**

**After completion of the course a student will be able to:**

**CO1:** Describe the evolution of socio-economic offenses and their relationship with white-collar crimes and other professional crimes etc.

**CO2:** To identify and interpret the relevant domestic legislation and international instruments dealing with human trafficking and illicit drug trafficking.

**CO3:** Advise the clients on the appropriateness of the forums /courts in matters of money laundering and corruption.

**CO4:** Apply the provisions of Food Adulteration Laws in India and Food Safety and Standards Act, 2006 and relevant case laws to a real life given situation.

**Scheme of evaluation:**

**Informal – 40 marks**

**Formal – 60 marks**

**Module I**

**Introduction to Socio- Economic Offences**

- a. Concept and Evolution of 'Socio-Economic Offences.'
- b. Nature and Extent of Socio-Economic Offences.
- c. Mens Rea, Nature of Liability, Burden of Proof and Sentencing Policy.
- d. White Collar Crime: Definitional issues; Sutherland's definition of white-collar crime,
- e. Various types of white-collar crime, Relationship with other types of crimes, Blue collar crime, corporate crime, organized transnational crime, occupational crime
- f. 47<sup>th</sup> Law Commission Report – The Trial and Punishment of Social and Economic Offences.

**Module II**

**The Immoral Traffic (Prevention) Act, 1956**

- a. History, Development and Magnitude of Human Trafficking Constitutional Provisions and Sections 370-373 of the Indian Penal Code, 1860
  - b. The 64th report of the Law Commission of India, 1975
  - c. The Immoral Traffic (Prevention) Act, 1956
- *Vishal Jeet v. Union of India & Ors, (1990) 3 SCC 318; AIR 1990 SC 1412*
  - *Gaurav Jain v. Union of India & Ors, 1997 (8) SCC 114*
  - *Krishnamurthy @ Tailor Krishnan v. Public Prosecutor, Madras, AIR 1967 SC 567; 1967 SCR (1) 586*
  - *Chitan J. Vaswani & Anr v. State of West Bengal & Anr., AIR 1975 SC 2473; 1976 SCR (2) 300*

### **The Narcotic Drugs and Psychotropic Substances Act, 1985**

- a. Definition of Narcotic Drugs and Psychotropic Substances
  - b. Authorities and officers section 4, 6
  - c. National Fund for Control of Drugs Abuse Section 7A
  - d. Prohibition Control and Regulation, Section 8, 9, 9A
  - e. Offences and Penalties, Section 18, 19, 21, 22, 25A, 27, 27A, 30, 31, 31A, 32, 32A, 33, 35, 36, 36A, 37, 39.
  - f. Procedure and Immunities: Section 41- 50, 64, 64A, 69
- *Harjit Singh vs. State of Punjab (2011) 4 SCC 441*
  - *Indian Harm Reduction Network vs. Union of India 2012 Bom C R (Cri) 121*
  - *Karnail Singh vs. State of Haryana, (2009) 8 SCC 539*
  - *Vijaysinh Chandubha Jadeja vs. State of Gujarat (2011) 1 SCC 609*
  - *Union of India vs. Mohanlal & Anr , (2016) 3 SCC 379*

### **Module III**

#### **The Prevention of Corruption Act, 1988**

- a. Need of the Act (read with Santhanam Committee Report)
- The Prevention of Corruption Act, 1988
- b. Definitions of 'public servant,' Section 2 (c) and 'gratification,' Section 7.
  - c. Offence committed by public servant and bribe giver and their Penalties (Section 7 to 14)
  - d. Punishment for attempts (Section 15)
  - e. Sanction for prosecution (Section 19 r/w Section 197 of the Code of Criminal Procedure, 1973) Presumption where public servant accepts gratification (Section 20)
- *Kalicharan Mahapatra v. State of Orissa, AIR 1998 SC 2595*
  - *Kanwarjit Singh Kakkar v. State Of Punjab, (2011) 6 S.C.R. 895*
  - *Abhay Singh Chautala v. C.B.I, (2011) 7 SCC 141*

### **Module IV**

#### **The Prevention of Money-Laundering Act, 2002**

- a. Need for combating Money-Laundering
- b. Magnitude of Money-Laundering, its steps and various methods

The Prevention of Money-Laundering Act, 2002:

- c. Definition of 'Money Laundering', Section 3 & 2(1)(p)
  - d. Punishment for Money Laundering (Section 4)
  - e. Enforcement: Attachment (Section 5) Survey, Search, & Seizure (Sections 16, 17 & 18)
  - f. Power to arrest and bail provisions (Sections 19,45)
- 
- *B. Ramaraju v. Union of India, W.P. No. 10765 of High Court of A.P. 2011 (164) Company Case 149*
  - *P. Chidambaram v. Directorate of Enforcement (2020); Central Bureau of Investigation (2020)*
  - *Gautam Kundu v. Manoj Kumar, Assistant Director AIR 2016 SC 106.*
  - *Nikesh Tarachand Shah v. Union of India (2020).*

### **Reference Material**

1. Ahmed Siddiqui, *Criminology: Problems and Perspectives* (4th Ed., 1997)
2. Mahesh Chandra, *Socio- Economic Offences* (1979)
3. Jack Bologna, *Corporate Fraud* 1984 (Butterworth Publishers)
4. J.S.P. Singh, *Socio- Economic Offences* (1st Ed., 2005, Reprint 2015)
5. Kumar (Revised by Justice A.B. Srivastava and C.S. Lal), *Commentaries on Prevention of Food Adulteration Act, 1954* (3<sup>rd</sup> Ed., 2009)
6. Bhure Lal, *Money Laundering: An insight into the dark world of Financial Frauds* 2003 (Siddharth Publications)
7. Lawyers Collective (Ed. by Indira Jaising), *Handbook on Law of Domestic Violence* (1st Ed., 2009)
8. M. C. Mehanathan, *Law on Prevention of Money Laundering in India* 2014.
9. Mahesh Chandra, *Socio- Economic Offences* 1979.
10. H.L. Mansukhani, *Smuggler's Paradise and Foreign Exchange Law* 1978 (Vikas Publishing)
11. Frederick Oughton, *Fraud and White collar crime* 1971 (Eleck Bock Ltd.,)
12. P.S. Narayan, *Commentary on Immoral Traffic Prevention Act, 1956* (2nd Ed., 2013)
13. Jonathan Reuvid, *The Regulation and prevention of Economic Crime* 1995.
14. Seth and Capoor, *Prevention of Corruption Act* (3<sup>rd</sup> Ed., 2000)
15. T.V. Nawal, *Legally Combating Atrocities against SC and ST* 2004.

<b>Course Title/ Code</b>	<b>GENDER IN CRIMINAL LAW (LWH647)</b>
<b>Course Type:</b>	Elective (Departmental)
<b>L-T-P Structure</b>	(2-0-0)

### **Course outcomes**

Students will be able to

CO1: Demonstrate understanding of theoretical insights of approaches to gender and sexuality

CO2: Discuss and deliberate on the issues of gender discrimination in India

CO3: Critically examine the legal provisions of Criminal Law through a gender-sensitive lens

### **Scheme of evaluation:**

**Informal** – 40 marks

**Formal** – 60 marks

**Module I (Contact Hours – 10)**

#### **Gender Mainstreaming and Law**

- a. Broader concept of gender equality –
  - i. What is gender justice
  - ii. Difference between Sex and Gender
  - iii. Need for Gender Sensitization
- b. Gender justice and feminist jurisprudence-
  - i. Understanding Patriarchy and Matriarchy.
  - ii. Waves of feminism
- c. International Framework
  - i. Civil, Political, Social and Cultural rights,
  - ii. International Instruments

**Module II (Contact Hours – 10)**

#### **Gender Identity and Equality**

- a. Deconstructing Man, Woman & Other
- b. Freedom of expression and right to sexual identity.
- c. Legal protection for the LGBTQIA+ people.
- d. Human rights and sexual discrimination.
- e. Homophobia, Transphobia, Biphobia

**Module III (Contact Hours – 10)**

#### **Sexuality and Morality in Laws**

- a. Public Decency & Morality
- b. Rape Laws, Marital rape, Sexual assault
- c. Cruelty, Dowry, Domestic Violence
- d. Immoral Trafficking and Forced Prostitution

e. Female Foeticide, Gender Mutilation

**Reference Material**

1. Cook, Rebecca J., ed. *Human rights of women: National and international perspectives*. University of Pennsylvania Press, 2012.
2. Grabe, Shelly, ed. *Women's Human Rights: A Social Psychological Perspective on Resistance, Liberation, and Justice*. Oxford University Press, 2017. Ross, S. D. *Women's human rights: the international and comparative law casebook* / S. D. Ross. – Philadelphia: University of Pennsylvania Press, 2008.
3. Charlesworth, H. (2005). Not waving but drowning: Gender mainstreaming and human rights in the United Nations. *Harv. Hum Rts. J.*, 18, 1.
4. MacKinnon, C. A. (1991). Reflections on sex equality under law. *Yale Law Journal*, 100 (5), 1281-1328.
5. Kamla Bhasin, *What is Patriarchy*, Kali/Women Unlimited (2004) (Provided in reading material)
6. Ved Kumari, — *Gender Analyses of Indian Penal Code*|| in Amita Dhanda, Archana Parashar (ed) *ENGENDERING LAW* Essays in Honour of Lotika Sarkar, pp.139-160 (1999). Eastern Book Company.
7. Usha Tandon and Sidharth Luthra, —*Rape: Violation of the Chastity or Dignity of Woman? A Feminist Critique of Indian Law*”, FICHL Policy Brief Series No. 51 (2016)
8. Sunita Kishor and Kamla Gupta. 2009. *Gender Equality and Women’s Empowerment in India*. National Family Health Survey (NFHS-3), India, 2005-06. Mumbai: International Institute for Population Sciences; Calverton, Maryland, USA: ICF Macro
9. . Lotika Sarkar, —*Women’s Movement and the Legal Process*|| Occasional Paper 24, CWDS,
10. Usha Ramanathan, —*Images (1920-1950) Reasonable Man, Reasonable Woman and Reasonable Expectations*|| in Amita Dhanda, Archana Parashar (ed) *ENGENDERING LAW*, 4 pp. 33-70 (1999). Eastern Book Company

<b>Course Title/ Code</b>	<b>NATIONAL SECURITY LAWS &amp; FUNDAMENTAL RIGHTS (LWH648)</b>
<b>Course Type:</b>	Elective (Departmental)
<b>L-T-P Structure</b>	(2-0-0)
<b>Objectives</b>	The aim of this course is to develop an understanding of the current status of national security laws in India vis-a-vis various facets of fundamental rights and their impacts. The course also covers India and other jurisdiction on issues of human rights.

**Course Outcomes:**

Students will be able to

CO1: Demonstrate an advanced and integrated understanding of National Security Law in India

CO2: Critically evaluate the Security Challenges ,Public Order vis-a-vis Fundamental Rights in the context of contemporary legal issues.

CO3: Demonstrate intellectual and practical skills needed to understand the national security system in India

CO4: Apply the acquired skills to interpret a concept, participate in class discussions, and give presentations etc.

CO5: Identify research area with reference to Fundamental Rights evaluate and synthesise relevant factual, legal and policy issues using legislation, case law and secondary source materials

**Scheme of evaluation:**

**Informal – 40 marks**

**Formal – 60 marks**

**Module I**

**Basics of National Security Laws (contact hours- 5)**

- a. National Security, Public Orders and Rule of Law
- b. Civil Liberties
- c. Concept of Fundamental Rights relation with Natural rights
- d. Security Laws in India: AFSPA,TADA,POTA, MISA, PDA,UAPA,NSA Act NIA,IT Act 2000

**Module II**

**Arrest, Preventive Detention & National Security -Art 22 (contact hours-5)**

- a. Constitutional safeguard against Arbitrary Arrest and Detention
- b. Preventive Detention Laws with Prevention of Terrorism Act
- c. Use and abuse of terror laws
- d. Human Rights concern, law reforms

### **Module III**

#### **Right to Freedom, Information, Right to Life & Personal Liberty –Art (contact hours-5)**

- a. Protection of Life and Personal Liberty, Object and scope of Art 21
- b. Six fundamental freedoms under Art.19
- c. Reasonable Restrictions Art 19 (2) to (6); Test to determine the Reasonableness of Restrictions; whether restriction includes deprivation and prohibition.
- d. Rights of accused; Doctrine of Ex-post -facto law; Doctrine of Double Jeopardy

### **Module IV**

#### **Institutions on Security laws (contact hours-5)**

- a. India and other jurisdictions,
- b. Constitutionality, other human rights issues
- c. Declaration of terrorist-UNSC, UAPA Amendment Act 2019
- d. Wrongful prosecutions, pendency, delay in national security cases.

#### **Books & References:**

1. G.O.Koppell, The Emergency, The Courts and Indian Democracy 8 JILI 287 (1966).
2. H.M.Seervai, The Emergency, Future Safeguards and the Habeas Corpus, 1978.
3. International Commission of Jurists, Status of Emergency and Human Rights , 1984
4. N.C.Chatterji and Parameshwar Rao, Emergency and the Law, 1966.
5. H.M. Seervai, Constitutional Law of India Vol. I &II
6. V.N.Shukla , Constitution of India
7. Subhash C Jain, The Constitution of India
8. D.D. Basu, Commentaries on Constitutional Law of India, Vol. A to E
9. M. Hidayatullah (Ed.), Constitution of India.
10. M.P.Jain, Indian Constitutional Law.
11. Subba Rao G C V Indian constitutional law
12. Pande G S Constitutional law of India
13. Saharay H K Constitution of India
14. Pylee M.V Our constitution government & politics
15. Tope T K Constitutional law of India
16. Mahendra P. Singh: V. N. Shukla's Constitution of India
17. MC Kagzi: Constitutional Law Vol. I & II
18. DJ De: Constitution of India
19. Granville Austin: The Indian Constitution: Cornerstone of a Nation



**SEMESTER – III**

Subject Code	SUBJECT NAME	Credits	L	P	O	Contact Hrs/Week
LWH601	Research Methods and Legal Writing	3	3	0	0	3
LWH642	Criminal Justice Administration	2	2	0	0	2
	<b>TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)</b>	<b>5</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>5</b>

<b>Course Title/ Code</b>	<b>Research Methods and Legal Writing (LWH601)</b>
<b>Course Type:</b>	Core (Departmental)
<b>Course Nature:</b>	Hard
<b>L-T-P-O Structure</b>	(3-0-0)
<b>Objectives</b>	The objective of this paper is to introduce various established legal research methods to the students that will help and guide them to do their research in their relevant areas. This course caters to the needs of Post Graduate students in their pursuit of legal research and Dissertation/thesis writing..

**Course Outcomes: Students will be able to:**

- CO1: understand the nature and techniques of legal research;**
- CO2: distinguish the methods and techniques of legal research from that of social sciences research;**
- CO3: apply the techniques of legal research to legal communication and writings;**
- CO4: develop the proposal for research to write master level dissertation;**
- CO5: to apply the research techniques to prepare class lectures/ lessons based on principles, theories, legislations and cases.**

**Scheme of evaluation:**

**Informal – 50 marks**

**Formal – 100 marks**

**Module 1**

**An Introduction to Legal Research (Contact Hours – 10)**

- f. Evolution, Meaning, Scope and Purpose
- g. Kinds of Legal Research-Doctrinal or Traditional Research
- h. Non-Doctrinal or Empirical Research
- i. Descriptive and Analytical Research
- j. Applied and Fundamental Research

- k. Quantitative and Qualitative Research
- l. Mono-Disciplinary and Trans disciplinary Research

## **Module 2**

### **Legal Research and Methods (Contact Hours – 10)**

- g. Research Design
- h. Various Steps in Research: Research Process
- i. Research Problem: Identification and Formulation
- j. Hypothesis
- k. Literature Review
- l. Questionnaire, Interview, Case study
- m. Preparation of Research Reports and Writing a Research Report
- n. Ethical and Legal Issues-Plagiarism and copy right violation

## **Module 3**

### **Tools and Techniques of Legal Research (Contact Hours-10)**

- a. Use of Library, Use of Modern Technology/ Computer Assisted Research
- b. Data collection Techniques, Sampling Procedures
- c. Sampling Procedures: Importance of Sampling.
- d. Advantages and Limitations of Sampling, Theoretical basis of Sampling,
- e. Types of Sampling, Probability and Non-probability Sampling, Sampling and Non-sampling Error.
- f. Data Processing: Introduction, Editing, Coding, Tabulation, Analysis and Interpretation of Data, Application of Content Analysis in Legal Research, Analysis of Aggregate Data, Data Interpretation, Collection and Analysis Data, Legal input Analysis etc.

## **Module 4**

### **Legal Writing (Contact Hours – 10)**

- a. Essentials of Good Legal Writing
- b. Structured Legal Writing: Organization of Legal Materials
- c. Framing of Write Up: Research Question, Title, Identifying relevant areas of law.
- d. Writing for Academic Purpose; Writing for Court Purposes: Briefs,
- e. Citation, Reference and Footnoting
- f. Writing of Research Proposal
- g. Dissertation/ Thesis Writing

## **Reference Material**

1. C. R. Kothari, *Research Methodology: Methods and Techniques* (Vishwa Prakashan)
2. Dennis P. Forcese and Stephen Richer (ed.), *Stages of Social Research: Legal Writing: Contemporary Perspectives* 1970 (New Jersey : Prentice Hall).
3. Dr. H. N. Tiwari, *Legal Research Methodology* 2015 (Allahabad Law Agency)
4. Erwin C. Surrency B. Fieff, *Guide to Legal Research* 1959
5. Frederic Charles Hicks, *Materials and Methods in Legal Research* (Lawyers Cooperative Publishing, New York).
6. Goode and Hall, *Methods in Social Research* 1985 (Singapore: MacGraw Hill Book Co.)
7. H. M. Hyman, *Interviewing in Social Research* (1965)
8. Harvard Law Review Association, *The Bluebook: Uniform system of Citation*(Harvard Law Review, Harvard).

9. High Brayal, Nigel Duncan and Richard Crimes, *Clinical Legal Education: Active Learning in your School* 1998 (Blackstone P. Press Limited, London)
10. Janathan Anderson, *Thesis and Assignment Writing* (Wiley Eastern Ltd., New Delhi).
11. Johan Galtung, *Theory And Methods of Social Research* 1970 (London: George Allen & Unwin Ltd.)
12. Leon Festinger (ed.), *Research Methods in Behavioral Sciences* 1953 (Holt, Rinehart and Winston, New York).
13. Mi. Tanulingam, *Research Methodology* (Himalaya Publishing)
14. P. Saravanel, *Research Methodology* (Kitab Mahal)
15. Pauline V. Young, *Scientific Social Surveys and Research* 1984 (New Delhi: Prentice Hall of India)
16. S. K. Verma & Afzal Wani, *Legal Research and Methodology* (Indian Law Institute, New Dethi)
17. William I Grade and Paul K Hatt, *Methods in Social Research*, (Mc GrawHill Book Company, London)

<b>Course Title/ Code</b>	<b>Criminal Justice Administration (LWH642)</b>
<b>Course Type:</b>	Elective (Departmental)
<b>Course Nature:</b>	Hard
<b>L-T-P-O Structure</b>	(2-0-0)

### **Module I (Contact Hours – 8)**

#### **Introduction to Criminal Justice Administration**

- a. Constitutional Foundations of Criminal Justice System
- b. Functionaries of Criminal Justice Administration including hierarchy of courts.
- c. Decoding the 'Justice' in Criminal Justice Administration.
- d. Comparative analysis of two models of criminal process- Adversarial and Inquisitorial systems.

### **Module II (Contact Hours – 8)**

#### **Crime Trends -- Arrest and Bail – Human Rights Issues**

- a. Profile of Crimes in India: Rate of crime, proportion of different crimes- age, sex, education, economic status of offenders, conviction rate
- b. Reporting of Crimes and Arrest Process in Criminal Justice Administration and Rights of Arrestee
- c. Provision for Bail under the Code: Grant of bail and under-trial prisoners, torture during Interrogation; use of forensic and scientific investigation techniques.
- d. Speedy and Fair Trial; Components of Fair Trial, Quality Legal Aid; Plea Bargaining.
- e. Judgement and Sentencing – Compounding of offence, Remission, commutation and pardoning power.

### **Module III (Contact Hours – 8)**

#### **Prison System**

- a. Theories of punishment- retributive; deterrent; preventive; reformative.
- b. Kinds of punishment- with special emphasis on capital punishment.
- c. Correctional administration – prison system – Challenges – Prison Act 1894
- d. Non-Institutional form of treatment- probation- Probation of Offenders Act 1958, parole- open prisons- role of NGO's.

### **Module IV (Contact Hours – 8)**

#### **Victimology**

- a. Meaning and scope of victimology.
- b. Problems of crime victims and types of victims.
- c. Role of victim in criminal justice administration- Malimath committee report

d. Witness and Victim Protection, Role and Rights of Victims, Compensation to Victims- Central Victim Compensation Scheme 2015, Compensation Scheme for Women Victims/Survivors of Sexual Assault/other crimes 2018.

a.

## Reference Material

1. Bare Act of Code of Criminal Procedure, 1972
2. P.K. Majumdar, *Law of Bails, Bonds and Arrest* 2012 (Orient Publication)
3. P.V. Ramakrishna, *Law of Bail, Bonds, Arrest and Custody* 2008 (LexisNexis)
4. Ratanlal & Dhirajlal, *Criminal Procedure*, 2012 (Lexis Nexis Butterworths Wadhwa, Nagpur)
5. Malimath Committee Report on Criminal Law Reforms, 2004
6. Critique of Malimath Committee Report, part 1 and 2
7. K. I. Vibhute, *Criminal Justice A Human Rights Perspective of the Criminal Justice*
8. Latest Prison Statistics from website of government agencies
9. M. Cheif Bassiouni, "Human Rights in the Context of Criminal Justice: Identifying
10. Measures for Women Offenders (the Bangkok Rules)
11. Model Prison Manual 2003
12. Prevention and Criminal Justice Systems and Their Development in a Changing Process in India (2004) Eastern Book Company
13. Reports of the Law Commission of India – 35, 154, 156, 172, 177, 185, 203
14. Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World
15. United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)
16. UN Standard minimum rules for treatment of prisoners
17. B. Bowling, Racial Harassment and the Process of Victimization, Vol. 33 *British Journal of Criminology* (1993).
18. J. McDevitt, Consequences for Victims: A Comparison of Bias and Non-Bias Motivated Assault, Vol. 45 (4) *American Behavioral Scientist* (2001).
19. L.E. Cohen and Felsho, Social Inequality and Predatory Criminal Victimization: An Exposition and Test of a Formal Theory, Vol. 44 *American Sociological Review*, (1979).
20. Ghazvini, Mohammad Farajiha, 2002, Police protection to victims of crime, New Delhi Deep & Deep Publications

**SEMESTER –IV**

<b>Subject Code</b>	<b>SUBJECT NAME</b>	<b>Credits</b>	<b>L</b>	<b>T</b>	<b>P</b>	<b>Contact Hrs/ Week</b>
LWH649	International Criminal Law	2	2	0	0	2
LWH604	DISSERTATION	4	0	0	4	4
	<b>TOTAL (L-T-P/CONTACT HOURS/CREDITS)</b>	<b>12</b>	<b>8</b>	<b>0</b>	<b>4</b>	<b>12</b>



<b>Course Title/ Code</b>	<b>INTERNATIONAL CRIMINAL LAW (LWH649)</b>
<b>Course Type:</b>	Elective (Departmental)
<b>L-T-P Structure</b>	(2-0-0)

**Course outcomes:**

**Students will be able to –**

**CO1 – Trace and understand the historical development of International Criminal Law**

**CO2 – Comprehend the working of international organisations and legal system addressing such crimes**

**CO3 – Identify and address issues of international criminal law and the liability of individual and State**

**Scheme of evaluation:**

**Informal – 40 marks**

**Formal – 60 marks**

**Module I (Contact Hours – 8)**

**Introduction**

- a. Evolution of International Criminal Law
- b. The concept and sources of International Criminal Law
- c. Paris Conference and Treaty of Versailles
- d. International Military Tribunals – Nuremberg and Tokyo

**Module II (Contact Hours – 8)**

**International Crimes**

- a. Crime of Aggression
- b. Crimes against humanity – murder, torture, slavery, apartheid etc.
- c. War crimes and Geneva conventions
- d. Genocide

**Module III (Contact Hours – 8)**

**Criminal Responsibility**

- a. State Responsibility
- b. Individual Criminal Responsibility
- c. Superior Responsibility
- d. Defences

**Module IV (Contact Hours – 8)**

**International Justice System**



- a. International Criminal Court- Analysis of structure, procedure and cases
- b. Obligation of State Parties and Non-Party States to International Criminal Court
- c. Hybrid Courts
- d. Ad-hoc Tribunals

### **Reference Material**

1. Robert Cryer, et al., *International Criminal Law and Procedure*, Cambridge, Cambridge University Press, 2010.
2. Philippe Sands, *From Nuremberg to the Hague: The Future of International Criminal Justice*, Cambridge University Press, 2003
3. Bassioni, M., C. (ed.) *The Legislative History of International Criminal Court*, Ardsley, Transnational Publishers, 2003.
4. Cassese, A. *International Criminal Law*, Oxford, Oxford University Press, 2008.
5. Schabas, W., *An Introduction to International Criminal Court*, Cambridge, Cambridge University Press, 2010.
6. *The International Criminal Court: Challenges to Achieving Justice and Accountability in the 21st Century* by Mark S. Ellis; Richard J. Goldstone. International Debate Education Association, 2008.
7. *International Criminal Law: Cases and Commentary (Paperback)* By (author) Antonio Cassese, By (author) Guido Acquaviva, By Mary De Ming Fan, Alex Whiting
8. Martin Dixon, *Textbook on International Law*, 7th ed (Oxford University Press, 2013) (paying particular attention to chapters 1 (nature of international law), 2 (sources of international law), 4 (international law and national law), and 6 (jurisdiction));
9. James Crawford and Martti Koskeniemi (eds), *Cambridge Companion to International Law* (Cambridge University Press, 2012); or
10. Vaughan Lowe, *International Law* (Clarendon Press, 2007).

<b>Course Title/ Code</b>	<b>Dissertation (LWH604)</b>
<b>Course Type:</b>	Core (Departmental)
<b>L-T-P Structure</b>	(0-0-4)
<b>Objectives</b>	Students will learn the execution of research methodology and research techniques to complete the dissertation in a chosen area of research.

## SCHEME AND SYLLABUS

LL.M. (Commercial Arbitration)

### LWP01 **SEMESTER- I**

<b>Subject Code</b>	<b>SUBJECT NAME</b>	<b>Cred its</b>	<b>L</b>	<b>P</b>	<b>O</b>	<b>Contact Hrs/ Week</b>
LWH602	Comparative Public Law/ Systems of Governance	3	2	1	0	3
LWH603	Law and Justice in a Globalizing World	3	2	1	0	3
LWH611	Elective I (Commercial Arbitration: Theory and Doctrines)	2	2	0	0	2
	<b>TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)</b>	<b>8</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>8</b>

### **SEMESTER- II**

<b>Subject Code</b>	<b>SUBJECT NAME</b>	<b>Cred its</b>	<b>L</b>	<b>P</b>	<b>O</b>	<b>Contact Hrs/ Week</b>
LWH614	Elective IV (International Commercial Arbitration: Principles and Procedure)	2	2	0	0	2
LWH615	Elective V (Institutional Arbitration)	2	2	0	0	2
LWH616	Elective VI (Construction Arbitration)	2	2	0	0	2
	<b>TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)</b>	<b>6</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>6</b>

### **SEMESTER – III**

<b>Subject Code</b>	<b>SUBJECT NAME</b>	<b>Cred its</b>	<b>L</b>	<b>P</b>	<b>O</b>	<b>Contact Hrs/ Week</b>
LWH601	Research Methods and Legal Writing	3	1	1	1	3
LWH612	Elective II (Commercial Arbitration: Practice and Procedure -I)	2	2	0	0	2
	<b>TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>5</b>

### **SEMESTER – IV**

<b>Subject Code</b>	<b>SUBJECT NAME</b>	<b>Cred its</b>	<b>L</b>	<b>P</b>	<b>O</b>	<b>Contact Hrs/ Week</b>
LWH613	Elective III (Commercial Arbitration: Practice and Procedure -II)	2	2	0	0	2
LWH604	DISSERTATION	4	0	0	4	4
	<b>TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)</b>	<b>6</b>	<b>2</b>	<b>0</b>	<b>4</b>	<b>6</b>

**SEMESTER- I**

<b>Subject Code</b>	<b>SUBJECT NAME</b>	<b>Credits</b>	<b>L</b>	<b>P</b>	<b>O</b>	<b>Contact Hrs/ Week</b>
LWH602	Comparative Public Law/ Systems of Governance	3	2	1	0	3
LWH603	Law and Justice in a Globalizing World	3	2	1	0	3
LWH611	Elective I (Commercial Arbitration: Theory and Doctrines)	2	2	0	0	2
	<b>TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)</b>	<b>8</b>	<b>6</b>	<b>2</b>	<b>0</b>	<b>8</b>

<b>Course Title/ Code</b>	<b>Comparative Public Law/Comparative Systems of Governance (LWH602)</b>
<b>Course Type:</b>	Core (Departmental)
<b>Course Nature:</b>	Hard
<b>L-T-P-O Structure</b>	(3-0-0)
<b>Objectives</b>	The course has been designed to drive the students through the journey of historical development to the law of the Third World. Focus is laid on the endeavours at global unification of law.

**Course Outcomes: Students will be able to:**

- CO1: understand the nature of public law *vis-a-vis* private law and appreciate in global context;**  
**CO2: appreciate the important features of worlds' major legal systems including common law and civil law systems;**  
**CO3: demonstrate the comprehension of basic theories of constitutionalism including rule of law, separation of powers and judicial review and test it for Indian constitution;**  
**CO4: comprehend the basic principles of comparative criminal law and analyse their working in Indian criminal justice delivery system;**

**Scheme of evaluation:**

**Informal – 50 marks**

**Formal – 100 marks**

**Module 1**

**The Theoretical Perspectives of Comparative Public Law (Contact Hours – 10)**

- d. Historical Development of Public Law, Meaning, Nature and Significance
- e. Constitutional and Administrative Law- A Comparative Study
- f. "Third World" Approaches to Global Law

## Module 2

### An Overview of World's Major Legal Systems (Contact Hours – 10)

- f. Unification of the World Law
- g. Tools of Comparative Law
- h. Legislative Mechanism-Common Law, Civil Law
- i. Topology of Federalism-USA and India
- j. Comparative Public Interest Litigation

## Module 3

### Constitutionalism, Constitutional Powers, Constitutional Review (Contact Hours – 10)

- f. Essential Features of Constitutionalism
- g. Rule of Law-Dicey's Concept of Rule of Law, Modern Concept of Rule of Law
- h. Separation of Powers, Checks and Balances
- i. Methods of Constitutional Review, Judicial and Political Review
- j. Limitations on Judicial Review

## Module 4

### Comparative Criminal Law (Contact Hours – 10)

- e. Domestic Violence Law-National, International
- f. Plea Bargaining-USA, India
- g. Juvenile Justice
- h. White Collar Crimes

## Reference Material

- 22. Aman Ullah and Uzair Samee, "Basic Structure of Constitution: Impact of Kesavananda Bharati on Constitutional Status of Fundamental Rights", Vol. 26 (2) *South Asian Studies* 299-309 (July-December 2011).
- 23. Bruce Ackerman, "The New Separation of Powers" 113 (3) *Harv. L. Rev.* 634-729 (2000)
- 24. Bryan Clark and Amanda Leiter, "Regulatory hide and seek: What agencies can (and can't) do to limit judicial review" 52(5) *Boston College Law Review* 1687-1732 (2011 November)
- 25. Chhavi Agarwal, "Rule of Law: Reflection upon we the People and Beyond" 252 (1) *Madras Law Journal* 8-16 (2010)
- 26. Chris Brown and Ainley Kirsten, *Understanding International Relations*, 2009 (New York: Palgrave Macmillan( 4<sup>th</sup> edition)
- 27. D.D. Basu, *Comparative Constitutional Law* ( 2nd ed.) (Wadhwa ,Nagpur).
- 28. David King, "Formalizing Local Constitutional Standards of Review and the Implications for Federalism" 97 (7) *Virginia Law Review* 1685-1726 (November 2011).5)
- 29. David Strauss, *The Living Constitution* 2010 (Oxford University Press)
- 30. Dr. Subhash C Kashyap, *Framing of Indian Constitution* 2004 (Universal Law)
- 31. Elizabeth Giussani, *Constitutional and Administrative Law* 2008 (Sweet and Maxwell)
- 32. Erwin Chemerinsky, *Constitutional Law, Principles and Policies* 2006 (3<sup>rd</sup> ed.) (Aspen)
- 33. J.D.M Derrett, *An Introduction to Legal Systems* (3<sup>rd</sup> Ed.) (Universal Law)
- 34. M.V. Pylee, *Constitution of the World* 2006 (Universal)
- 35. Mahendra P. Singh, *Comparative Constitutional Law* 1989 (Eastern Book Company, 1989).
- 36. Mark Tushnet, *Global Perspectives on Constitutional Law* 2009 (Oxford University Press).
- 37. Neal Devins and Louis Fisher, *The Democratic Constitution* 2010 (Oxford University Press)
- 38. Prakash Chandra, *International Relations* 2010 (Vikas Publishing House)
- 39. S.N Ray, *Judicial Review and Fundamental Rights* 1974 (Eastern Law House).

40. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, *Comparative Constitutionalism in South Asia* 2013 (Oxford University Press).
41. V.N. Khanna, Christopher Forsyth, Mark Elliott, Swati Jhaveri, *Effective Judicial Review: A Cornerstone of Good Governance* 2010 (Oxford University Press).
42. Zachery Elkins, Tom Ginsburg, James Melton, *The Endurance of National Constitutions* 2009 (Cambridge University Press).

<b>Course Title/ Code</b>	<b>Law and Justice in Globalizing World (LWH603)</b>
<b>Course Type:</b>	Core (Departmental)
<b>Course Nature:</b>	Hard
<b>L-T-P-O Structure</b>	(2-1-0-0)
<b>Objectives</b>	The objective of the course is to enable students to understand and seek solutions to pressing problems in the domain of global justice. By the end of the term, students are expected to be familiar with multiple dimensions of the theoretical perspectives and be able to critically evaluate the liberal, republican discursive democratic attempts to make sense of, and to ameliorate prevailing instances of injustice in the world.

**Course Outcomes: Students will be able to:**

- CO1: understand the nature of globalization and its historical and developmental course;**  
**CO2: apply the analytical tools to analyze the impact of globalization on sovereignty of state, federalism and human rights jurisprudence;**  
**CO3: comprehend the concept of global justice and the source of law to achieve justice;**  
**CO4: appreciate the working of International institutions, which are instrumental in delivering justice;**

**Scheme of evaluation:**

**Informal – 50 marks**

**Formal – 100 marks**

**Module 1**

**Legal Globalization- An Introduction (Contact Hours- 10)**

- d. Meaning of "globalization" in a contemporary context
- e. Introduction to the Increasing Globalization of Law
- f. Impact of globalization-on sovereignty of state, on Federalism and Democratic Law Making, on Human Rights Law

**Module 2**

**Legal Implementation of Global Justice (Contact Hours – 10)**

- e. The Concept of Global Justice
- f. Treaties and the Role of Customary International Law
- g. International Implementation System (International Court of Justice, International Criminal Court)
- h. Inter-American Court, European Court of Justice

**Module 3**

**Human Rights and Humanitarian Law (Contact Hours-10)**

- e. War, Terrorism & Genocide, and Humanitarian Intervention;
- f. Migration, Refugees, Asylums, and Movement of People Across Borders;

- g. Alien Tort Claims Act and Fighting Human Rights Abuses Across Borders;
- h. Universal Jurisdiction for Crimes Against Humanity/War Crimes;

#### **Module 4**

#### **Law and Economic Justice; Law & Social Justice**

- e. Global Poverty; Inclusion and Equity for Vulnerable Groups;
- f. Labor Issues Including Outsourcing and Shifting Labor Markets.
- g. Equality and Minority Rights (E.G., Women and Human Rights);
- h. Environment & Natural Resources ;Climate Change; Anti-Corruption

#### **Reference Material**

19. Chi Carmody, Frank J. Garcia, & John Linarelli, *Global Justice and International Economic Law: Opportunities and Prospects* 2012 (ASIL Studies in International Legal Theory)
20. David Weissbrodt, Fionnuala Ní Aoláin, Joan Fitzpatrick, and Frank Newman, *International Human Rights: Law, Policy and Process* 2008 (4<sup>th</sup> ed)
21. David Weissbrodt, Joan Fitzpatrick, Frank Newman, Marci Hoffman and Mary Rumsey, *Selected International Human Rights Instruments and Bibliography for Research on International Human Rights Law* (3d ed. 2001)
22. Helen M. Stacy & Win Chiat Lee, *Economic Justice: Philosophical and Legal Perspectives* 2012.
23. Hurst Hannum, *International Human Rights: Problems of Law, Policy, and Practice* 2011.
24. International Covenant on Economic, Social, and Cultural Rights (ICESCR) and Optional Protocol [www2.ohchr.org/english/law/pdf/cescr.pdf](http://www2.ohchr.org/english/law/pdf/cescr.pdf); [www2.ohchr.org/english/law/docs/A.RES.63.117\\_en.pdf](http://www2.ohchr.org/english/law/docs/A.RES.63.117_en.pdf)
25. Jean-Marc Coicaud, Michael W. Doyle et al (eds.), *The Globalization of Human Rights* 2003 (United Nations University Press).
26. John Baylis, Steve Smith, et al (eds.) *The Globalization of World Politics: An Introduction to International Relations* 2008 (OUP).
27. Karl-Heinz Ladeur (ed.), *Public Governance in the Age of Globalization* 2004.
28. Laura Valentini, *Justice in a Globalizing World: A Normative Framework* 2011 (OUP).
29. M. Abouharb, David Cingranelli, *Human Rights and Structural Adjustment* 2007 (Cambridge University Press)
30. Pablo De Greiff and Ciaran Cronin (eds.), *Global Justice and Transnational Politics: Essays on the Moral and Political Challenges of Globalization* 2002 (MIT Press).
31. Percy E. Corbett, *The Growth of World Law* 1971.
32. Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, UN Doc. A/53/383 (2000). International Labor Convention 189 (2011) <http://www.ilo.org/ilolex/english/convdisp1.htm>
33. Rosalyn Higgins, *Development of International Law through the Political Organs of the United Nations* 1963.
34. Simon Coney, *Justice Beyond Borders: A Global Political Theory* 2005 (Oxford University Press).
35. Upendra Baxi, *The Future of Human Rights* 2002 (OUP).
36. Warner Menski, *Comparative Law in Global Context: The Legal Systems of Asia and Africa* 2006 (Cambridge University Press).



<b>Course Title/ Code</b>	<b>Commercial Arbitration: Theory and Doctrine (LWH611)</b>
<b>Course Type:</b>	Core (Departmental)
<b>Course Nature:</b>	Hard
<b>L-T-P-O Structure</b>	(2-0-0-0)

**Course Outcomes: Students will be able to**

**CO1: appreciate the significance of ADR mechanisms including arbitration;**

**CO2: develop the discretion to use ADR mechanisms to resolve disputes;**

**CO3: interpret the arbitration agreements with respect to the intent of the parties, seat of arbitration, applicable law and other relevant clauses;**

**CO4: represent the parties in arbitration and appeal proceedings;.**

**CO5: act as an arbitrator to resolve the disputes;.**

**Scheme of evaluation:**

**Informal – 40 marks**

**Formal – 60 marks**

**Module I**

**Fundamentals of Arbitration (Contact Hours : 8)**

- b. Nature and Scope of Arbitration
  - b) Arbitration v. Litigation
  - c) What Is and Is Not Arbitration?
  - d) Specialized Uses and Forms of Arbitration
  - e) Choosing Arbitration Scenario
  - f) Framework of Arbitration – Statutory and Legal Standards
2. Arbitration Jurisdiction
  1. Consent/ Party Autonomy – Contractual Foundations
  2. Competence of an Arbitral Tribunal (Principle of *Kompetenze Kompetenz*)
  3. May Parties Avoid Arbitration? – Front End Issues
  4. Statutory Arbitration in India

**Module II**

**Arbitration Agreement and Arbitrability (Contact Hours : 8)**

- a. Arbitrability
  - b) Substantive and Procedural
  - c) Defenses to Questions of Arbitrability
- b. Arbitration Agreement
  - a) The Separability Doctrine
  - b) Choice of Law
    - ii. Choice of substantive law
    - iii. Choice of seat provisions in arbitration agreements

- c. Role of Arbitrators
  - a) Power and duties
  - b) Sources of ethical standards and ethical obligations
  - c) Independence and impartiality
  - d) Liability of arbitrators and arbitral organizations

### **Module III**

#### **Enforcement of Decisions of arbitral Tribunals (Contact Hours : 8)**

- d. The Establishment of Arbitral Tribunal
  - i. Appointment
  - ii. Challenge and replacement
  - iii. Emergency arbitrator
- e. Arbitral decisions
  - i. Procedural directions
  - ii. Arbitral Orders
  - iii. Arbitral Awards
- f. Judicial Enforcement and Review of Arbitral Awards
  - i. Functus officio doctrine
  - ii. Standard of review of awards
  - iii. Grounds for set-aside and enforcement of foreign awards
  - iv. Contract based standards and grounds

#### **Reference Material**

1. Arbitration and Conciliation Act 1996
2. Ajar Rab, "Defining the Contours of the Public Policy Exception – A New Test for Arbitrability in India" 7(2) *Indiana Journal of Arbitration Law* 2019 at 161.
3. Gary Born and Marija Scekic, "*Pre-Arbitration Procedural Requirements*" 2015 (OUP Uncorrected Proof- Firstproofs)
4. Detlev Kuhner, "*The Impact of Party Impecuniosity on Arbitration Agreements*" *The Example of France and Germany*" 31 (6) *Journal of International Arbitration* 2014
5. Gracious Timothy Dunna & Juhi Gupta, "*Existential Crisis of Section 11(6A) of the Indian Arbitration Act? Part -I*" *Kluwer Arbitration Blog*, 2019
6. Gracious Timothy Dunna & Juhi Gupta, "*Existential Crisis of Section 11(6A) of the Indian Arbitration Act? Part -II*" *Kluwer Arbitration Blog*, 2019
7. Chetan Chawla, "*The Muddy Waters of Pre-Arbitration Procedures – Are they Enforceable?*" *Kluwer Arbitration Blog*, 2019
8. *A. Ayyasamy v. A. Paramasivam* (2016) 10 SCC 386
9. *Bharat Bhushan Bansal v. U.P. Small Industries Corporation Ltd.* (1999) 2 SCC 166
10. *Booz Allen and Hamilton Inc. v. SBI Home Finance Ltd.* (2011) 5 SCC 532
11. *Indian Farmers Fertilizer Cooperative Ltd. V. Bhadra Products* (2018) 2 SCC 534
12. *KK Modi v. K.N. Modi and ors.* (1998) 3 SCC 573
13. *NTPC v. Siemens Atkeingesellschaft* (2007) 4 SCC 451

**SEMESTER- II**

<b>Subject Code</b>	<b>SUBJECT NAME</b>	<b>Credits</b>	<b>L</b>	<b>P</b>	<b>O</b>	<b>Contact Hrs/Week</b>
LWH614	Elective IV (International Commercial Arbitration: Principles and Procedure)	2	2	0	0	2
LWH615	Elective V (Institutional Arbitration)	2	2	0	0	2
LWH616	Elective VI (Trade Related Arbitration – Construction Arb.)	2	2	0	0	2
	<b>TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)</b>	<b>6</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>6</b>

2.

<b>Course Title/ Code</b>	<b>International Commercial Arbitration: Principles and Practice (LWH614)</b>
<b>Course Type:</b>	Elective (Departmental)
<b>L-T-P Structure</b>	(2-0-0)

**Course Outcomes:**

**Students will be able to**

**CO1:** Understand the basic principles and the context in which international commercial arbitration operates.

**CO2:** Appreciate the interplay between the plethora of different laws that apply to international commercial arbitration proceedings.

**CO3:** Dissect the basic components of an arbitration clause, appreciate the importance of each component, and use that understanding to effectively draft/design pathology-free arbitration clauses.

**Scheme of evaluation:**

**Informal** – 40 marks

**Formal** – 60 marks

**Module I (Contact Hours – 8)**

**Basic Principles of International Commercial Arbitration**

- a. Definition, juridical nature, historical development, and essential characteristics
- b. Institutional and regulatory infrastructure
- c. Distinction between international, foreign, and domestic arbitration

**Module II (Contact Hours – 8)**

**Applicable Laws (I)**

- a. Substantive law of the contract
- b. Law of the seat of arbitration
  - i. Concept and legal significance of ‘Seat’
  - ii. ‘Seat’, ‘Venue’ and ‘Place’ of arbitration distinguished

**Module III (Contact Hours – 8)**

**Applicable Laws (II)**

- a. Law governing the arbitration agreement
  - i. Various approaches to determination
  - ii. Differentiating the Indian and English law positions
- b. Other applicable rules and guidelines

**Module IV (Contact Hours – 8)**

**Arbitration Agreement**

- a. Drafting effective arbitration agreements
  - i. Essential ingredients
  - ii. Multi-tiered dispute resolution clauses

## b. Pathological Clauses

### **Reference Material**

1. Anirudh Wadhwa, Anirudh Krishnan, Justice RS Bachawat's Law of Arbitration and Conciliation, Lexis Nexis, (2018) (6th Edition)
2. David St. John, Judith Gill, Mathew Gearing, Russell on Arbitration, Sweet & Maxwell, (2018) (24th Edition)
3. Gary Born, International Commercial Arbitration, Wolters Kluwer (2014) (2nd Edition)
4. Indu Malhotra, OP Malhotra on The Law and Practice of Arbitration and Conciliation (2020) (4th Edition)
5. Julian Lew, Loukas Mistelis, Stefan Kroll, Comparative International Commercial Arbitration, Wolters Kluwer, (2003)
6. Nigel Blackaby, Constantine Partasides, Redfern and Hunter on International Arbitration, Oxford University Press, (2015) (6th Edition)

<b>Course Title/ Code</b>	<b>Institutional Arbitration (LWH615)</b>
<b>Course Type:</b>	Core (Departmental)
<b>Course Nature:</b>	Hard
<b>L-T-P-O Structure</b>	(2-0-0)

**Course Outcomes:**

**Students will be able to:**

**CO1:** Understand the relative advantages and disadvantages of ad-hoc arbitration and institutional arbitration

**CO2:** Get an insight into the broad procedure under institutional rules, especially with respect to initiating an arbitration, emergency/interim relief, appointment and challenge of arbitrators, determination of fees, powers of the arbitral tribunal, hearings, evidence, costs, scrutiny and delivery of awards

**CO3:** Interpret and discern the differences between the rules of various arbitral institutions

**CO4:** Appreciate the role played by the institution in the administration and efficient conduct of the arbitration Module

**Scheme of evaluation:**

**Informal** – 40 marks

**Formal** – 60 marks

**Module I (Contact Hours – 8)**

**Modes of Arbitration**

- a. Overview
- b. Defining ad-hoc arbitration
- c. Defining institutional arbitration
- d. Challenging the traditional ad-hoc/institutional arbitration dichotomy
- e. Merits of institutional arbitration and reasons for its popularity

**Module II (Contact Hours – 8)**

**Introduction to Institutional Arbitration**

- a. Historical perspective
- b. Growth and recent developments
- c. Interplay with *lex arbitri*
- d. Institutional rules and conflict with party autonomy
- e. Processes involved in the “administration” of disputes Module

**Module III (Contact Hours – 8)**

**Arbitration Procedure: A Comparative Perspective**

- a. Initiating an arbitration
- b. Appointment of the arbitral tribunal

- c. Fees and expenses
  - i. Ad valorem versus hourly rates
  - ii. Tribunals fee
  - iii. Institutional fee
- d. Emergency arbitrator and interim measures of protection
- e. Pleadings and Evidence
- f. Hearings
  - i. Expedited procedures
  - ii. Documents-only arbitration
- g. Award and Costs
  - i. Basis for awarding costs
  - ii. Scrutiny of awards

#### **Module IV (Contact Hours – 8)**

##### **Institutional Arbitration in India**

- a. Statutory recognition
- b. Growth and geographical spread of institutions
- c. Recent developments
  - i. 246th Report of the Law Commission of India
  - ii. 2015 and 2019 amendments to the Arbitration and Conciliation Act, 1996
  - iii. High Level Committee to Review the Institutionalisation of Arbitration Mechanism in India
  - iv. New Delhi International Arbitration Centre

##### **Reference Material**

1. Brooks Daly, Evgeniya Goriatcheva, Hugh Meighen, A Guide to the PCA Arbitration Rules, Oxford University Press, (2016)
2. Jason Fry, Simon Greenberg, Francesca Mazza, The Secretariat's Guide to ICC Arbitration, ICC Publication 729, (2012)
3. John Choong, Mark Mangan, Nicholas Lingard, A Guide to the SIAC Arbitration Rules, Oxford University Press, (2018) (2nd Edition)
4. Law Commission of India, Report No.246 on Amendments to the Arbitration and Conciliation Act, 1996 (2014)
5. Martin F Gusy, James M Hosking, Franz T Schwarz, A Guide to the ICDR International Arbitration Rules, Oxford University Press, (2011)
6. Oliver Armas, Samaa Haridi, Gabriella Morello, Comparison of International Arbitration Rules, Juris Publishing, (2020) (5th Edition)
7. Peter Turner, Reza Mohtashami, A Guide to the LCIA Arbitration Rules, Oxford University Press, (2009)
8. Report of the High Level Committee to Review the Institutionalisation of Arbitration Mechanism in India, Ministry of Law & Justice, Government of India (2017)
9. Rolf A Schütze, Institutional Arbitration-A Commentary, Hart Publishing (2013)

<b>Course Title/ Code</b>	<b>Construction Arbitration (LWH616)</b>
<b>Course Type:</b>	Elective (Departmental)
<b>L-T-P Structure</b>	(2-0-0)

**Scheme of evaluation:**

**Informal** – 40 marks

**Formal** – 60 marks

**Module I (Contact Hours – 8)**

**Construction Arbitration: General**

- a. All about SCL India
- b. Distinguishing factors
- c. Use of standard Forms
  - i. 2017 FIDC Forms
  - ii. CPWD Forms
  - iii. Role of DRB's
- d. Consequences of Delay & Nature of Claims
- e. Time: the essence of contracts
- f. Disruption and heads of Claims
- g. Liquidated damages

**Module II (Contact Hours – 8)**

**Experts and Cross examination**

- a. Importance of Experts
- b. Importance of Delay Analysis Reports
- c. Preparation of Quantum Analysis Report

**Module III (Contact Hours – 8)**

**SCL Delay and Disruption Protocol for India.**

- a. Salient Features of the Protocol
- b. How to best use the Protocol
- c. Suitability of the Protocol
- d. Customising the protocol for small and medium Projects.

**Module IV (Contact Hours – 8)**

**Mediating Construction Disputes**

- a. Impact of Singapore Convention
- b. Salient features of mediation Practice
- c. Mixed-Mode dispute resolution



## Reference Material

1. Andy Hewitt, *Construction Claims and Responses: Effective Writing and Presentation* [6 May 2016]
2. Douglas S. Stephenson, *Arbitration Practice in Construction Contracts* (2001)
3. James Pickavance, *A Practical Guide to Construction Adjudication* [Paperback –11 Dec 2015]
4. Jay E. Grenig, *International Commercial Arbitration*, West Thomson Reuters, 1<sup>st</sup> ed.(2014).
5. Kroll, Laukas, A Mistelis, Viscasilas, & V. Rogers, *International Arbitration and International Commercial Law*, Kluwer International (2011)
6. Peter Coulson, QC., *Coulson on Construction Adjudication* [Hardcover –26 Mar 2015]
7. Professor John Uff QC., *Construction Law* [Paperback – 23 May 2017]
8. Will Hughes, Ronan Champion & John Murdoch, *Construction Contracts: Law and Management* [Paperback – 20 Apr 2015]

### SEMESTER – III

Subject Code	SUBJECT NAME	Credits	L	P	O	Contact Hrs/Week
LWH601	Research Methods and Legal Writing	3	1	1	1	3
LWH612	Elective II (Commercial Arbitration: Practice and Procedure -I)	2	2	0	0	2
	<b>TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>5</b>

Course Title/ Code	<b>Research Methods and Legal Writing (LWH601)</b>
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(3-0-0)
Objectives	The objective of this paper is to introduce various established legal research methods to the students that will help and guide them to do their research in their relevant areas. This course caters to the needs of Post Graduate students in their pursuit of legal research and Dissertation/thesis writing..

**Course Outcomes: Students will be able to:**

- CO1: understand the nature and techniques of legal research;**
- CO2: distinguish the methods and techniques of legal research from that of social sciences research;**
- CO3: apply the techniques of legal research to legal communication and writings;**
- CO4: develop the proposal for research to write master level dissertation;**
- CO5: to apply the research techniques to prepare class lectures/ lessons based on principles, theories, legislations and cases.**

**Scheme of evaluation:**

**Informal – 50 marks**

**Formal – 100 marks**

#### **Module 1**

##### **An Introduction to Legal Research (Contact Hours – 10)**

- m. Evolution, Meaning, Scope and Purpose
- n. Kinds of Legal Research-Doctrinal or Traditional Research
- o. Non-Doctrinal or Empirical Research
- p. Descriptive and Analytical Research
- q. Applied and Fundamental Research
- r. Quantitative and Qualitative Research
- s. Mono-Disciplinary and Trans disciplinary Research

## Module 2

### Legal Research and Methods (Contact Hours – 10)

- o. Research Design
- p. Various Steps in Research: Research Process
- q. Research Problem: Identification and Formulation
- r. Hypothesis
- s. Literature Review
- t. Questionnaire, Interview, Case study
- u. Preparation of Research Reports and Writing a Research Report
- v. Ethical and Legal Issues-Plagiarism and copy right violation

## Module 3

### Tools and Techniques of Legal Research (Contact Hours-10)

- g. Use of Library, Use of Modern Technology/ Computer Assisted Research
- h. Data collection Techniques, Sampling Procedures
- i. Sampling Procedures: Importance of Sampling.
- j. Advantages and Limitations of Sampling, Theoretical basis of Sampling,
- k. Types of Sampling, Probability and Non-probability Sampling, Sampling and Non-sampling Error.
- l. Data Processing: Introduction, Editing, Coding, Tabulation, Analysis and Interpretation of Data, Application of Content Analysis in Legal Research, Analysis of Aggregate Data, Data Interpretation, Collection and Analysis Data, Legal input Analysis etc.

## Module 4

### Legal Writing (Contact Hours – 10)

- h. Essentials of Good Legal Writing
- i. Structured Legal Writing: Organization of Legal Materials
- j. Framing of Write Up: Research Question, Title, Identifying relevant areas of law.
- k. Writing for Academic Purpose; Writing for Court Purposes: Briefs,
- l. Citation, Reference and Footnoting
- m. Writing of Research Proposal
- n. Dissertation/ Thesis Writing

### Reference Material

- 18. C. R. Kothari, *Research Methodology: Methods and Techniques* (Vishwa Prakashan)
- 19. Dennis P. Forcese and Stephen Richer (ed.), *Stages of Social Research: Legal Writing: Contemporary Perspectives* 1970 (New Jersey : Prentice Hall).
- 20. Dr. H. N. Tiwari, *Legal Research Methodology* 2015 (Allahabad Law Agency)
- 21. Erwin C. Surrency B. Fiel, *Guide to Legal Research* 1959
- 22. Frederic Charles Hicks, *Materials and Methods in Legal Research* (Lawyers Cooperative Publishing, New York).
- 23. Goode and Hall, *Methods in Social Research* 1985 (Singapore: MacGraw Hill Book Co.)
- 24. H. M. Hyman, *Interviewing in Social Research* (1965)
- 25. Harvard Law Review Association, *The Bluebook: Uniform system of Citation*(Harvard Law Review, Harvard).
- 26. High Brayal, Nigel Duncan and Richard Crimes, *Clinical Legal Education: Active Learning in your School* 1998 (Blackstone P. Press Limited, London)
- 27. Janathan Anderson, *Thesis and Assignment Writing* (Wiley Eastern Ltd., New Delhi).

28. Johan Galtung, *Theory And Methods of Social Research* 1970 (London: George Allen & Unwin Ltd.)
29. Leon Festinger (ed.), *Research Methods in Behavioral Sciences* 1953 (Holt, Rinehart and Winston, New York).
30. Mi. Tanulingam, *Research Methodology* (Himalaya Publishing)
31. P. Saravanavel, *Research Methodology* (Kitab Mahal)
32. Pauline V. Young, *Scientific Social Surveys and Research* 1984(New Delhi: Prentice Hall of India)
33. S. K. Verma & Afzal Wani, *Legal Research and Methodology* (Indian Law Institute, New Dethi)
34. William I Grade and Paul K Hatt, *Methods in Social Research*, (Mc GrawHill Book Company, London)

<b>Course Title/ Code</b>	<b>Commercial Arbitration: Practice and Procedure – I (LWH612)</b>
<b>Course Type:</b>	Core (Departmental)
<b>Course Nature:</b>	Hard
<b>L-T-P-O Structure</b>	(2-0-0)

**Course Outcomes: Students will be able to:**

**CO1: conduct the arbitration proceedings, as an arbitrator and/or as counsel in a commercial dispute**

**CO2: Interpret and understand the substantive dispute and represent the parties in arbitration proceedings**

**CO3: follow the procedure with respect to the reference of dispute, evidence, testimony, oral hearings and awards in a commercial dispute**

**CO4: give pre-arbitration and post-arbitration counseling, aid and advise to the client**

**Scheme of evaluation:**

**Informal – 40 marks**

**Formal – 60 marks**

**Module I**

**Arbitral Tribunal (Contact Hours 10)**

- a. Status of Arbitral Tribunal;
- b. Composition; Appointment; Qualifications;
- c. Impartiality;
- d. Jurisdiction; Powers and Duties

**Module II**

**Commencement of Arbitration (Contact Hours 10)**

- a. Commencement of arbitration;
- b. Reference to arbitral Tribunal & terms of reference; procedural directions.

**Module III**

**Conduct of Arbitration (Contact Hours 10)**

- a. Conduct of arbitration proceedings:
- b. Initiating arbitration,
- c. Constituting the tribunal,
- d. Establishing terms of reference, submission of testimony, discovery, hearings, and awards

**Module IV**

**Proceedings of Arbitration (Contact Hours 10)**

- a. Conduct of Proceedings; Fair Trial;
- b. The Challenge Procedure;
- c. Termination of Arbitrator;

d. Appeals.

**Reference Material**

3. CR Datta, *Law of Arbitration and Conciliation (Including Commercial Arbitration)*, (2007), LexisNexis,
4. Halsbury's *Annotated Statutes of India Volume 1 – Arbitration*, LexisNexis, (2008),
5. [B S Patil](#), *The Law of Arbitration and Conciliation* (2008) Fifth Edition :  
Joharis, *Commentary on [Arbitration and Conciliation Act](#), 1996* in 2 vols. Kamal Law House, (2008)

**SEMESTER – IV**

<b>Subject Code</b>	<b>SUBJECT NAME</b>	<b>Credits</b>	<b>L</b>	<b>P</b>	<b>O</b>	<b>Contact Hrs/Week</b>
LWH613	Elective III (Commercial Arbitration: Practice and Procedure -II)	2	2	0	0	2
LWH604	DISSERTATION	4	0	0	4	4
	<b>TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)</b>	<b>6</b>	<b>2</b>	<b>0</b>	<b>4</b>	<b>6</b>

<b>Course Title/ Code</b>	<b>Commercial Arbitration: Practice and Procedure – II (LWH613)</b>
<b>Course Type:</b>	Core (Departmental)
<b>Course Nature:</b>	Hard
<b>L-T-P-O Structure</b>	(2-0-0-0)
<b>Objectives</b>	

**Scheme of evaluation:**

**Informal** – 40 marks

**Formal** – 60 marks

**Module I**

**Arbitration Awards (Contact Hours 10)**

- a. Form and Content (S. 31 &32);
- b. Award on Agreed Terms (S.30);
- c. Time Limit for passing an Award (S.29A);
- d. Cost that could be awarded (S.31A)
- e. Types of awards (S. 33);
- f. Effect of a valid Award (S.35);
- g. Award and third Parties.

**Module II**

**Challenge of Arbitral Awards (Contact Hours 10)**

- a. Enforcement of a valid Award (S.36);
- b. Challenging an Award (S.34):
  - i. Incapacity of the Parties;
  - ii. Invalidity of the agreement;
  - iii. Invalid notice of arbitration;
  - iv. Inability to present the case;
  - v. Award beyond the terms contemplated;
  - vi. Proceedings contrary to the agreement;
  - vii. Subject matter incapable of settlement;
  - viii. In violation of public policy of India:
    - a. Fraudulently procured;
    - b. In violation of confidentiality;
    - c. In contravention of fundamental policy of Indian Law;
    - d. In conflict with the most basic notions of morality or justice;
    - e. Not amounting to a review on merit of the dispute.
  - ix. If vitiated by patent illegality appearing on the face of the record [S.34(2A)];
  - x. But not on the ground of erroneous application of law [S.34(2A)];
  - xi. Nor by reappraisal of evidence [S.34(2A)];
- c. Recourse to National Courts; International Awards;

- d. To be made within 3 months of the disposal of a request made u/Sec. 33;
- e. Evidence available [S.34(1)]
- f. Time limit for disposing of the challenge petition.

### Module III

#### Enforcement of Arbitration Award (Contact Hours 10)

- a. Enforcement of Awards (S.36);
- b. Limited Appeals (S.37).

### Module IV

#### Recognition or enforcement of foreign arbitral awards (Contact Hours 10)

- b. Foreign Award- meaning
- c. The International Conventions for recognition and enforcement of arbitral awards
- d. Reciprocity and Commercial Reservation
- e. Indian law- Scope and Applicability
- f. Recognition and enforcement of annulled awards

#### Reference Material

1. Ashwinie Kumar Bansal, International Commercial Arbitration - Practice and Procedure (Enforcement of Foreign Awards - Covering more than 75 Countries), Universal Law Publication Co. Pvt. Ltd, 1<sup>st</sup> ed. (2014).
2. Avtar Singh, Law of Arbitration and Conciliation, Eastern Book Company, 2013(10th Edition)
3. [B S Patil](#), *The Law of Arbitration and Conciliation* (2008) Fifth Edition :
4. Chawla, S.L. *Law Of Arbitration and Conciliation*, Eastern Law House (2004)
5. CR Datta, *Law of Arbitration and Conciliation (Including Commercial Arbitration)*, (2007), LexisNexis,
6. David St. John, Judith Gill, Mathew Gearing, *Russell on Arbitration*, Sweet & Maxwell, 23<sup>rd</sup> ed. 2013.
7. Halsbury's *Annotated Statutes of India Volume 1 – Arbitration*, LexisNexis, (2008),
8. Jay E. Grenig, International Commercial Arbitration, West Thomson Reuters, 1<sup>st</sup> ed.(2014).
9. Joharis, *Commentary on Arbitration and Conciliation Act, 1996* in 2 vols. Kamal Law House, (2008).
10. Justice Dr. [B.P. Saraf](#) & Justice S M Jhunjhunwala, *Law of Arbitration and Conciliation* Snowwhite: (2009)
11. Justice [P S Narayana](#), *The Arbitration and Conciliation Act, 1996* (2008):
12. Justice R.S. Bachawat, Anirudh Wadhwa, Anirudh Krishnan, Law of Arbitration and Conciliation with Exhaustive Coverage of International Commercial Arbitration & ADR, Lexis Nexis Butterworth, 5<sup>th</sup> ed. (2013).
13. Kroll, Laukas A Mistelis, Viscasilas, V. Rogers, International Arbitration and International Commercial Law, Kluwer International (2011)
14. O. P. Malhotra & Indu Malhotra, *The Law and Practice of Arbitration and Conciliation*, 3<sup>rd</sup> ed. (2014).
15. [P C Markanda](#), *Law Relating to Arbitration and Conciliation* LexisNexis (2009) Seventh Edition
16. S.B. Malik Justice, *Commentary on the Arbitration and Conciliation Act*, Universal Law Pub,(2009), Fourth Edition, 1571 p,



<b>Course Title/ Code</b>	<b>Dissertation (LWH124)</b>
<b>Course Type:</b>	Core (Departmental)
<b>L-T-P Structure</b>	(0-0-4)
<b>Objectives</b>	Students will learn the execution of research methodology and research techniques to complete the dissertation in a chosen area of research.