



MANAV RACHNA UNIVERSITY

**FACULTY OF LAW
DEPARTMENT OF LAW**

**PROGRAM STRUCTURE
&
DETAILED SYLLABUS**

LL.M.

BATCH: 2019-2020

MANAV RACHNA UNIVERSITY				
FACULTY OF LAW				
MASTER OF LAW (LLM) (LWP01)				
COMMERCIAL ARBITRATION				
SEMESTER - 1				
Subject	SUBJECT NAME	Credits		
LWH601	Research Methods and Legal Writing	3		
LWH602	Comparative Public Law/ Systems of Governance	3		
LWH603	Law and Justice in a Globalizing World	3		
LWH611	Commercial Arbitration: Theory and Doctrine	2		
LWH612	Commercial Arbitration: Practice and Procedure I	2		
	TOTAL (L-T-P/CONTACT HOURS/CREDITS)	13		
SEMESTER - 2				
Subject	SUBJECT NAME	Credits		
LWH613	Commercial Arbitration: Practice and Procedure II	2		
LWH614	International Commercial Arbitration: Principles and	2		
LWH615	Institutional Arbitration	2		
LWH616	Construction Arbitration	2		
LWH604	DISSERTATION	4		
	TOTAL (L-T-P/CONTACT HOURS/CREDITS)	12		
	SEMESTER CREDITS	25		

LLM _ COURSE SCHEME- 2019-20

MANAV RACHNA UNIVERSITY			
FACULTY OF LAW			
MASTER OF LAW (LLM) (LWP01)			
CORPORATE LAW			
SEMESTER - 1			
Subject	SUBJECT NAME	Credits	
LWH601	Research Methods and Legal Writing	3	
LWH602	Comparative Public Law/ Systems of Governance	3	
LWH603	Law and Justice in a Globalizing World	3	
LWH631	Corporate Governance and Principles of Companies	2	
LWH611	Commercial Arbitration: Theory and Doctrine	2	
	TOTAL (L-T-P/CONTACT HOURS/CREDITS)	13	
SEMESTER - 2			
Subject	SUBJECT NAME	Credits	
LWH632	Corporate Finance	2	
LWH633	Insolvency and Bankruptcy Law	2	
LWH634	Corporate Mergers and Acquisitions	2	
LWH635	Competition Law	2	
LWH604	DISSERTATION	4	
	TOTAL (L-T-P/CONTACT HOURS/CREDITS)	12	
	SEMESTER CREDITS	25	

MANAV RACHNA UNIVERSITY		
FACULTY OF LAW		
MASTER OF LAW (LLM) (LWP01)		
CRIMINAL LAW		
SEMESTER - 1		
Subject	SUBJECT NAME	Credits
LWH601	Research Methods and Legal Writing	3
LWH602	Comparative Public Law/ Systems of Governance	3
LWH603	Law and Justice in a Globalizing World	3
LWH641	Principles of Criminal Law	2
LWH642	Criminal Justice Administration	2
	TOTAL (L-T-P/CONTACT HOURS/CREDITS)	13
SEMESTER - 2		
Subject	SUBJECT NAME	Credits
LWH644	Socio-Economic Offences	2
LWH623	Specific Crimes under IPC	2
LWH625	Organized Crimes	2
LWH646	Criminal Justice System and Human Rights	2
LWH604	DISSERTATION	4
	TOTAL (L-T-P/CONTACT HOURS/CREDITS)	12
	SEMESTER CREDITS	25



MANAV RACHNA UNIVERSITY



**MRU
FACULTY
OF
LAW**



**Scheme & Syllabus
MASTER OF LAW (LL.M.)
LWP01**

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Course Title/ Code	Research Methods and Legal Writing (LWH601)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-1-0-0)
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.

Module 1

An Introduction to Legal Research (Contact Hours – 10)

- a. Evolution, Meaning, Scope and Purpose
- b. Kinds of Legal Research-Doctrinal or Traditional Research
- c. Non-Doctrinal or Empirical Research
- d. Descriptive and Analytical Research
- e. Applied and Fundamental Research
- f. Quantitative and Qualitative Research
- g. Mono-Disciplinary and Trans disciplinary Research

Module 2

Legal Research and Methods (Contact Hours – 10)

- a. Research Design
- b. Various Steps in Research: Research Process
- c. Research Problem: Identification and Formulation
- d. Hypothesis
- e. Literature Review
- f. Questionnaire, Interview, Case study
- g. Preparation of Research Reports and Writing a Research Report
- h. 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. Force 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. Field, *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. Saravanavel, *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)

Course Title/ Code	Comparative Public Law/Comparative Systems of Governance (LWH602)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-1-0-0)
Objectives	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;

Module 1

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

- a. Historical Development of Public Law, Meaning, Nature and Significance
- b. Constitutional and Administrative Law- A Comparative Study
- c. "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(4th 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 (3rd ed.) (Aspen)
12. J.D.M Derrett, *An Introduction to Legal Systems* (3rd 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).

Course Title/ Code	Law and Justice in Globalizing World (LWH603)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-1-0-0)
Objectives	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;

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 (4th 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; 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).

Course Title/ Code	Commercial Arbitration: Theory and Doctrine (LWH611)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(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;.

Module I

Fundamentals of Arbitration

1. 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

1. Arbitrability
 - a) Substantive and Procedural
 - b) Defenses to Questions of Arbitrability
2. Arbitration Agreement
 - a) The Separability Doctrine
 - b) Choice of Law
 - i. Choice of substantive law
 - ii. Choice of seat provisions in arbitration agreements
3. 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

1. The Establishment of Arbitral Tribunal
 - a. Appointment
 - b. Challenge and replacement
 - c. Emergency arbitrator
2. Arbitral decisions
 - a. Procedural directions
 - b. Arbitral Orders
 - c. Arbitral Awards
3. Judicial Enforcement and Review of Arbitral Awards
 - a. Functus officio doctrine
 - b. Standard of review of awards
 - c. Grounds for set-aside and enforcement of foreign awards
 - d. 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

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

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

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

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

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

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

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 re-appreciation 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)

- a. Foreign Award- meaning
- b. The International Conventions for recognition and enforcement of arbitral awards
- c. Reciprocity and Commercial Reservation
- d. Indian law- Scope and Applicability
- e. 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, 1st 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, 23rd ed. 2013.
7. Halsbury's *Annotated Statutes of India Volume 1 – Arbitration*, LexisNexis, (2008),
8. Jay E. Grenig, International Commercial Arbitration, West Thomson Reuters, 1st 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, 5th 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*, 3rd 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,

Course Title/ Code	International Commercial Arbitration: Principles and Practice (LWH614)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-0-0-0)
Objectives	

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 1

Basic Principles of International Commercial Arbitration (Contact Hours – 8)

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

Module 2

Applicable Laws (I) (Contact Hours – 8)

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

Module 3

Applicable Laws (II) (Contact Hours – 8)

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

Module 4

Arbitration Agreement (Contact Hours – 8)

- a. Drafting effective arbitration agreements
- b. Essential ingredients
- c. Multi-tiered dispute resolution clauses
- d. 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)

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

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

Modes of Arbitration (Contact Hours – 8)

- 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 2

Introduction to Institutional Arbitration (Contact Hours – 8)

- 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 3

Arbitration Procedure: A Comparative Perspective (Contact Hours – 8)

- 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 4

Institutional Arbitration in India (Contact Hours – 8)

- 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)

Course Title/ Code	Construction Arbitration (LWH616)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-0-0-0)

Course Outcomes: Students will be able to

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

CO2: carry out the experts and cross examination to represent the interest of clients effectively

CO3: counsel the clients on delays and disruption protocols applicable to the constution dispute

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

Module 1

Construction Arbitration: General

- a. All about SCL India
- b. Distinguishing factors
- c. Use of standard Forms
 1. 2017 FIDC Forms
 2. CPWD Forms
 3. 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:

Experts and Cross examination

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

Module III:

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:

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, 1st 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]

SCHEME AND SYLLABUS
LL.M. (Corporate Law)
LWP01

SEMESTER- I

Subject Code	SUBJECT NAME	Credits	L	P	O	Contact Hrs/Week
LWH601	Research Methods and Legal Writing	3	2	1	0	3
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
LWH631	Elective I (Corporate Governance & Principles of Companies Act)	2	2	0	0	2
LWH611	Elective II (Commercial Arbitration: Theory and Doctrines)	2	2	0	0	2
	TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)	13	09	3	1	13

SEMESTER- II

Subject Code	SUBJECT NAME	Credits	L	P	O	Contact Hrs/Week
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
LWH635	Elective VI (Competition Law)	2	2	0	0	2
LWH604	DISSERTATION	4	0	0	4	4
	TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)	12	8	0	4	12

Course Title/ Code	Research Methods and Legal Writing (LWH601)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-1-0-0)
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.

Module 1

An Introduction to Legal Research (Contact Hours – 10)

- h. Evolution, Meaning, Scope and Purpose
- i. Kinds of Legal Research-Doctrinal or Traditional Research
- j. Non-Doctrinal or Empirical Research
- k. Descriptive and Analytical Research
- l. Applied and Fundamental Research
- m. Quantitative and Qualitative Research
- n. Mono-Disciplinary and Trans disciplinary Research

Module 2

Legal Research and Methods (Contact Hours – 10)

- i. Research Design
- j. Various Steps in Research: Research Process
- k. Research Problem: Identification and Formulation
- l. Hypothesis
- m. Literature Review
- n. Questionnaire, Interview, Case study
- o. Preparation of Research Reports and Writing a Research Report
- p. 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. Force 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. Field, *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. Saravanel, *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)

Course Title/ Code	Comparative Public Law/Comparative Systems of Governance (LWH602)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-1-0-0)
Objectives	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;

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(4th 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 (3rd ed.) (Aspen)
33. J.D.M Derrett, *An Introduction to Legal Systems* (3rd 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).

Course Title/ Code	Law and Justice in Globalizing World (LWH603)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-1-0-0)
Objectives	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;

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, FionnualaNíAoláin, Joan Fitzpatrick, and Frank Newman, *International Human Rights: Law, Policy and Process* 2008 (4th 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; 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).

Course Title/ Code	Corporate Governance (LWH631)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-0-0-0)
Objectives	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;

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. 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.
6. 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>
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8. Harold Demsetz and Kenneth Lehn, "The Structure of Corporate Ownership: Causes and Consequences." 93(6) *Journal of Political Economy*, 1155-1177 (1993).
9. Henry Hansmann, *The Ownership of Enterprise* 1993 (Cambridge, USA: The Belknap Press of Harvard University Press) Chapters 1-3.
10. Irena Grosfeld and Thierry Tresselt, "Competition and Ownership Structure: Substitutes or Complements?" 10(3) *Economics of Transition* 525-551 (2002)
11. Jean Tirole, "Corporate Governance," 69(1) *Econometrica* 1-35 (January 2001)
12. Julian Franks, and Colin Mayer, "Corporate Ownership and Control in the U.K., Germany and France" In *Global Corporate Governance* 2009 (D. Chew and S. Gillan eds.) (New York: Columbian Business School Publisher)
13. M. S. Weisbach, "Outside Directors and CEO Turnover," 20 *Journal of Financial Economics* 431-460 (January 1988)
14. Michael Jensen and William Meckling, "Theory of the Firm: Managerial Behavior, Agency Costs and Ownership Structure," 3(4) *Journal of Financial Economics* 305-360 (October 1976)
15. Michael Jensen, and Kevin Murphy, "Performance Pay and Top-Management Incentives" 98 *Journal of Political Economy* 225-264 (1990).
16. 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>
17. Oliver Hart, "Corporate Governance: Some Theory and Implications," *The Economic Journal*, Vol. 105, Iss. 430, May 1995 (678-689)
18. Paolo Volpin, "Governance with Poor Investor Protection: Evidence from Top Executive Turnover in Italy," 64(1) *Journal of Financial Economics* 61-90 (April 2002).
19. Rafael La Porta, Florencio López-de-Silanes, Andrei Shleifer and Robert W. Vishny, "Investor Protection and Corporate Governance," 58(1-2) *Journal of Financial Economics*, 3-27 (October 2000)
20. Rafeal La Porta, Florencio López-de-Silanes, and Andrei Shleifer, "Corporate Ownership Around the World," 54 (2) *Journal of Finance* 471-517 (April 1999).
21. Randall Morck, Andrei Shleifer and Robert W. Vishny, "Management Ownership and Market Valuation: An Empirical Analysis." 20(1-2) *Journal of Financial Economics* 293-315 (1988).
22. Ronald H. Coase, "The Nature of the Firm," 4(16) *Economica* 386-405 (November 1937)
23. S. Rosenstein and J. G. Wyatt, "Outside Directors, Board Independence, and Shareholder Wealth," 26(2) *Journal of Financial Economics* 175-191 (August 1990).
24. Stijn Claessens, and Simeon Djankov (1999), "Ownership Concentration and Corporate Performance in the Czech Republic." 27 *Journal of Comparative Economics*, 498-513.
25. Stijn Claessens, Simeon Djankov, Joseph Fan, and Larry Lang, "The Separation of Ownership and Control in East Asia Corporations," 58(1-2) *Journal of Financial Economics*, 81-112, October 2000

26. Stuart Gilson, "Management Turnover and Financial Distress," 25 *Journal of Financial Economics* 241-262 January 1989.

Course Title/ Code	Commercial Arbitration: Theory and Doctrine (LWH611)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(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;.

Module I

Fundamentals of Arbitration

4. Nature and Scope of Arbitration
 - g) Arbitration v. Litigation
 - h) What Is and Is Not Arbitration?
 - i) Specialized Uses and Forms of Arbitration
 - j) Choosing Arbitration Scenario
 - k) Framework of Arbitration – Statutory and Legal Standards
3. 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

1. Arbitrability
 - c) Substantive and Procedural
 - d) Defenses to Questions of Arbitrability
2. Arbitration Agreement
 - c) The Separability Doctrine
 - d) Choice of Law
 - iii. Choice of substantive law
 - iv. Choice of seat provisions in arbitration agreements
3. 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

4. The Establishment of Arbitral Tribunal
 - a. Appointment
 - b. Challenge and replacement
 - c. Emergency arbitrator
5. Arbitral decisions
 - a. Procedural directions
 - b. Arbitral Orders
 - c. Arbitral Awards
6. Judicial Enforcement and Review of Arbitral Awards
 - a. Functus officio doctrine
 - b. Standard of review of awards
 - c. Grounds for set-aside and enforcement of foreign awards
 - d. 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)
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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

Course Title/ Code	Corporate Finance – I (LWH632)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-0-0-0)
Objectives	The objective of this paper is (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; (ii) To acquaint the students with the normative, philosophical and economic contours of various statutory rules relating to corporate finance; (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.

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;

Module 1

Introduction to the Corporate Finance (Contact Hours – 12)

- a. Capital needs - capitalization - working capital - securities-borrowings-deposits debentures
- b. Objectives of corporation finance - profit maximization and wealth maximization; Constitutional perspectives(Entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85, and 86 of List 1 - Union List; entry 24 of List 11 - State List)
- c. Equity Finance – Share capital; Prospectus - information disclosure; Issue and allotment; Shares without monetary consideration; Non-opting equity shares
- d. Debt Finance – Debentures; Nature, issue and class; Deposits and acceptance; Creation of charges; Fixed and floating charges; Mortgages; Convertible debentures

Module 2

Conservation of Corporate Finance (Contact Hours – 12)

- a. Regulation by disclosure
- b. Control on payment of dividends
- c. Managerial remuneration
- d. Payment of commissions and brokerage
- e. Inter-corporate loans and investment
- f. Buy-back of shares
- g. Other corporate spending

Module 3

Investor Protection (Contact Hours – 12)

- a. Protection of creditors
 - a. Need for creditor protection

- b. Preference in payment
 - c. Rights in making company decisions affecting creditor interests
 - d. Creditor self-protection
 - e. Incorporation of favourable terms in lending contracts
 - f. Right to nominate directors
 - g. Control over corporate spending
- b. Protection of Shareholders
- a. Individual shareholder rights
 - b. Corporate membership right
 - c. Derivative actions
 - d. Qualified membership right
 - e. Conversion, consolidation and re-organisation of shares
 - f. Transfer and transmission of securities
 - g. Dematerialization of securities

Module 4

Corporate Fund Raising and Regulations (Contact Hours – 12)

- a. Depositories – IDR (Indian depository receipts), ADR(American depository receipts), GDR(Global depository receipts)
- b. Public financing institutions - IDBI, ICICI, IFC and SFC
- c. Mutual fund and other collective investment schemes
- d. Institutional investments - LIC, UTI and banks
- e. FDI and NRI investment - Foreign institutional investments (IMF and World bank
- f. Administrative Regulation on Corporate Finance
- i. Inspection of accounts; SEBI; Central government; Registrar of companies; RBI control

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)

Course Title/ Code	Corporate Insolvency and Bankruptcy Law (LWH633)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-0-0-0)
Objectives	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

CO1: differentiate between insolvency and bankruptcy;

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;

Module 1

The fundamentals of debt contracting (Contact Hours – 6)

- a. Corporate Debt
- b. Events of Default
- c. Security interests
- d. Debt priority

Module 2

The Bankruptcy Process (Contact Hours – 20)

- a. Insolvency and Bankruptcy Act
 - i. Trigger Operation
 - ii. The Automatic Stay
 - iii. Avoidance of pre-bankruptcy transactions
- b. Restructuring and reorganization plan
- c. The treatment of executory contracts
 - i. Land Contracts
 - ii. Contract for sale of goods
 - iii. Employment Contracts

Module 3

Corporate Debt Restructuring and other options (Contact Hours – 10)

- a. Reduction in Share Capital
- b. Compromise or arrangement with creditors
- c. Corporate reorganization
- d. Special Procedure for Banks and Financial Institutions
- e. Special Procedure for Government Companies
- f. Other laws – SICA & SARFAESI Act

Module 4

Cross-border bankruptcies (Contact Hours – 5)

- e. Transnational Legal principles

- f. Conflict of laws
- g. UNCITRAL Model Law on Cross-border Insolvency
- h. Assistance to Foreign Courts
- i. Commencement of Proceedings by a foreign creditor
- j. Recognition of Foreign Proceedings

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 Liquerman, *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.

Course Title/ Code	Corporate Mergers and Acquisitions (LWH634)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-0-0-0)
Objectives	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;.

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
 - i. 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" 31st *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)

Course Title/ Code	Competition Law (LWH635)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-0-0-0)
Objectives	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;

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; regulatory role
- b. Competition Appellate Tribunal
 - a. Composition, Functions, Powers and Procedure; Award Compensation; Power to punish for contempt; 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. Anantaraman, *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*

SCHEME AND SYLLABUS
LL.M. (Criminal Law)
LWP01

SEMESTER – I

Subject Code	SUBJECT NAME	Credits	L	P	O	Contact Hrs/Week
LWH601	Research Methods and Legal Writing	3	2	1	0	3
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
LWH641	Elective I (General Principles of Criminal Law)	2	2	0	0	2
LWH642	Elective II (Criminal Procedure)	2	2	0	0	2
	TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)	13	10	3	0	13

SEMESTER – II

Subject Code	SUBJECT NAME	Credits	L	P	O	Contact Hrs/Week
LWH643	Elective III (Specific Crimes)	2	2	0	0	2
LWH644	Elective IV (Socio-Economic Offences)	2	2	0	0	2
LWH645	Elective V (Organized Crimes)	2	2	0	0	2
LWH646	Elective VI (Criminal Justice System and Human Rights)	2	2	0	0	2
LWH604	DISSERTATION	4	0	0	4	4
	TOTAL (L-T-P-O/CONTACT HOURS/CREDITS)	12	8	0	4	12

Course Title/ Code	Research Methods and Legal Writing (LWH601)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-1-0-0)
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.

Module 1

An Introduction to Legal Research (Contact Hours – 10)

- e. Evolution, Meaning, Scope and Purpose
- f. Kinds of Legal Research-Doctrinal or Traditional Research
- g. Non-Doctrinal or Empirical Research
- h. Descriptive and Analytical Research
- i. Applied and Fundamental Research
- j. Quantitative and Qualitative Research
- k. Mono-Disciplinary and Trans disciplinary Research

Module 2

Legal Research and Methods (Contact Hours – 10)

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

Module 3

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

- m. Use of Library, Use of Modern Technology/ Computer Assisted Research
- n. Data collection Techniques, Sampling Procedures
- o. Sampling Procedures: Importance of Sampling.
- p. Advantages and Limitations of Sampling, Theoretical basis of Sampling,

- q. Types of Sampling, Probability and Non-probability Sampling, Sampling and Non-sampling Error.
- r. 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)

- o. Essentials of Good Legal Writing
- p. Structured Legal Writing: Organization of Legal Materials
- q. Framing of Write Up: Research Question, Title, Identifying relevant areas of law.
- r. Writing for Academic Purpose; Writing for Court Purposes: Briefs,
- s. Citation, Reference and Footnoting
- t. Writing of Research Proposal
- u. Dissertation/ Thesis Writing

Reference Material

35. C. R. Kothari, *Research Methodology: Methods and Techniques* (Vishwa Prakashan)
36. Dennis P. Force and Stephen Richer (ed.), *Stages of Social Research: Legal Writing: Contemporary Perspectives* 1970 (New Jersey : Prentice Hall).
37. Dr. H. N. Tiwari, *Legal Research Methodology* 2015 (Allahabad Law Agency)
38. Erwin C. Surrency B. Field, *Guide to Legal Research* 1959
39. Frederic Charles Hicks, *Materials and Methods in Legal Research* (Lawyers Cooperative Publishing, New York).
40. Goode and Hall, *Methods in Social Research* 1985 (Singapore: MacGraw Hill Book Co.)
41. H. M. Hyman, *Interviewing in Social Research* (1965)
42. Harvard Law Review Association, *The Bluebook: Uniform system of Citation* (Harvard Law Review, Harvard).
43. High Brayal, Nigel Duncan and Richard Crimes, *Clinical Legal Education: Active Learning in your School* 1998 (Blackstone P. Press Limited, London)
44. Janathan Anderson, *Thesis and Assignment Writing* (Wiley Eastern Ltd., New Delhi).
45. Johan Galtung, *Theory And Methods of Social Research* 1970 (London: George Allen & Unwin Ltd.)
46. Leon Festinger (ed.), *Research Methods in Behavioral Sciences* 1953 (Holt, Rinehart and Winston, New York).
47. Mi. Tanulingam, *Research Methodology* (Himalaya Publishing)
48. P. Saravanel, *Research Methodology* (Kitab Mahal)
49. Pauline V. Young, *Scientific Social Surveys and Research* 1984 (New Delhi: Prentice Hall of India)
50. S. K. Verma & Afzal Wani, *Legal Research and Methodology* (Indian Law Institute, New Dethi)
51. William I Grade and Paul K Hatt, *Methods in Social Research*, (Mc GrawHill Book Company, London)

Course Title/ Code	Comparative Public Law/Comparative Systems of Governance (LWH602)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-1-0-0)
Objectives	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;

Module 1

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

- g. Historical Development of Public Law, Meaning, Nature and Significance
- h. Constitutional and Administrative Law- A Comparative Study
- i. "Third World" Approaches to Global Law

Module 2

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

- k. Unification of the World Law
- l. Tools of Comparative Law
- m. Legislative Mechanism-Common Law, Civil Law
- n. Topology of Federalism-USA and India
- o. Comparative Public Interest Litigation

Module 3

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

- k. Essential Features of Constitutionalism
- l. Rule of Law-Dicey's Concept of Rule of Law, Modern Concept of Rule of Law
- m. Separation of Powers, Checks and Balances
- n. Methods of Constitutional Review, Judicial and Political Review
- o. Limitations on Judicial Review

Module 4

Comparative Criminal Law (Contact Hours – 10)

- i. Domestic Violence Law-National, International
- j. Plea Bargaining-USA, India
- k. Juvenile Justice
- l. White Collar Crimes

Reference Material

43. 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).
44. Bruce Ackerman, "The New Separation of Powers" 113 (3) *Harv. L. Rev.* 634-729 (2000)
45. 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)
46. Chhavi Agarwal, "Rule of Law: Reflection upon we the People and Beyond" 252 (1) *Madras Law Journal* 8-16 (2010)
47. Chris Brown and Ainley Kirsten, *Understanding International Relations*, 2009 (New York: Palgrave Macmillan(4th edition)
48. D.D. Basu, *Comparative Constitutional Law* (2nd ed.) (Wadhwa ,Nagpur).
49. David King, "Formalizing Local Constitutional Standards of Review and the Implications for Federalism" 97 (7) *Virginia Law Review* 1685-1726 (November 2011).5)
50. David Strauss, *The Living Constitution* 2010 (Oxford University Press)
51. Dr. Subhash C Kashyap, *Framing of Indian Constitution* 2004 (Universal Law)
52. Elizabeth Giussani, *Constitutional and Administrative Law* 2008 (Sweet and Maxwell)
53. Erwin Chemerinsky, *Constitutional Law, Principles and Policies* 2006 (3rd ed.) (Aspen)
54. J.D.M Derrett, *An Introduction to Legal Systems* (3rd Ed.) (Universal Law)
55. M.V. Pylee, *Constitution of the World* 2006 (Universal)
56. Mahendra P. Singh, *Comparative Constitutional Law* 1989 (Eastern Book Company, 1989).
57. Mark Tushnet, *Global Perspectives on Constitutional Law* 2009 (Oxford University Press).
58. Neal Devins and Louis Fisher, *The Democratic Constitution* 2010 (Oxford University Press)
59. Prakash Chandra, *International Relations* 2010 (Vikas Publishing House)
60. S.N Ray, *Judicial Review and Fundamental Rights* 1974 (Eastern Law House).
61. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, *Comparative Constitutionalism in South Asia* 2013 (Oxford University Press).
62. V.N. Khanna, Christopher Forsyth, Mark Elliott, Swati Jhaveri, *Effective Judicial Review: A Cornerstone of Good Governance* 2010 (Oxford University Press).
63. Zachery Elkins, Tom Ginsburg, James Melton, *The Endurance of National Constitutions* 2009 (Cambridge University Press).

Course Title/ Code	Law and Justice in Globalizing World (LWH603)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-1-0-0)
Objectives	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;

Module 1

Legal Globalization- An Introduction (Contact Hours- 10)

- g. Meaning of "globalization" in a contemporary context
- h. Introduction to the Increasing Globalization of Law
- i. 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)

- i. The Concept of Global Justice
- j. Treaties and the Role of Customary International Law
- k. International Implementation System (International Court of Justice, International Criminal Court)
- l. Inter-American Court, European Court of Justice

Module 3

Human Rights and Humanitarian Law (Contact Hours-10)

- i. War, Terrorism & Genocide, and Humanitarian Intervention;
- j. Migration, Refugees, Asylums, and Movement of People Across Borders;
- k. Alien Tort Claims Act and Fighting Human Rights Abuses Across Borders;
- l. Universal Jurisdiction for Crimes Against Humanity/War Crimes;

Module 4

Law and Economic Justice; Law & Social Justice

- i. Global Poverty; Inclusion and Equity for Vulnerable Groups;
- j. Labor Issues Including Outsourcing and Shifting Labor Markets.
- k. Equality and Minority Rights (E.G., Women and Human Rights);

1. Environment & Natural Resources ;Climate Change; Anti-Corruption

Reference Material

37. Chi Carmody, Frank J. Garcia, & John Linarelli, *Global Justice and International Economic Law: Opportunities and Prospects* 2012 (ASIL Studies in International Legal Theory)
38. David Weissbrodt, FionnualaNíAoláin, Joan Fitzpatrick, and Frank Newman, *International Human Rights: Law, Policy and Process* 2008 (4th ed)
39. 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)
40. Helen M. Stacy & Win Chiat Lee, *Economic Justice: Philosophical and Legal Perspectives* 2012.
41. Hurst Hannum, *International Human Rights: Problems of Law, Policy, and Practice* 2011.
42. International Covenant on Economic, Social, and Cultural Rights (ICESCR) and Optional Protocol www2.ohchr.org/english/law/pdf/cescr.pdf; www2.ohchr.org/english/law/docs/A.RES.63.117_en.pdf
43. Jean-Marc Coicaud, Michael W. Doyle et al (eds.), *The Globalization of Human Rights* 2003 (United Nations University Press).
44. John Baylis, Steve Smith, et al (eds.) *The Globalization of World Politics: An Introduction to International Relations* 2008 (OUP).
45. Karl-Heinz Ladeur (ed.), *Public Governance in the Age of Globalization* 2004.
46. Laura Valentini, *Justice in a Globalizing World: A Normative Framework* 2011 (OUP).
47. M. Abouharb, David Cingranelli, *Human Rights and Structural Adjustment* 2007 (Cambridge University Press)
48. Pablo De Greiff and Ciaran Cronin (eds.), *Global Justice and Transnational Politics: Essays on the Moral and Political Challenges of Globalization* 2002 (MIT Press).
49. Percy E. Corbett, *The Growth of World Law* 1971.
50. 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>
51. Rosalyn Higgins, *Development of International Law through the Political Organs of the United Nations* 1963.
52. Simon Coney, *Justice Beyond Borders: A Global Political Theory* 2005 (Oxford University Press).
53. Upendra Baxi, *The Future of Human Rights* 2002 (OUP).
54. Warner Menski, *Comparative Law in Global Context: The Legal Systems of Asia and Africa* 2006 (Cambridge University Press).

Course Title/ Code	General Principles of Criminal Law (LWH641)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-0-0-0)
Objectives	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 Pradhanania 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

Course Title/ Code	Criminal Procedure (LWH642)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-0-0-0)
Objectives	The objective of this paper is

Module 1

Introduction to Criminal Procedure (Lectures-10)

- a. Object and Importance of Cr.P.C
- b. Functionaries under the Cr.P.C
- c. Basic Concepts: Bailable Offence, Non-Bailable Offence, Cognizable Offence , Non-cognizable Offence, Complaint, Charge, Police Report, Investigation, Inquiry and Trial, Summons Case, Warrant Case

Module 2

Arrest, Bail and Pre-Trial Proceedings (Lectures-10)

- a. Arrest and Rights of an Arrested Person
- b. Provision for Bail under the Code
- c. Process to Compel Appearance of Person
- d. Process to Compel Production of Things
- e. Condition Requisites for Initiation of Proceeding
- f. Complaint to Magistrate
- g. Commencement of Proceeding before Magistrate

Module 3

Trial Proceedings (Lectures -10)

- a. Framing of Charges and Joinder of Charges
- b. Jurisdiction of the Criminal Courts in Inquiries and Trials
- c. Types of trials: Sessions Trial, Warrant Trial, Summons Trial, Summary Trial
- d. Judgement and Sentences under the Code
- e. Submission of Death Sentences for Confirmation
- f. General Provisions as to Inquiries and Trial
- g. Execution, Suspension, Remission and Commutation of Sentences

Module 4

Miscellaneous (Lectures -10)

- a. Appeal
- b. Reference and Revision
- c. Inherent Power of Court
- d. Transfer of Criminal Cases
- e. Plea Bargaining

Reference Material

1. Bare Act of Code of Criminal Procedure, 1972
2. Justice P.S. Narayana, *Code of Criminal Procedure* 2012 (ALT Publication)
3. K.N. Chandrasekharan Pillai, *Criminal Procedure* 2014 (Eastern Book Company)
4. K.N. Chandrasekharan Pillai, *R.V. Kelkar's Lectures on Criminal Procedure* 2013 (Eastern Book Company)
5. Mitter Aiyer, *Law of Bails – Practice and Procedure* 2012 (Law Publishers (India) Pvt.Ltd.,)
6. P.K. Majumdar, *Law of Bails, Bonds and Arrest* 2012 (Orient Publication)
7. P.V. Ramakrishna, *Law of Bail, Bonds, Arrest and Custody* 2008 (LexisNexis)
8. Ratanlal & Dhirajlal, *Criminal Procedure*, 2012 (Lexis Nexis Butterworths Wadhwa, Nagpur)
9. S.C. Sarkar, *The Law of Criminal Procedure*, 2017 (Wadhawa & Co. Nagpur)

Course Title/ Code	Specific Crimes under IPC (LWH643)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-0-0-0)
Objectives	The objective of this course is to provide a sound understanding of the substantial penal provisions relating to offences against both body and property and trial of such offences in the Indian criminal justice system.

Module 1

Offences against body (Contact Hours- 10)

- a. Culpable Homicide and Murder (Ss. 299-304B, 306-309)
- b. Death caused by Rash and Negligent Act (S. 304A)
- c. Hurt and Grievous Hurt (Ss. 319-326B)
- d. Kidnapping and Abduction (Ss.359-363)
- e. Sexual Offences (Ss. 354-354D, 375-377)

Module 2

Offences against property (Contact Hours- 10)

- a. Theft, Extortion, Robbery and Dacoity (ss. 378, 383, 390-391)
- b. Criminal Misappropriation (SS. 403-404)
- c. Criminal Breach of Trust (s. 405)
- d. Cheating (ss. 415-420)
- e. Criminal Trespass (ss. 441-445)

Module 3

Offences against Marriage (Contact Hours- 5)

- a. Bigamy (ss. 494-495)
- b. Adultery (s. 497)
- c. Cruelty to Wife (s. 498-A)

Module 4

Offence of Defamation and Punishments (Contact Hours – 10)

- a. Defamation
- b. Purpose of Punishment
- c. Different Kinds of Punishments
- d. Capital Punishment and Its justification

Reference Material

1. Jacob Richards, “Autonomy, Imperfect Consent, and Polygamist Sex Rights Claims” 98(1) *California Law Review* 197-242 (February 2010)
2. Jacob Rowbottom, “To Rant, Vent and Convene: Protecting Low Level Digital Speech” 71(2) *Cambridge Law Journal* 355-383 (July 2012).
3. Jason Bosland, Andrew T. Kenyan and Sophie Walker, “Protecting Inferences of Fact in Defamation Law” 74(2) *Cambridge Law Journal* July 234-260 (2015)
4. K.I. Vibhute, “Consensual Homosexuality and the Indian Penal Code: Some Reflections on Interplay of Law and Morality” 51(1) *Journal of the Indian Law Institute* 1-31 (January-March 2009)

5. Katherine O' Donovan, "Defences for Battered Women Who Kill" 18(2) *Journal of Law and Society* 219-240 (1991)
6. Lisa R. Eskow, "The Ultimate Weapon?: Demythologizing Spousal Rape and Reconceptualizing Its Prosecution" 48(3) *Stanford Law Review* 677-709 (February 1996)
7. Michael Neill, "Unproper Beds: Race, Adultery, and the Hideous in Othello" 40(4) *Shakespeare Quarterly* 383-412 (Winter, 1989)
8. Phyllis L. Crocker, "Crossing the Line: Rape-Murder and the Death Penalty" 26 *Ohio Northern University Law Review* 689-723 (2000)
9. Shyam Krishnan Kaushik, "A Relationship in the nature of Marriage - Hope and Disappointment" 53(3) *Journal of the Indian Law Institute* 474-490 (July-September 2011)
10. Upendra Baxi *et al*, *An Open Letter to the Chief Justice of India*, (1979) 4 SCC (J) 17-23
11. V.K. Jayadevan, "Right of the 'Alive' (who) but has no Life at all- Crossing the Rubicon from Suicide to Active Euthanasia" 53(3) *Journal of the Indian Law Institute* 437-473 (July-September 2011)
12. Vern L. Bullough, "Medieval Concepts of Adultery" 7(4) *Arthuriana* 5-15 (Winter 1997)

Reference Cases

1. *Anda v. State of Rajasthan* AIR 1966 SC 148 (liability u/ss. 302/34)
2. *Cherubin Gregory v. State of Bihar* AIR 1964 SC 205 (death by electrocution)
3. *Common Cause v. Union of India* (2014) 5 SCC 338 (right to euthanasia)
4. *Dilip v. State of Madhya Pradesh* (2013) 14 SCC 331 (consent of prosecutrix)
5. *Gyarsibai v. State* AIR 1953 MB 61 (comparison between ss. 299(c) and 300(4))
6. *In re Thavamani*, AIR 1943 Mad 571 8
7. *K.M. Nanavati v. State of Maharashtra* AIR 1962 SC 605 (grave and sudden provocation)
8. *Kalu Ram v. State of Rajasthan* (2000) 10 SCC 324 (offence of culpable homicide not amounting to murder where death of other person intended)
9. *Manorama Tiwari v. Surendra Nath Rai* 2015 (9) SCALE 747 (medical negligence)
10. *Mrs. Rupan Deol Bajaj v. Kanwar Pal Singh Gill* 1996 AIR SC 309 (outrage of modesty of woman)
11. *Mustafa Shahdal Shaikh v. State of Maharashtra* AIR 2013 SC 851 ('soon before her death' u/s. 304B)
12. *Navtej Singh Johar v. Union of India* (Writ Petition (criminal) no. 76 of 2016). (Sec 377 partially held unconstitutional).
13. *Naz Foundation v. Govt. of NCT, Delhi* 2010 CriLJ 94 (Del) (decriminalization of consensual homosexual acts between adults)
14. *Nikhil Soni v. Union of India* WP (C) 7414/2006 of Rajasthan High Court (Jaipur Bench) (Jain practice of Santhara as liable u/s. 309)
15. *Palani Goundan v. Emperor* 1919 ILR 547 (Mad) (direct cause of death)
16. *Pushpanjali Sahu v. State of Orissa* AIR 2013 SC 1119 (adequate and special reasons for less than minimum sentence)
17. *Ramkaran Mohnton v. State* AIR 1958 Pat 452 (distinction between hurt and grievous hurt)
18. *Rattan Singh v. State of Punjab* AIR 1988 SC 2147 (death caused where no intention or knowledge to cause death)
19. *Ravindra v. State of Madhya Pradesh* (2015) 4 SCC 491 (compounding of offence of rape)
20. *Rawalpenta Venkalu v. State of Hyderabad* AIR 1956 SC 171 (comparison between s. 299(a) and s. 300(1))
21. *S. Varadarajan v. State of Madras* AIR 1965 SC 942 (taking out of the keeping u/s. 361)
22. *S.N. Hussain v. State of Andhra Pradesh* AIR 1972 SC 685 (liability of railway gateman for death by crossing railway tracks)
23. *Sakshi v. Union of India* (2004) 5 SCC 518 (meaning of penetration u/s. 375 and unnatural offence u/s. 377)

24. Saleha Khatoon v. State of Bihar 1989 CriLJ 202 (Pat) (sexual intercourse on promise of marriage)
25. Sayaji Hanmat Baukar v. State of Maharashtra AIR 2011 SC 3172 (sudden fight)
26. State of Haryana v. Raja Ram (1973) 1 SCC 544 (inducement on the part of accused without use of force or fraud)
27. State of Punjab v. Balwinder Singh AIR 2012 SC 861 (rash and negligent driving)
28. State of Punjab v. Gurmit Singh (1996) 2 SCC 384 (observations on rape trials)
29. State v. Sanjeev Nanda (2012) 8 SCC 450 (sentencing in rash and negligent driving cases)
30. Thakorlal D. Vadgama v. State of Gujarat AIR 1973 SC 2313 (meaning of enticement u/s. 361)
31. Virsa Singh v. State of Punjab AIR 1958 SC 465 (comparison between ss. 299(b) and 300(3))

Course Title/ Code	Socio-Economic Offences (LWH644)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-0-0-0)
Objectives	Understanding the historical background of the emergence of concept of White Collar Crime, multifarious ways in which White Collar Crimes can be committed, grasp and analyse the existing legal frameworks to curb and penalize the White Collar Crimes.

Module 1

Introduction to Socio- Economic Offences (Contact Hours- 5)

- 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.

Module 2

Evolution of the Concept of White Collar Crime (Contact Hours- 10)

- a. White Collar Crime: Definitional issues,
- b. Sutherland’s definition of white collar crime,
- c. Various types of white collar crime
- d. Relationship with other types of crimes, Blue collar crime,
- e. Corporate crime, organized transnational crime, Occupational crime

Module 3

Laws and Regulations for White Collar Offences (Contact Hours- 15)

- a. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989
- b. The Protection of Women from Domestic Violence Act, 2005
- c. The Food Safety and Standards Act, 2006
- d. The Prevention of Corruption Act, 1988

Module 4

Special enforcement procedure (Contact Hours- 5)

- a. Issues in detection, investigation, prosecution and trial
- b. Sentencing policy and practices with respect to economic offences,
- c. Difficulty in the enforcement of laws.

Reference Material

1. Ahmed Siddiqui, *Criminology: Problems and Perspectives* (4th Ed., 1997)
2. Farhad Anabui and Andrew Kakabadse, *Corporate sabotage* 2004 (Jaico Publishing House)
3. Richard H Blum, *Delivers and Deceived* 1972 (Charles, C. Thomas Publishers)
4. Jack Bologna, *Corporate Fraud* 1984 (Butterworth Publishers)
5. J.S.P. Singh, *Socio- Economic Offences* (1st Ed., 2005, Reprint 2015)
6. Kumar (Revised by Justice A.B. Srivastava and C.S. Lal), *Commentaries on Prevention of Food Adulteration Act, 1954* (3rd Ed., 2009)
7. Bhure Lal, *Money Laundering: An insight into the dark world of Financial Frauds* 2003 (Siddharth Publications)
8. Lawyers Collective (Ed. by Indira Jaising), *Handbook on Law of Domestic Violence* (1st Ed., 2009)
9. M. C. Mehanathan, *Law on Prevention of Money Laundering in India* 2014.
10. Mahesh Chandra, *Socio- Economic Offences* 1979.

11. H.L. Mansukhani, *Smuggler's Paradise and Foreign Exchange Law* 1978 (Vikas Publishing)
12. Frederick Oughton, *Fraud and White collar crime* 1971 (Eleck Bock Ltd.,)
13. P.S. Narayan, *Commentary on Immoral Traffic Prevention Act, 1956* (2nd Ed., 2013)
14. Jonathan Reuvid, *The Regulation and prevention of Economic Crime* 1995.
15. Seth and Capoor, *Prevention of Corruption Act* (3rd Ed., 2000)
16. T.V. Nawal, *Legally Combating Atrocities against SC and ST* 2004.

Course Title/ Code	Organized Crimes (LWH645)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-0-0-0)
Objectives	Understanding the history, hierarchal organizational structure, patterns and characteristics of organized crime.

Module 1

Introduction to Organized Crime (Contact Hours- 5)

- a. Meaning, Nature, Definition and Scope of organized crime
- b. Patterns and Characteristics of organized crime
- c. Types of organized crime
- d. Causes of organized crime

Module 2

Classification of Organized Crime (Contact Hours- 5)

- a. Smuggling, Money Laundering and Hawala
- b. Terrorism
- c. Counterfeiting of Currency
- d. Drug trafficking: NDPS Act penal provisions
- e. Cyber Crimes and penal provisions in IT Act, 2000 (Sec.65, 66 & 67)
- f. Trafficking of women and children
- g. Trafficking of Human Organs (penal provisions)

Module 3

Investigation and Prosecution of Organized Crime (Contact Hours – 10)

- a. Criminal Intent and mens rea in such crimes
- b. Modus operandi of organized crime
- c. Role of Police in Investigation of organized crime
- d. Role of Judiciary, Trial and Sentencing in organized crime

Module 4

International Perspective of Organized Crime (Contact Hours- 5)

- a. Organized crime and United Nations
- b. United Nations Conventions Against Organized Crime 15th Dec. 2000 (Salient features)
- c. Extradition Treaty: Extradition Act 1962 (Relevant Provisions)

Reference Material

1. Attra Chand, *Terrorism Political Violence Security of Nation* (Gian Publishing House, New Delhi)
2. Extradition Treaty & Extradition Act, 1962
3. Immoral Traffic (Prevention) Act, 1956
4. Maharashtra Control of Organized Crimes Act 1999
5. K M Mathur, *Crime, Human Rights and National Securities* (Gian Publishing House, New Delhi)
6. Nadan Kamat, *Computer and Information Technology Law* 2001
7. Naples Declaration and Global Action Plan, 1994
8. Narcotic Drugs and Psychotropic Substances Amendment (Act) 2001
9. William A Schabas, *International Criminal Court* (1st Ed. 2001) (Cambridge University Press)

Course Title/ Code	Criminal Justice System and Human Rights (LWH646)
Course Type:	Core (Departmental)
Course Nature:	Hard
L-T-P-O Structure	(2-0-0-0)
Objectives	This paper critically examines the relationship and tensions among the key players in criminal justice – the criminal laws, State, accused, suspects, offenders, victims and society at large. It also assesses the capacity of criminal justice systems to ensure the protection of human rights of different stakeholders.

Module 1

Introduction to Criminal Justice and Criminology (Contact Hours – 7)

- a. Concept, Nature, Definition and Characteristics of Crime.
- b. Development of Criminal Law and Criminal Justice System during British period and post independent period
- c. Definition and Theories of Criminology - Social, Psychological and Legal approaches
- d. Adversarial and inquisitorial systems of Criminal Justice

Module 2

Crime Trends and Human Rights Issues (Contact Hours- 12)

- a. Profile of Crimes in India: Rate of crime; proportion of different crimes; age, sex, education, economic status of offenders; trends in crime; conviction rate
- b. Arrest, police and judicial custody; Grant of bail and under-trial prisoners; torture during Interrogation; use of forensic and scientific investigation techniques.
- c. Speedy and Fair Trial; Quality Legal Aid; Witness and Victim Protection; Role and Rights of Victims; Plea Bargaining; Compensation to Victims.

Module 3

Human Rights Perspective and State's response to Crime (Contact Hours – 10)

- a. Meaning and Concept of Punishment;
- b. Death penalty: Retention or abolition debate and Legal and Constitutional issues; Imprisonment and Prisoners' rights;
- c. Non-custodial punishments of release after due admonition, probation, fine, forfeiture of property; public censor

Module 4

International Framework of Human Rights in Criminal Justice (Contact Hours – 6)

- a. Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World
- b. United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)
- c. UN Standard minimum rules for treatment of prisoners

Reference Material

1. Constitutions"
2. Criminal Justice Response to Support Victims of Acts of Terrorism
3. Critique of Malimath Committee Report, part 1 and 2
4. Delhi Victim Compensation Scheme 2012
5. International Procedural Protections and Equivalent Protections in National
6. K. I. Vibhute, Criminal Justice A Human Rights Perspective of the Criminal Justice

7. Latest Prison Statistics from website of government agencies
8. M. Cheif Bassiouni, "Human Rights in the Context of Criminal Justice: Identifying
9. Malimath Committee Report on Criminal Law Reforms, 2004
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
13. Process in India (2004) Eastern Book Company
14. Reports of the Law Commission of India – 35, 154, 156, 172, 177, 185, 203
15. Rome Statute of International Criminal Court
16. Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime
17. UN Standard Minimum Rules for Treatment of Prisoners
18. United Nations Rules for the Treatment of Women Prisoners and Non-custodial
19. World