



**Program Structure and Syllabus**

**Master of Laws**

**LL.M.**

**Duration: 01 Years**

**Batch: 2024-2025**

**School of Law**

**Vision**

To be a global leader in education, research, and innovation, empowering higher learning ecosystem.

**Mission**

- Empower all the members of the Bennett ecosystem and provide thought leadership, focus on nation building and prepare our graduates to move with the Times.
- Cultivate international partnerships and collaborations with academic institutions, industry, and government organizations and provide a rigorous and innovative education that equips students with the knowledge, skills, and ethical values required to excel in their careers.
- Foster a culture of lifelong learning, adaptability, and critical thinking, ensuring graduates are prepared to tackle emerging challenges in all academic fields.
- Drive interdisciplinary research and innovation, pushing the boundaries of human knowledge, addressing pressing global issues and solving real world problems.
- Enhance a collaborative environment that encourages faculty and students to engage in research, innovation, and entrepreneurship, creating a lasting impact on society.
- Promote diversity, equity, and inclusion, ensuring that all individuals, regardless of background, feel welcomed, respected, and empowered.
- Prepare students to become global citizens, capable of addressing global challenges and contributing to the well-being of communities worldwide.
- Provide a globally connected career services networking with graduate employers and alumni.
- Foster a strong sense of ethical responsibility in our graduates, emphasizing the importance of ethical conduct, sustainability, and social impact in professional practice.
- Commit to ongoing assessment and improvement of our programs and invest in modern infrastructure and advanced technology to support teaching, research, and innovation adapting to the evolving needs of students, industries, and society.

**Vision of the School:**

To become a centre of excellence in legal education, research, and advocacy towards Justice for all

**Mission of the School:**

- To strive for academic excellence with global and multidisciplinary approach.
- To prepare students with highest standards of professionalism.
- To strengthen the integrity and dynamism of the legal system.
- To focus on legal aid and develop social consciousness

### Program Educational Objectives (PEO):

**PEO1:** To develop their legal skills to analyse legal issues and contribute to the public policy discourse

**PEO2:** To impart advanced research skills.

**PEO3:** To promote critical thinking in the specialised domain to be competitive in a fast-globalizing legal world.

**PEO4:** To inculcate empathy to be socially responsible lawyers, judges and teachers etc.

**PEO5:** To improve inter-personal skills and emotional intelligence, which are essential for working in a diverse array of sectors and workplaces.

| <b>Mission Statements</b><br><br><hr/> <b>PEO Statements</b><br> | To strive for academic excellence with global and multidisciplinary approach. | To prepare students with highest standards of professionalism. | To strengthen the integrity and dynamism of the legal system. | To focus on legal aid and develop social consciousness |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------------------------------------------|---------------------------------------------------------------|--------------------------------------------------------|
| <b>PEO1:</b> To develop their legal skills to analyse legal issues and contribute to the public policy discourse                                                                                                                   | 2                                                                             | 2                                                              | 2                                                             | 3                                                      |
| <b>PEO2:</b> To impart advanced research skills.                                                                                                                                                                                   | 2                                                                             | 3                                                              | 2                                                             | 2                                                      |
| <b>PEO3:</b> To promote critical thinking in the specialised domain to be competitive in a fast-globalizing legal world.                                                                                                           | 3                                                                             | 1                                                              | 2                                                             | 2                                                      |
| <b>PEO4:</b> To inculcate empathy to be socially responsible lawyers, judges and teachers etc.                                                                                                                                     | 1                                                                             | 3                                                              | 3                                                             | 1                                                      |
| <b>PEO5:</b> To improve inter-personal skills and emotional intelligence, which are essential for working in a diverse array of sectors and workplaces.                                                                            | 2                                                                             | 2                                                              | 3                                                             | 2                                                      |
|                                                                                                                                                                                                                                    | <b>1: Low</b>                                                                 | <b>2: Medium</b>                                               | <b>3: High</b>                                                |                                                        |

### Program Outcomes (POs):

**PO1:** Demonstrate a high level of proficiency and understanding of the chosen area of specialization.

**PO2:** Explore comparative perspective keeping in mind latest legal developments.

**PO3:** Contribute to legal research and understanding from an academic and practitioner's perspective in an interdisciplinary manner.

**PO4:** Address the social, economic and political concerns of the society.

**PO5:** Uphold the highest traditions of ethics and humanity in legal practice, research, and academia.

**Mapping of POs to PEOs:**

| <b>PEO Statements</b><br> | <b>PEO1</b> | <b>PEO2</b> | <b>PEO3</b> | <b>PEO4</b> | <b>PEO5</b> |
|------------------------------------------------------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|
| <b>Program Outcomes</b>                                                                                    |             |             |             |             |             |
| <b>PO1</b>                                                                                                 | 2           | 3           | 3           | 3           | 2           |
| <b>PO2</b>                                                                                                 | 3           | 3           | 1           | 2           | 1           |
| <b>PO3</b>                                                                                                 | 3           | 3           | 2           | 1           | 2           |
| <b>PO4</b>                                                                                                 | 2           | 2           | 1           | 2           | 2           |
| <b>PO5</b>                                                                                                 | 2           | 2           | 1           | 2           | 3           |

**1: Low**

**2: Medium**

**3: High**

**List of Courses:****Semester: I**

| S. No.               | Course Name                            | Course Code | Credit    | L | T | P |
|----------------------|----------------------------------------|-------------|-----------|---|---|---|
| 1.                   | Law and Justice in Globalizing World   | LLLM101L    | 3         | 3 | 0 | 0 |
| 2.                   | Comparative Public Law                 | LLLM103L    | 3         | 3 | 0 | 0 |
| 3.                   | Research Methods and Legal Writing     | LLLM105L    | 3         | 3 | 0 | 0 |
| 4.                   | Foundation of Corporate Law and Policy | LLLM107L    | 2         | 2 | 0 | 0 |
| 5.                   | Banking and Insurance Law              | LLLM109L    | 2         | 2 | 0 | 0 |
| <b>Total Credits</b> |                                        |             | <b>13</b> |   |   |   |

**Semester: II**

| <b>Specialization: Corporate Law</b> |                                                            |             |           |   |   |   |
|--------------------------------------|------------------------------------------------------------|-------------|-----------|---|---|---|
| S. No.                               | Course Name                                                | Course Code | Credit    | L | T | P |
| 1.                                   | Competition Law and Corporate Restructuring                | LLLM102L    | 2         | 2 | 0 | 0 |
| 2.                                   | Corporate Restructuring – Bankruptcy and Liquidation       | LLLM104L    | 2         | 2 | 0 | 0 |
| 3.                                   | Securities Market & Investment: Law, Regulation & Practice | LLLM106L    | 2         | 2 | 0 | 0 |
| 4.                                   | Law, Technology and E-Commerce                             | LLLM110L    | 2         | 2 | 0 | 0 |
| 5.                                   | Dissertation                                               | LLLM108L    | 4         | 0 | 0 | 4 |
| <b>Total Credits</b>                 |                                                            |             | <b>12</b> |   |   |   |

| <b>Specialization: Criminal Law</b> |                                                 |             |           |   |   |   |
|-------------------------------------|-------------------------------------------------|-------------|-----------|---|---|---|
| S. No.                              | Course Name                                     | Course Code | Credit    | L | T | P |
| 1.                                  | Socio-Economic Offences and White Collar Crimes | LLLM112L    | 2         | 2 | 0 | 0 |
| 2.                                  | Juvenile Justice                                | LLLM114L    | 2         | 2 | 0 | 0 |
| 3.                                  | National Security Laws                          | LLLM116L    | 2         | 2 | 0 | 0 |
| 4.                                  | International Criminal Law                      | LLLM118L    | 2         | 2 | 0 | 0 |
| 5.                                  | Dissertation                                    | LLLM108L    | 4         | 0 | 0 | 4 |
| <b>Total Credits</b>                |                                                 |             | <b>12</b> |   |   |   |

# Semester I

|                                 |                                             |          |          |          |          |
|---------------------------------|---------------------------------------------|----------|----------|----------|----------|
| <b>Name of Program</b>          | <b>LL.M.</b>                                |          |          |          |          |
| <b>LLLM101L</b>                 | <b>Law And Justice in Globalising World</b> | <b>L</b> | <b>T</b> | <b>P</b> | <b>C</b> |
| <b>Owning School/Department</b> | School of Law                               | 3        | 0        | 0        | 3        |
| <b>Pre-requisites/Exposure</b>  | International Law, Jurisprudence            |          |          |          |          |

### **Course Summary**

The main objective of the course is to enable students to understand the pressing problems of law and justice in global perspective. The students will be exposed to know the theoretical and philosophical dimensions of law and justice in multiple dimensions. By the end of the term the student will be able to understand the problems and challenges of law and justice with an ability to suggest remedies. This course will help in the development of employability skills of the students.

### **Course Outcomes (COs)**

By the end of this program, students shall be able to:

CO1: Understand the nature of globalization and its historical and developmental course.

CO2: Apply the analytical tools to analyse the impact of globalization on the sovereignty of state, federalism, and human rights jurisprudence.

CO3: Comprehend the concept of global justice and the source of law to achieve justice.

CO4: Examine the working of international institutions, which are instrumental in delivering justice.

CO5: Implement the legal framework and its efficacy in solving special in the globalised world.

|     | PO1 | PO2 | PO3 | PO4 | PO5 |
|-----|-----|-----|-----|-----|-----|
| CO1 | 2   | -   | -   | 2   | -   |
| CO2 | -   | 2   | -   | 3   | -   |
| CO3 | 3   | -   | 2   | -   | -   |
| CO4 | 2   | -   | 2   | 2   | 3   |
| CO5 | -   | 2   | -   | 2   | 3   |

1=weakly related

2= moderately related

3=strongly related

### **Course Content**

#### **Unit I: Introduction**

**9 Lecture hours**

Meaning and significance of

Globalization, Concept of Global Justice, Social, Political, and Economic Dimensions of Globalisation, Dharma: Indian Approach

#### **Unit II: Theoretical Propositions of Global Justice**

**9 Lecture hours**

Realism, Particularism, Nationalism, Cosmopolitanism

#### **Unit III: Historical and Central Challenges to Global Justice**

**9 Lecture hours**

Global Poverty- Role of International Mechanism, Armed Conflict, Crimes against Humanity, Environment and Health



#### **Unit IV: Role and Reformation of Global Institutions**

**9 Lecture hours**

State Sovereignty and Transnational Law, Economic and Trade Institutions-IMF, World Trade Organization, Structural reforms of United Nations-Security Council, International Judicial Institution-ICJ

#### **Unit V: Models to Achieve Global Justice**

**9 Lecture hours**

Gandhian-Sarvodaya Model of Justice, Multi Culturalism and Cosmopolitanism, Human Rights and Global Rule of Law, Significance of Human Rights, Education

#### **Textbooks**

1. Law and Justice in a Globalizing World, Shashwata Sahu, Bidyutprabha Thakur (2023)

#### **Reference Book**

1. Allen Buchanan , Justice, Legitimacy, and Self-determination: Moral Foundations for
2. International Law, Oxford Publication (2004)
3. Amartya Sen, Global Justice Harvard University Press (2017)
4. Amartya Sen, The Idea of Justice Allen Lane & Harvard University Press (2009)
5. Andrew Hurrell, Global Inequality and International Institutions Global Justice (2001)
6. Andrew Kuper, Democracy Beyond Borders: Justice and Representations in Global
7. Institutions Oxford University Press ( 2006)
8. Anthony McGrew, David Held (eds.), Governing Globalization: Power, Authority and
9. Global Governance Polity Press (2002)
10. Brian Barry, Culture and Equality Cambridge: Polity, (2001)
11. David B. Goldman, Globalization and the Western Legal Tradition: Recurring Patterns of Law and Authority Cambridge University Press (2008)
12. David Held, A Globalizing World? Culture, Economics, Politics (2004)
13. Duncan Bell (ed.), Ethics and World Politics Oxford Publication (2010)
14. John Rawls ,The Law of Peoples. Cambridge, Mass, Harvard University Press (1999)
15. Martha Nussbaum, Frontiers of Justice Cambridge, Mass, Harvard University Press, (2006)
16. R PIERIK, Cosmopolitanism Global Justice and International Law Cambridge University Press (2005)
17. Simon Caney, Justice Beyond Borders Oxford Publication (2005)
18. Thomas Pogge, World Poverty and Human Rights Cambridge Press (2002)
19. Upendra Baxi , The Future of Human Rights Oxford University Press (2002)

#### **Case Law**

1. Kent v. Dulles 357 U.S. 116 (more) 78 S. Ct. 1113; 2 L. Ed. 2d 1204; 1958 U.S. LEXIS 814
2. Ridge v. Baldwin [1964] AC 40, [1963] UKHL 2
3. John Richard Argersinger v. Raymond Hamlin 407 U.S. 25 (more) 92 S. Ct. 2006; 32 L. Ed. 2d 530; 1972 U.S. LEXIS 139
4. Mabo v. Queensland (No 2) (1992) 175 CLR 1
5. Texas v. Johnson 491 U.S. 397 (more) 109 S. Ct. 2533; 105 L. Ed. 2d342; 1989 U.S. LEXIS 3115; 57 U.S.L.W. 4770
6. Furman v. Georgia 408 U.S. 238 (1972)
7. Lawrence v. Texas 539 U.S. 558 (2003)

### **Assessment Scheme**

| <b>Components</b>    | <b>Internal Assessment</b> | <b>Mid Term Exam</b> | <b>End Exam</b> | <b>Total</b> |
|----------------------|----------------------------|----------------------|-----------------|--------------|
| <b>Weightage (%)</b> | 25%                        | 25%                  | 50%             | 100%         |

|                                 |                               |          |          |          |          |
|---------------------------------|-------------------------------|----------|----------|----------|----------|
| <b>Name of Program</b>          | <b>LL.M.</b>                  |          |          |          |          |
| <b>LLLM103L</b>                 | <b>Comparative Public Law</b> | <b>L</b> | <b>T</b> | <b>P</b> | <b>C</b> |
| <b>Owning School/Department</b> | School of Law                 | 3        | 0        | 0        | 3        |
| <b>Pre-requisites/Exposure</b>  | Constitutional Law            |          |          |          |          |

### Course Summary

The course of Comparative Public Law is intended to provide an understanding of main constitutional principles prevailing in India, United Kingdom, United States of America and Switzerland apart from administrative standards and principles underlying the criminal justice system. This course shall help in employability.

### Course Outcomes (COs)

By the end of this program, students shall be able to:

CO1: Explain the concepts of public law, private law, constitutionalism, constitutional morality, and federalism.

CO2: Identify underlying principles of the legal systems of United Kingdom, United States of America, and Switzerland.

CO3: Analyse the underlying principles of Indian constitution with that of United Kingdom (UK), United States of America (USA) and Switzerland.

CO4: Philosophy of Indian Constitution, Appraise the challenges to the Indian legal system and suggest a remedy thereof.

CO5: Evaluate the underlying principles of rule of law, administrative standards, and criminal justice system.

### CO-PO/PSO Mapping

|     | PO1 | PO2 | PO3 | PO4 | PO5 |
|-----|-----|-----|-----|-----|-----|
| CO1 | 3   | 2   | 1   | 2   | -   |
| CO2 | 3   | -   | -   | 2   | -   |
| CO3 | 2   | 2   | -   | -   | -   |
| CO4 | 3   | -   | -   | -   | 2   |
| CO5 | 3   | 1   | -   | 2   | 1   |

1=weakly related

2= moderately related

3=strongly related

### Course Contents

#### **Unit I: Introduction to Comparative Public Law**

**8 Lecture hours**

Meaning and importance of Public and Private Law; Forms of Constitutions, Constitutionalism, Constitutional Morality; Importance of Federalism, Changing concept of Federalism, Co-operative Federalism and Competitive Federalism

#### **Unit II: Main Principles of the Legal Systems of United Kingdom, United States of America and Switzerland**

**10 Lecture hours**

History & making of the legal systems of United Kingdom, United States of America, and Switzerland; Doctrine of separation of powers and check and balances; Bill of Rights & Fundamental rights

**Unit III: Main Philosophy of Indian Constitution****10 Lecture hours**

The Preamble Declaration of 'Sovereign, Socialist, Secular, Democratic Republic, Justice, Liberty, Equality & Fraternity; Theory of Basic structure, Quasi-Federal structure, Rule of Law, separation of powers, Judicial Review, Independence of Judiciary; Challenges to Indian Legal System

**Unit IV: Dicey's Rule of Law, Modern Concept of Rule of Law, Procedure Established by Law and Due Process of Law****9 Lecture hours**

Rule of Law -Dicey's Rule of Law and Rule by Law; Modern Concept of rule of Law, Social and Economic rights; Procedure established by law and due process of law

**Unit V: Constitutional and Administrative Standards, Criminal Justice System****8 Lecture hours**

Principle of delegation of powers, role of judiciary, doctrine of state action; French concept of *droit administratif*; Principles underlying the Criminal Justice System

**Text Books**

1. DD Basu, Comparative Constitutional Law, Lexis Nexis

**Reference Books**

1. Granville Austin, The Indian Constitution: Cornerstone of a Nation, OUP
2. M.P. Jain, Indian Constitutional Law, Lexis Nexis
3. D.D. Basu, Comparative Federalism, Lexis Nexis
4. Neal Devins and Louis Fisher, The Democratic Constitution (Oxford, 2010)
5. Vicki C. Jackson, Mark V. Tushnet, Comparative Constitutional Law, Foundation Press
6. H.W.R. Wade, Administrative Law, Oxford
7. Erwin Chemerinsky, Constitutional Law, Principles and Policies, Espen
8. Granville Austin, The Indian Constitution: Cornerstone of a Nation, Oxford
9. J.C. Johri, Select World Constitutions, Lotus Press
10. Subhash C Kashyap, Framing of Indian Constitution, Universal Law
11. Mark Tushnet, The Inevitable Globalization of Constitutional Law, 49 Va. J. Int'l L. 985 (2008-2009)

**Assessment Scheme**

| Components    | Internal Assessment | Mid Term Exam | End Exam | Total |
|---------------|---------------------|---------------|----------|-------|
| Weightage (%) | 25%                 | 25%           | 50%      | 100%  |

|                                 |                                           |          |          |          |          |
|---------------------------------|-------------------------------------------|----------|----------|----------|----------|
| <b>Name of Program</b>          | <b>LL.M.</b>                              |          |          |          |          |
| <b>LLLM105L</b>                 | <b>Research Methods and Legal Writing</b> | <b>L</b> | <b>T</b> | <b>P</b> | <b>C</b> |
| <b>Owning School/Department</b> | School of Law                             | 3        | 0        | 0        | 3        |
| <b>Pre-requisites/Exposure</b>  | Legal Method and Jurisprudence            |          |          |          |          |

### **Course Summary**

The paper aims to equip the student on research skills. This course shall expose the students on different techniques, methods, and methodology of socio-legal research. Emphasis would be laid on practical training in conducting research in this course. By the end of the course the students are expected to develop a scientific approach to socio legal problems. They should be able to design and execute small-scale research problems. After studying this subject, the student will be able to develop research skills and case study analysis. This will help in both academics and professional work.

### **Course Outcomes (COs)**

By the end of this program, student shall be able to:

CO1: Explain and distinguish the methods and techniques of legal research from that of social sciences research.

CO2: Apply the techniques of legal research to legal research and writings.

CO3: Write a good quality-PG level dissertation.

CO4: Develop the proposal for undertaking independent research projects.

CO5: Implement the research techniques to prepare class lectures/lessons based on principles, theories, legislations, and cases.

### **CO-PO/PSO Mapping**

|     | PO1 | PO2 | PO3 | PO4 | PO5 |
|-----|-----|-----|-----|-----|-----|
| CO1 | -   | 3   | -   | -   | -   |
| CO2 | 3   | -   | 2   | -   | -   |
| CO3 | -   | -   | 2   | 2   | -   |
| CO4 | -   | -   | -   | -   | 3   |
| CO5 | -   | 3   | -   | -   | -   |

1=weakly related

2= moderately related

3=strongly related

### **Course Contents**

#### **Unit I: Introduction**

**8 Lecture hours**

Basic concepts of research: types, methods, and methodology; Reflective thinking, traits of research; Inter-disciplinary research and legal research models; Legal research-Scope, problems, and challenges.

#### **Unit II: Research Design**

**10 Lecture hours**

Meaning of research design; Hypothesis-types, formulation, and evaluation; Major steps in research design and models; Identification and selection of problem.

#### **Unit III: Research Tools and Techniques**

**10 Lecture hours**

Data, collection and classification of data; Data collection and sampling techniques; Survey and Case Study method; Scaling and Content Analysis.

#### **Unit IV: Data Processing and Interpretation of Data**

**9 Lecture hours**

Observation, interview, and schedule; Questionnaire: kinds and problems; Socio-metrics and jurimetrics; Processing and interpretation of data; SPSS Techniques.

#### **Unit V: Preparation of Report Writing**

**8 Lecture hours**

Report/article writing in legal research; Use of definitions, maxims, concepts, principles, doctrines in legal research; Citation techniques and international standards; Review of reference literature, bibliography.

#### **Text Books**

1. W. Lawrence Newman, *Social Research Methods: Qualitative and Quantitative Approaches* 2014 (7<sup>th</sup> Ed.) (Pearson Education Ltd.)

#### **Reference Books**

1. Anwarul Yaqin, *Legal Research and Writing: New Perspectives* 2022 (Lexis Nexis)
2. Earl R. Babbie, *Adventures in Social Methodology* 2022
3. Pauline V Young, *Scientific Social Surveys and Research* 1949 (originally) (Published by Literary Licensing, LLC, 2012)
4. Robert Watt and Francis Johns, *Concise Legal Research* 2009 (The Federation Press)
5. S K Verma and Afzal Wani, *Legal Research and Methodology* 2006 (Indian Law Institute, New Delhi)
6. Wilkinson Bhandarkar, *Methodology and Techniques of Social Research* 2016 (Himalaya Publishing)
7. William J Goode and Paul K. Hatt, *Methods in Social Research* 2017 (McGraw-Hill)

#### **Assessment Scheme**

| Components    | Internal Assessment | Mid Term Exam | End Exam | Total |
|---------------|---------------------|---------------|----------|-------|
| Weightage (%) | 25%                 | 25%           | 50%      | 100%  |

|                                 |                                                |          |          |          |          |
|---------------------------------|------------------------------------------------|----------|----------|----------|----------|
| <b>Name of Program</b>          | <b>LL.M.</b>                                   |          |          |          |          |
| <b>LLLM107L</b>                 | <b>Foundation of Corporate Laws and Policy</b> | <b>L</b> | <b>T</b> | <b>P</b> | <b>C</b> |
| <b>Owning School/Department</b> | School of Law                                  | 2        | 0        | 0        | 2        |
| <b>Pre-requisites/Exposure</b>  | Company Law                                    |          |          |          |          |

### **Course Summary**

This course addresses corporate governance as a key part of the pursuit of proper and efficient practice in the administration of business entities as well as the ethical aspects of individual and corporate decision making in business. Governance involves a set of relationships between an organization's management, its board, its shareholders, and other stakeholders. To ensure that the companies effectively carry out their responsibility in society and among investors, it is essential to implement the best corporate governance policies and practices. Investor confidence in governance of companies is crucial as companies are the most common form of carrying on business and are contributors of economic growth and employment opportunities. Thus, increased efforts are needed to improve corporate accountability in the country, which starts at the base of educating future business students about the best business practices.

This course will help the students in improving understanding of governance issues, identifying tools to implement quality processes, role of external governance, government regulations and enhances employability skills, fosters entrepreneurship, and invests in skill development for individuals and businesses to thrive in today's dynamic and competitive landscape.

### **Course Outcomes (COs)**

By the end of this program, students shall be able to:

CO1: Identify the elements of good corporate governance practices in business.

CO2: Critically analyse the Indian corporate governance provisions keeping in view the international position.

CO3: Apply a range of current ethical governance practices in relation to business and profession.

CO4: Examine the issues relating to good corporate governance and ethical business practices.

CO5: Evaluate the legal provisions and offer professional advice and counseling..

|     | PO1 | PO2 | PO3 | PO4 | PO5 |
|-----|-----|-----|-----|-----|-----|
| CO1 | 2   | -   | -   | -   | -   |
| CO2 | 2   | 2   | -   | -   | -   |
| CO3 | 1   | 2   | -   | 3   | 2   |
| CO4 | 1   | 1   | -   | -   | 3   |
| CO5 | -   | 3   | 3   | 3   | 2   |

1=weakly related

2= moderately related

3=strongly related

### **Course Content**

#### **Unit I: Introduction to Corporate Governance**

**6 Lecture hours**

History of Corporate Governance: Economic perspective, Theories of corporate governance, Models of corporate governance, Shareholder's activism

**Unit II: International Position on Corporate Governance** **4 Lecture hours**

OECD Principles of Corporate Governance, Cadbury committee report, UK, Greenbury committee report, UK, Hampel Committee report, UK

**Unit III: Evolution of Legal Framework of Corporate Governance** **8 Lecture hours**

Study of reports of committees on corporate governance, SEBI's clause 49 of Listing Agreement, Present legal framework of corporate governance under Companies Act, 2013 and rules, SEBI regulations.

**Unit IV: Role of Board in Corporate Governance** **4 Lecture hours**

Board Composition and diversity, Role and Functions of Board Committees, Code of conduct for board of directors, Performance Evaluation of Board of Directors

**Unit V: Corporate Business Ethics** **8 Lecture hours**

Ethical theories of business, Corporate Social Responsibility, Insider Trading, Hostile takeover, Corporate Governance Issues & failures of certain Indian start ups

**Bare Acts**

The Companies Act, 2013

**Textbooks**

Neeru Vasisth & Namita Rajput, *Corporate Governance values & Ethics (with case studies)* (Reprint, November 2022 Taxman) ISBN-10: 9356224951

**Reference Book**

1. Corporate Governance in India by Arindam Das 19 B/W Illustrations Published June 30, 2021 by Routledge, ISBN 9781032090535
2. CORPORATE GOVERNANCE: CODES, SYSTEMS, STANDARDS AND PRACTICES by DAS, SUBHASH CHANDRA THIRD EDITION Print Book ISBN: 9789391818043
3. Corporate Governance in India by Asish K. Bhattacharyya, published by Oxford University Press, Publication date: 07/10/2016, ISBN: 9780199469321
4. Gower: Principles of Modern Company Law
5. SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015
6. Securities and Exchange Board of India guidelines on Board Evaluations
7. Securities and Exchange Board of India (Listing Obligations and Disclosure Requirements) (Amendment) Regulations, 2017

**Case Law**

1. Case study on Corporate Governance issue in Byju's
2. Case study on Adani-Hindenburg issue
3. Diversity, Equity and Inclusion Practices at Google: A case study
4. Case study on Governance Issues at BharatPe
5. Case study on Yes Bank



6. Case study on ICICI Bank-Videocon bribery case
7. Corporate Governance case study At Infosys
8. Case study on Tata-Mistry fallout
9. Case study on PNB-Nirav Modi Scam
10. Case study on Religare enterprises (Malvinder and Shivinder Singh)
11. Case study on Dewan Housing Finance Limited (DHFL)
12. Case study on Cafe Coffee Day
13. Case study on Jet Airways
14. Case study on KINGFISHER AIRLINES Case study
15. Case study on the fall of Vikram Kothari (Rotomac Pens)
16. Case study on Satyam Scam
17. Case study on Harshad Mehta Scam
18. Saurashtra Cement Ltd. And Anr. vs Union of India (Uoi) And 3 Ors. on 14 July, 2006 (2007) 2 GLR 1384 Guj. HC
19. G.Vasudevan vs Union Of India on 2 December, 2019 Writ Petition No.32763 of 2019
20. Mad. HC
21. N.Ram vs N.Ravi on 1 July, 2011 Comp. Appeal Nos.6 and 7 of 2011
22. Mad. HC
23. Tata Consultancy Services ... vs Cyrus Investments Pvt Ltd on 26 March, 2021 CIVIL APPEAL NOs.440-441 OF 2020
24. Association vs Union of India and Another on 20 July, 2021 R.V.W. No. 231 of 2019
25. Cal HC
26. Satya Narayan Banik & Ors vs Union of India & Ors on 11 February, 2022 W.P.A. No. 8450 of 2021 Cal HC
27. Arun Kumar Jagatramka vs Jindal Steel and Power Ltd. on 15 March, 2021 Civil Appeal No. 9664 of 2019
28. Bank Of Baroda and Anr. vs Mbl Infrastructures Limited on 18 January, 2022 CIVIL APPEAL NO. 8411 OF 2019
29. Standard Chartered Bank v. Directorate of Enforcement, (2005) 4 SCC 530.

### **Assessment Scheme**

| Components           | Internal Assessment | Mid Term Exam | End Exam | Total |
|----------------------|---------------------|---------------|----------|-------|
| <b>Weightage (%)</b> | 25%                 | 25%           | 50%      | 100%  |

|                                 |                                  |   |   |   |   |
|---------------------------------|----------------------------------|---|---|---|---|
| <b>Name of Programme</b>        | <b>LL.M.</b>                     |   |   |   |   |
| <b>LLLM109L</b>                 | <b>Banking and Insurance Law</b> | L | T | P | C |
| <b>Owning School/Department</b> | School of Law                    | 2 | 0 | 0 | 2 |
| <b>Pre-requisites/Exposure</b>  | Economics and Company Law        |   |   |   |   |

### **Course Summary**

The financial system of any country is a vehicle of economic transformation, which is mostly governed by the Banking and Insurance industry. The Banking & Insurance companies do not merely act as a financial infrastructure, but also as imperative vehicles for the channelization of financial resources at micro as well as macro scale. Thus, banking as well as insurance sectors are relevant for directing the savings, investments and providing other financial services for a globally competent Indian economy. The course has been divided in five modules. The first three modules cover the banking laws, and last 2 modules cover the segment of insurance law. The first module will introduce the students to the meaning and history of banking in India and the nature and structure of banking organisations. The second module will deliberate upon the elements of bank finance and related aspects of securitisation for loans. The third module deals with the paradigm changes on new methods of electronic payments. The fourth module will introduce students to the concept and principles of insurance. The fifth and last module will emphasise upon the legal and regulatory framework for various kinds of insurance in India. This course will help in the employability & skill development of the students.

### **Course Outcome (Cos)**

By the end of this program, students shall be able to:

CO1: Understand of the nature and history of banking business and its regulations.

CO2: Apply the knowledge on the role and policy measures of RBI in driving the Indian economy.

CO3: Analyze the analytical skills of risk and insurance relationship and learning of basic principles governing insurance.

CO4: Examine the rights, duties, and liabilities of the parties through sector specific insurance laws in Indian scenario.

CO5: Evaluate the existing mechanism of banking and insurance laws and its effects on the stakeholders.

|     | PO1 | PO2 | PO3 | PO4 | PO5 |
|-----|-----|-----|-----|-----|-----|
| CO1 | 2   | -   | -   | -   | -   |
| CO2 | -   | 2   | 2   | 2   | -   |
| CO3 | -   | 2   | 3   | -   | 2   |
| CO4 | 1   | -   | 2   | -   | -   |
| CO5 | -   | 3   | -   | 2   | -   |

1=weakly related

2= moderately related

3=strongly related

### **Course Content**

#### **Unit I: Introduction to Banking**

**6 Lecture hours**

Defining “Banking” and “Banker”; History and Evolution., Types of Banks in India – Commercial banking, Cooperative banking, Payment Banks, Small Finance Banks, Regional Rural Banks. Role of RBI as Regulator of Banking Sector: Issues in Supervision and control –

Government interventions. Emerging trends in banking business – Universal banking, Green Banking & Finance, Islamic Banking & Finance.

### **Unit II: Banking & Public Policy**

**6 Lecture hours**

Nationalization & Social Control of Banks in 1960s; Privatization of PSBs., Merger & Amalgamation of Banks in India: Benefits, Issues, and Concerns., Debt Recovery in India – Problem of NPAs, Securitization & Asset Reconstruction. Failing Banks and Depositors' rights – Case Studies (PMC Bank, Yes Bank, RBI-Prompt Corrective Action Norms).

### **Unit III: Banking & Cyberspace**

**6 Lecture hours**

Policy framework of Internet banking in India – Practice and Problems. Payment & Settlement System: Role of Information Communication Technology (ICT). Bank Frauds in Cyberspace – Offences, Regulation, and Investigation. Emerging issues – Cryptocurrency (Crypto-Assets), FinTech Companies. Need of Banking Ombudsman. White Collar Crimes in Banking Industry.

### **Unit IV: Life Insurance**

**6 Lecture hours**

LIC: Role and function – Nationalization and debate over FDI in Insurance sector. Issues relating to Representation – Assignment and Nomination – Title and Claims. Concept of Trusts in Life Insurance Policy. Role of IRDA in regulating Life Insurance Business – Special reference to post-Covid.

### **Unit V: General Insurance**

**6 Lecture hours**

General Insurance in India – A background. Structure of the Policy – Insurance Documentation. Underwriting and Rating - Disclosure - Terms and Conditions. Claims Procedures – Underinsurance - Condition of Average – Recovery.

### **Bare Acts**

1. Banking Regulation Act ,1949.
2. Insurance Regulatory and Development Authority Act ,1999.
3. Reserve Bank of India Act ,1934.
4. The General Insurance Business (Nationalization) Act, 1972.
5. The Insurance Act,1938
6. The Life Insurance Corporation Act, 1956.
7. The Marine Insurance Act, 1963.

### **Textbooks**

M.N. Mishra & S.B. Mishra, *Insurance Principles and Practice* (22<sup>nd</sup> Ed. S. Chand & Company Pvt. Ltd.) ISBN: 9788121910217.

### **Reference Book**

1. J.M. Holden, *The Law and Practice of Banking*, Universal Law Publishing.
2. M. N. Srinivasan, *Principles of Insurance Law*, Wadhwa & Co.;
3. T. T. Bishnoi & Sofia Devi, *Banking Sector Reforms in India*, (Palgrave Macmillan Studies, 2017).

### **Case Law**

1. Bir Singh v. Mukesh Kumar, (2019) 4 SCC 197
2. C.C. Alavi Haji v. Pala petty Muhammed.2007 (7) SCALE 380 94
3. Harris v. Poland (1941) All ER 204: 1 K.B.D. 204
4. Laxmi Dyechem v. State of Gujarat and Ors. (2012) 13 SCC 375
5. Life Insurance Corporation of India v. Asha Goel, AIR 2001 SC 549
6. Mithoolal Nayak v. Life Insurance Corporation of India, AIR 1962 SC 814
7. New India Assurance Co. Ltd. v. M/s Zuari Industries Ltd. (2009) 9 SCC 7040
8. Pink v. Fleming (1890) 25 QBD 396 01
9. R.C. Cooper v. Union of India, AIR 1970 SC 564
10. Rangappa. Sri. Mohan (2010) 11SCC 441 101
11. Sajjan Bank (Private) Ltd. v. Reserve Bank of India, AIR 1961 Mad. 8
12. Simmonds v. Cockell (1920) All ER Rep. 162 46
13. Surinder Singh Deswal and Ors. v. Virender Gandhi, (2019) 8 SCALE 445

### **Assessment Scheme**

| <b>Components</b>    | <b>Internal Assessment</b> | <b>Mid Term Exam</b> | <b>End Exam</b> | <b>Total</b> |
|----------------------|----------------------------|----------------------|-----------------|--------------|
| <b>Weightage (%)</b> | 25%                        | 25%                  | 50%             | 100%         |

# **Semester II**

# **Specialization: Corporate Law**

|                                 |                                                    |          |          |          |          |
|---------------------------------|----------------------------------------------------|----------|----------|----------|----------|
| <b>Name of Program</b>          | <b>LL.M.</b>                                       |          |          |          |          |
| <b>LLLM102L</b>                 | <b>Competition Law and Corporate Restructuring</b> | <b>L</b> | <b>T</b> | <b>P</b> | <b>C</b> |
| <b>Owning School/Department</b> | School of Law                                      | 2        | 0        | 0        | 2        |
| <b>Pre-requisites/Exposure</b>  | Company Law                                        |          |          |          |          |

### **Course Summary**

Post-1991, India embraced liberalization, privatization, and globalization in pursuit of developing its markets. India has responded by opening its economy, removing controls, and resorting to privatization. The natural consequence of this was that the Indian market should pull its socks up to face competition from within the country and outside. Since the Monopolies and Restrictive Trade Practices Act, 1969, became obsolete in certain areas in the light of international economic development, new competition law was proposed on the recommendation of the Raghavan Committee, 1999. The main objective of competition law is to maintain and protect the competitive process since competition promotes efficiency, increases consumer welfare, and contributes to the economy's progress. The Competition Act, 2002 was enacted to cover up the loopholes of the MRTP Act.

Through the Competition Act, 2002, executive power was delegated to a regulator, the "Competition Commission of India" (*hereinafter* "CCI"). As a mandate, CCI is responsible for "*preventing practices having an adverse effect on competition, promoting and sustaining competition, protecting the interests of the consumer and ensure freedom of trade carried on by other participants, in markets in India.*" For this purpose, the Competition Act, 2002 created an *ex-post* enforcement mechanism for anti-competitive agreement (Section 3 of the Act) and abuse of dominant position (Section 4 of the Act); and an *ex-ante* enforcement mechanism for regulating combinations (Section 5 and 6 of the Act). To facilitate enforcement mechanism, CCI has the power to notify regulations. Apart from this, CCI is also entrusted to carry out 'competition advocacy' under which CCI is responsible for aiding the government in formulating competition policy, creating awareness and imparting training on competition issues. Thus, CCI is entrusted with all matters relating to competition in the Indian market and enforces the competition law.

This course introduces the students to the enforcement of competition law in India and skills them to analyse anti-competitive conduct based on understanding economic, legal, and procedural issues. This course will help in the employability of the students.

### **Course Outcomes (COs)**

On completion of this course, the students will be able to:

CO1: Explain the socio-economic impact of competition on enterprises and economy.

CO2: Analyze the cases decided by the tribunals and courts to identify the gaps and suggest measures.

CO3: Apply the substantive and procedural provisions of Competition Law to the anti-competitive conduct in India.

CO4: Examine the role and authority of competition regulator vis-à-vis social and economic institutions.

CO5: Evaluate the legal provisions and offer professional advice and counseling.

### **CO-PO/PSO Mapping**

|     | PO1 | PO2 | PO3 | PO4 | PO5 |
|-----|-----|-----|-----|-----|-----|
| CO1 | 2   | -   | -   | -   | -   |
| CO2 | -   | 2   | 2   | 2   | -   |
| CO3 | -   | 2   | 3   | -   | 2   |
| CO4 | 1   | -   | 2   | -   | -   |
| CO5 | -   | 3   | -   | 2   | -   |

1=weakly related

2= moderately related

3=strongly related

### **Course Contents**

#### **Unit I: Rationale for Competition Law and Economic Regulation      4 Lecture hours**

Economics of Competition & competition Law; Schools of Competition Analysis; Development of Indian Competition Law; Features of Competition Act 2002

#### **Unit II: Anti-Competitive Agreements      8 Lecture hours**

Defining ‘agreement’ and Appreciable adverse effect – Per Se and Rule of Reason; Horizontal and Vertical Agreements; Efficiency and other Defences; Intellectual Property And Competition Law Interface; Leniency Program.

#### **Unit III: Abuse of Dominant Position      8 Lecture hours**

Defining and Determining ‘Enterprise’ Relevant Market – Relevant Product & Relevant; Geographical Market; Determination of Market Dominance; Abusive Practices: Exploitative and Exclusionary; Penalties for Abuse of Dominant Position.

#### **Unit IV: Regulatory Authority And Appellate Tribunals      6 Lecture hours**

Definition of Combinations with threshold; Procedural Requirements; Economic Analysis Penalties for non-compliance of the provisions.

#### **Unit V: Enforcement Process      4 Lecture hours**

Structure, powers and functions of Competition Authorities in India; Jurisdiction of CCI vis-à-vis other Sectoral Regulators; Competition Advocacy; Action for Compensation.

### **Bare Acts**

1. The Competition Act, 2002
2. CCI (Procedure in regard to the Transaction of Business relating to Combinations) Regulations, 2011
3. CCI (Lesser Penalty) Regulations, 2009
4. CCI (General) Regulations, 2009

### **Textbooks**

Avtar Singh, *Competition Law* (1<sup>st</sup> Ed. 2020, EBC) ISBN: 9-7893-9436-4738

### **Suggested Readings**



1. Abir Roy And Jayant Kumar, *Competition Law In India* (2<sup>nd</sup> Edition, Eastern Law House, 2016). ISBN-10. 9786656938 ; ISBN-13. 978-9786656939.
2. Andrew R. Dick, "When Are Cartels Stable Contract?" 39(1) *Journal of Law and Economics* 241 (1996).
3. Barry C. Harris And Joseph J. Sinoms, "Focusing Market Definition: How Much Substitution Is Necessary?" 12 *Research in Law and Economics* 207 (1989). (Print ISSN 1554-0189, online ISSN 1554-6853)
4. Richard Whish & David Bailey, *Competition Law* (10<sup>th</sup> Ed., Oxford University Press, 2021). ISBN-10. 0198836325 · ISBN-13. 978-0198836322
5. Versha Vahini, *Indian Competition Law*, (Lexis Nexis 2020). ISBN-10. 9389991285 ; ISBN-13. 978-9389991284

### **Relevant Cases**

1. *All India Tyre Dealers Federation v. Tyre Manufacturers* (CCI) MRTP Case: RTPE No. 20 of 2008
2. *Alleged Cartelisation in Diesel Loco Modernisation Works* (CCI) 2014 CompLR 170(CCI)
3. *Belaire Owners Association v. DLF* (CCI) MANU/TA/0012/2014 decided on 19.05.2014.
4. *BrahmDutt v. Union of India* (2005) SC Writ Petition (civil) 490 of 2003
5. *Builders Association of India v. Cement Manufacturer's Association &Ors.* (CCI)Case No.: RTPE 52 of 2006
6. *Combination between Holcim Limited and Lafarge S.A.* (Combination Registration No. C-2014/07/190)
7. *Combination between Sun Pharma and Ranbaxy* (Combination Registration No. C-2014/05/170)Dated: 17.03.2015
8. *DLF v. CCI* (COMPAT)MANU/TA/0012/2014 decided on 19.05.2014.
9. *Dry Cell Cartel Case (CCI) Competition Commission of India v. Steel Authority of India*, (2010)10SCC744
10. *ESYS Information Technologies Pvt. Ltd. v. Intel Corporation* CCI Case No. 48 of 2011
11. *Excel Corp Care Ltd. v. CCI*, [2013] CompLR 799 [COMPAT]
12. *Faridabad Industries Association v. Adani Gas* (CCI) Case No. 71 of 2012
13. *Fast Way Transmission and Ors. v. Kansan News* (COMPAT)Civil Appeal No. 7215/2014.SC.
14. *Google Inc. and Ors. v. Competition Commission of India*, WP(C) No. 7084/2014 (Delhi HC)
15. *Grasim Industries Ltd. v. Competition Commission of India*, 2014 CompLR 109 (Delhi)
16. *HT Media Limited v. Super Cassettes Industries Limited* (2015) CCI case No. 40 of 2011
17. *HT Media v. Super Cassettes Industries* (COMPAT)
18. *Indian Sugar Mills Association &Ors v. Indian Jute Mills Association* (CCI) 2014 Comp LR 225 (CCI)
19. *Jeetendra Gupta v. Competition Commission of India* (Appeal No. 30/2014) (COMPAT)
20. *Jitendra Bhargava v. Competition Commission of India* (Appeal No. 44 of 2013) (COMPAT)
21. *Kapoor Glass Industries v. Schott Glass* (CCI) Case No. 22 of 2010
22. *M.P. Mehrotra v. Jet Airways Ltd. and Ors.*, Case No. 04/2009(CCI)
23. *Maharashtra State Power Generation Company Ltd. v. Coal India Ltd.* (CCI) Case No. 11 of 2012
24. *Matrimony.com Limited v. Google Inc.*, Case Nos. 07 & 30 of 2012 (CCI)
25. *MCX-SX v. NSE* (CCI) Case No. 13 of 2009

26. *MDD Medical System Pvt. Ltd. v. Foundation for Common Cause and People Awareness*, [2013] Comp LR 327 (COMPAT)
27. *Meru Travels Solutions Private Limited v. Competition Commission of India and Ors.*, Appeal No. 31/2016 (COMPAT)
28. *Nagrik Chetna Manch v. Fortified Security Solutions and Others*, Case No. 50/2015 (CCI)
29. *NSE v. CCI* (COMPAT) 2014 CompLR 304 (CompAT)
30. *Ramakant Kini v. Hiranandani Hospitals* (CCI) Case No. 39 of 2012
31. *Reliance Big Entertainment Ltd. v. Karnataka Film Chamber of Commerce* (CCI) Case No. 25 of 2010
32. *Schott Glass v. CCI* (COMPAT) Appeal No. 91 of 2012.
33. *Shamsher Singh Kataria v. Honda Siel and other* (CCI) Case No. 3 of 2011
34. *Shree Cement Limited and Anr. v. Competition Commission of India*, [2014] 122 CLA 22 (Delhi)
35. *South Asia LPG Company Private Ltd. v. Competition Commission of India*, 2014 CompLR 285(Delhi)
36. *Surinder Singh Barmi v. BCCI* (CCI) Case No. 61 of 2010
37. *Telefonaktiebolaget LM Ericsson v. Competition Commission of India and Ors*, LNIND 2016 Del 1658

### **Assessment Scheme**

| <b>Components</b>    | <b>Internal Assessment</b> | <b>Mid Term Exam</b> | <b>End Exam</b> | <b>Total</b> |
|----------------------|----------------------------|----------------------|-----------------|--------------|
| <b>Weightage (%)</b> | 25%                        | 25%                  | 50%             | 100%         |

|                                 |                                                              |   |   |   |   |
|---------------------------------|--------------------------------------------------------------|---|---|---|---|
| <b>Name of Program</b>          | <b>LL.M.</b>                                                 |   |   |   |   |
| <b>LLLM104L</b>                 | <b>Corporate Restructuring: Bankruptcy &amp; Liquidation</b> | L | T | P | C |
| <b>Owning School/Department</b> | School of Law                                                | 2 | 0 | 0 | 2 |
| <b>Pre-requisites/Exposure</b>  | Company Law                                                  |   |   |   |   |

### **Course Summary**

In India, prior to 2016, the legal and institutional machinery for dealing with debt default had not been in line with global standards. The recovery action by creditors, either through the Contract Act or through special laws such as the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 and the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, failed to achieve desired results. Whereas the laws dealing with insolvency such as the Presidential Towns insolvency Act, 1909 and the Provincial Insolvency Act, 1920, which were almost a century old, impeded the confidence of the lender.

The Insolvency and Bankruptcy Code, 2016 (IBC) passed by the Parliament overhauled the existing framework that dealt with the insolvency of corporates, individuals, other entities in India. The Code provided much-needed reforms while focussing on creditor-driven insolvency resolution. The IBC is considered to be as one of the biggest economic reforms which contains and amends the laws relating to reorganization and insolvency resolution of corporate persons, partnership firms and individuals in a time bound manner. The reason for introducing this course is to acquaint students with the legal, procedural, and practical aspects of Insolvency and its resolution. This course will help the students in improving understanding of the process of corporate restructuring and liquidation and enhances **employability skills**.

### **Course Outcomes (COs)**

By the end of this program, students shall be able to:

CO1: To understand critical areas relating to dissolution/winding-up/end of corporate entities under various laws in India

CO2: To understand nature of corporate reforms introduced in the field of bankruptcy and liquidation of corporate entities.

CO3: To develop critical understanding of various aspects of insolvency and bankruptcy law in India along with its interaction with the relevant commercial laws.

CO4: To apply clear, coherent, efficient process for early identification of financial distress and resolution.

CO5: Evaluate the legal provisions and offer professional advice and counseling.

|     | PO1 | PO2 | PO3 | PO4 | PO5 |
|-----|-----|-----|-----|-----|-----|
| CO1 | 2   | -   | 1   | -   | 3   |
| CO2 | 2   | 2   | -   | -   | -   |
| CO3 | 1   | 2   | -   | 3   | 2   |
| CO4 | 1   | 1   | -   | -   | 3   |
| CO5 | -   | -   | 3   | -   | 2   |

1=weakly related

2= moderately related

3=strongly related

## **Course Contents**

### **Unit I: Introduction**

**6 Lecture hours**

Meaning of Corporate Restructuring; Historical Background; Need & Modes of Corporate Restructuring; Regulators and their role in corporate Restructuring.

### **Unit II: Insolvency & Bankruptcy Code, 2016**

**4 Lecture hours**

Bankruptcy and Insolvency – The Concept; Historical Developments of Insolvency Laws in India (Till 2016); Need for an Insolvency and Bankruptcy Code – Problems in the Pre-2016 Legal Regime; Recent Development in Insolvency and Bankruptcy Code 2016; Key stakeholders – Regulator and Designated Intermediaries – Insolvency and Bankruptcy Board of India (IBBI), Insolvency Resolution Agency (IRA), Insolvency Professionals, and Information Utility.

### **Unit III: Corporate Insolvency Resolution Process**

**8 Lecture hours**

Process and Practice of CIRP; Resolution Strategies - Restructuring of Equity and Debt; Compromise and Arrangement; Acquisition; Takeover and Change of Management; Sale of Assets; Committee of Creditors: Powers and Duties; Fast Track Corporate Insolvency Resolution Process.

### **Unit IV: Liquidation of Corporate Person**

**4 Lecture hours**

Initiation of Liquidation; Powers and duties of Liquidator; Liquidation Estate and Distribution of assets – Waterfall mechanism; Dissolution of corporate debtor.

### **Unit V: Cross Border Insolvency**

**8 Lecture hours**

UNCITRAL Model Law on Cross Border Insolvency; Recognition of foreign proceedings in India; Recognition of Indian Proceedings in foreign jurisdictions; Enabling provisions for cross border transactions under IBC.

## **Bare Acts**

1. The Companies Act, 2013
2. The Insolvency & Bankruptcy Code 2016

## **Textbooks**

1. Akaant Kumar Mittal, *Insolvency and Bankruptcy Code: Law and Practice* (Eastern Book Company, Lucknow, 2021).
2. Corporate Restructuring, Insolvency, Liquidation & Winding-up, ICSI Material

## **Suggested Readings**

1. V.S. Wahi, *Treatise on Insolvency & Bankruptcy Code* (Wadhwa Book Company, Delhi, 2019).
2. Ashish Makhija, *Insolvency and Bankruptcy Code of India - A Commentary on Insolvency Resolution, Liquidation, Bankruptcy of Corporate Persons, Individuals, Sole Proprietorship & Partnership Firms* (Lexis Nexis, New Delhi, 2018).
3. Sumant Batra, *Corporate Insolvency Law and Practice* (Eastern Book Company, New Delhi, 2017).

4. A.K. Mysami, P.S. Suman, *Supreme Court on Insolvency and Bankruptcy Cases - An Encyclopaedia of Cases* (Lexis Nexis, New Delhi, 2021).
5. Insolvency and Bankruptcy Board of India, *Insolvency and Bankruptcy Regime in India A Narrative* (Insolvency and Bankruptcy Board of India, New Delhi, 2020).
6. VivekParti, Pooja Mahajan, *Handbook on the Insolvency Resolution Process - Decoding the Code* (Thomson Reuters, New Delhi. 2020).
7. Aparna Ravi (ed.), *Mulla's The Law of Insolvency in India* (Lexis Nexis, New Delhi, 2017).

### **Relevant Case Studies**

1. Go Air Case study
2. The Amrapali Group Insolvency
3. Resolution Process of Essar Steel India Limited (ESIL)
4. Insolvency Resolution Process of Binani Cement Limited (BCL)
5. CIRP of Amtek Auto Limited
6. CIRP of Uttam Galva Metallica Ltd. & Uttam Value Steels Limited
7. Resolution Process of Ruchi Soya Industries Ltd.

### **Case Laws**

1. *Anjali Rathi and Others Vs. Today Homes & Infrastructure Pvt. Ltd. and Others* (2022) 2 SCC 401
2. *Anuj Jain IRP for Jaypee Infratech Limited Vs. Axis Bank Limited etc.* (2019) SCC Online SC 1775
3. *ArcelorMittal India Private Limited Vs. Satish Kumar Gupta & Ors.* (2019) 2 SCC 1
4. *Arun Kumar Jagatramka Vs. Jindal Steel and Power Ltd. & Anr* (2021) 7 SCC 474
5. *Asset Reconstruction Company (India) Ltd. Vs. Bishal Jaiswal & Anr.* (2021) 6 SCC 366
6. *Asset Reconstruction Company (India) Ltd. Vs. Tulip Star Hotels Ltd. & Ors.* (2022) SCC Online SC 944
7. *B.K. Educational Services Private Limited Vs. Parag Gupta And Associates* (2019) 11 SCC 633
8. *Babulal Vardharji Gurjar Vs. Veer Gurjar Aluminium Industries Pvt. Ltd. & Anr.* (2020) 15 SCC 1
9. *Brilliant Alloys Private Limited Vs. Mr. S. Rajagopal & Ors.* (2022) 2 SCC 544
10. *CoC of Essar Steel India Limited Vs. Satish Kumar Gupta & Ors.* (2020) 8 SCC 531
11. *Dena Bank (now Bank of Baroda) Vs. C. Shivakumar Reddy and Anr.* (2021) 10 SCC 330
12. *E S Krishnamurthy & Ors. Vs. M/s Bharath Hi Tech Builders Pvt. Ltd.* (2022) 3 SCC 161
13. *Ebix Singapore Pvt. Ltd. Vs. CoC of Educomp Solutions Ltd. & Anr.* (2021) ibclaw.in 153 SC

14. *Gaurav Hargovindbhai Dave Vs. Asset Reconstruction Company (India) Ltd & Anr* (2019) 10 SCC 572
15. *Ghanashyam Mishra and Sons Pvt. Ltd. Vs. Edelweiss Asset Reconstruction Company Ltd. & Ors.* (2021) 9 SCC 657
16. *Gujarat Urja Vikas Nigam Limited Vs. Mr. Amit Gupta & Ors* (2020) SCC Online SC 1167
17. *India Resurgence ARC Private Limited Vs. M/S. Amit Metaliks Limited & Anr.* (2021) SCC Online SC 409
18. *Innoventive Industries Ltd. Vs. ICICI Bank & Anr.* (2018) 1 SCC 407
19. *Jaypee Kensington Boulevard Apartments Welfare Association & Ors. Vs. NBCC (India) Ltd. & Ors.* (2021) ibclaw.in 63 SC
20. *Jignesh Shah & Anr Vs Union of India & Anr* (2019) 10 SCC 750
21. *K. Kishan Vs. M/s. Vijay Nirman Company Pvt. Ltd.* (2018) 17 SCC 662
22. *K. Sashidhar Vs. Indian Overseas Bank & Ors.* (2019) 12 SCC 150
23. *Kalpraj Dharamshi & Anr Vs. Kotak Investment Advisors Ltd. & Anr.* (2021) 10 SCC 401
24. *Kotak Mahindra Bank Ltd. Vs. A. Balakrishnan & Anr.* (2022) 9 SCC 186
25. *Lalit Kumar Jain Vs. Union of India & Ors.* (2021) 9 SCC 321
26. *Laxmi Pat Surana Vs. Union Bank Of India & Anr.* (2021) 8 SCC 481
27. *M/s Embassy Property Developments Pvt. Ltd. Vs. State of Karnataka & Ors.* (2020) 13 SCC 308
28. *M/s. Orator Marketing Pvt. Ltd. Vs. M/s. Samtex Desinz Pvt. Ltd.* (2021) SCC Online SC 513
29. *M/s. Reliance Asset Reconstruction Company Ltd. Vs. M/s Hotel Poonja International Pvt. Ltd.* (2021) 7 SCC 352
30. *Macquarie Bank Ltd. Vs. Shilpi Cable Technologies Ltd* (2018) 2 SCC 674
31. *Maharashtra Seamless Limited Vs. Padmanabhan Venkatesh & Ors.* (2020) 11 SCC 467
32. *Maitreya Doshi Vs. Anand Rathi Global Finance Ltd. and Anr.* (2022) SCC Online SC 1276
33. *Mobilox Innovations Pvt. Ltd. Vs. Kirusa Software Pvt. Ltd.* (2018) 1 SCC 353
34. *Ms. Sagufa Ahmed & Ors. Vs. Upper Assam Plywood Products Pvt. Ltd. & Ors.* (2021) 2 SCC 317
35. *Municipal Corporation of Greater Mumbai (Mcgm) Vs. Abhilash Lal & Ors.* (2020) 13 SCC 234
36. *New Okhla Industrial Development Authority Vs. Anand Sonbhadra* (2022) SCC Online SC 631

37. *P. Mohanraj & Ors. Vs. M/S. Shah Brothers Ispat Pvt. Ltd.* (2021) 6 SCC 258
38. *Phoenix Arc Pvt. Ltd. Vs. Spade Financial Services Ltd. & Ors.* (2021) 3 SCC 475
39. *Pioneer Urban Land and Infrastructure Limited & Anr. Vs. Union of India & Ors.*[2019] 8 SCC 416
40. *Pr. Commissioner of Income Tax Vs. Monnet Ispat and Energy Ltd.* (2018) 18 SCC 786
41. *Pratap Technocrats (P) Ltd. & Ors. Vs. Monitoring Committee of Reliance Infratel Ltd. & Anr.* (2021) SCC Online SC 661
42. *Sagar Sharma & Anr Vs. Phoenix Arc Pvt. Ltd. & Anr* (2019) 10 SCC 353
43. *Sesh Nath Singh & Anr Vs. Baidyabati Sheoraphuli Co-Operative Bank Ltd And Anr.* (2021) 7 SCC 313
44. *State Bank of India Vs. V. Ramakrishnan & Anr.* (2018) 17 SCC 394
45. *State Tax Officer Vs. Rainbow Papers Ltd.* (2022) SCC Online SC 1162
46. *Sundaresh Bhatt Liquidator of ABG Shipyard Vs. Central Board of Indirect Taxes and Customs* (2022) SCC Online SC 1101
47. *Swiss Ribbons Pvt. Ltd. & Anr. Vs. Union of India & Ors.* (2019) 4 SCC 17
48. *Transmission Corporation of Andhra Pradesh Limited Vs. Equipment Conductors and Cables Limited* (2019) 12 SCC 697
49. *Vashdeo R Bhojwani Vs. Abhyudaya Co-Operative Bank Ltd & Anr* (2019) 9 SCC 158
50. *Vidarbha Industries Power Ltd. Vs. Axis Bank Ltd.* (2022) 8 SCC 352

#### **Assessment Scheme**

| Components    | Internal Assessment | Mid Term Exam | End Exam | Total |
|---------------|---------------------|---------------|----------|-------|
| Weightage (%) | 25%                 | 25%           | 50%      | 100%  |

|                                 |                                                                           |   |   |   |   |
|---------------------------------|---------------------------------------------------------------------------|---|---|---|---|
| <b>Name of Programme</b>        | <b>LL.M.</b>                                                              |   |   |   |   |
| <b>LLLM106L</b>                 | <b>Securities Market &amp; Investment: Law, Regulation &amp; Practice</b> | L | T | P | C |
| <b>Owning School/Department</b> | School of Law                                                             | 2 | 0 | 0 | 2 |
| <b>Pre-requisites/Exposure</b>  | Company Law                                                               |   |   |   |   |

### **Course Summary**

Capital Market is one of most attractive avenue for a corporate body to raise capital through ownership and debt instrument. However, it was not always the case, earlier capital market was accessible to few companies only and investor base in these markets was not that strong. With the establishment of Securities and Exchange Board of India and the liberalization of the economy under the new economic policy of 1991, capital market has seen huge development over almost last three decades. A sound knowledge in this area can be obtained only if you read it in conjunction with primary enactments such as Companies Act, 2013, Securities Contract (Regulation) Act, 1956, Securities and Exchange Board of India Act, 1992, Foreign Exchange Management Act, 1999. Further, law relating to securities is subject to rapid changes, it is always advisable for you to keep abreast of the Regulatory notification and circulars . This course will help in the employability of the students.

### **Course Outcomes (Co)**

By the end of this course the student shall be able to

CO1: Understand the working and regulation for capital market.

CO2: Examine the concepts of investment and understand the Indian securities market.

CO3: Apply/Explore the role and powers of regulator of Capital Market.

CO4: Analyse trading in securities and its implication in financial markets.

CO5: Evaluate the framework for foreign investment in India and regulation for foreign exchange in India.

|     | PO1 | PO2 | PO3 | PO4 | PO5 |
|-----|-----|-----|-----|-----|-----|
| CO1 | 2   | -   | -   | -   | -   |
| CO2 | -   | 2   | 2   | 2   | -   |
| CO3 | -   | 2   | 3   | -   | 2   |
| CO4 | 1   | -   | 2   | -   | -   |
| CO5 | -   | 3   | -   | 2   | -   |

1=weakly related

2= moderately related

3=strongly related

#### **Unit I: Overview of Capital Market**

**5 Lecture hours**

Role, Relevance, and significance of Capital Market; Introduction to various components of capital market – primary and secondary market, stock exchanges.

#### **Unit II: Regulation Of Capital Markets**

**4 Lecture hours**

Securities Contract Regulation Act 1956. Depositories Act, 1996.

#### **Unit III: Bilateral Investment Treaty**

**6 Lecture hours**



Meaning and forms of FDI; Nature and scope of substantive rights of foreign investors under Bilateral and Multilateral agreements and Dispute Settlement Mechanisms under BITs – Investment Arbitrations under ICSID and UNCITRAL

#### **Unit IV: Public Issue of Shares and Shareholders' Right**

**7 Lecture hours**

Issue of Public Shares; Transfer, Transmission, Surrender and forfeiture of Shares; Shareholders' Rights (various rights of shareholders and variation of shareholders rights.; Debentures; Difference between Share and Debentures; Kinds of Debenture; Remedies of Debenture Holder; Company Charges

#### **Unit V: Regulation and Administration**

**8 Lecture hours**

Objectives and basic concepts; Insider Trading; SEBI's Guidelines on Insider Trading; Securities and Exchange Board of India (SEBI): Constitution, Powers and Functions; Takeover Code 2011.

#### **Bare Acts**

1. Combinations under Competition Act, 2002
2. Companies Act, 2013
3. Companies Share and Capital and Debenture Rule, 2014
4. Depositories Act, 1996
5. Foreign Exchange Management Act, 1999
6. Relevant Provisions in the Companies Act, 2013
7. SEBI (Bankers to an Issue) Regulations, 1994
8. SEBI (Buy Back Of Securities) Regulations, 1998
9. SEBI (Collective Investment Scheme) Regulations, 1999
10. SEBI (Debenture Trustee) Regulations, 1993
11. SEBI (Delisting of Equity Shares) Regulations, 2009/2015/202
12. SEBI (Delisting of Securities) Guidelines, 2003
13. SEBI (Foreign Portfolio Investors) Regulations, 2014
14. SEBI (Intermediaries) Regulations, 2008
15. SEBI (Intermediaries) Regulations, 2008
16. SEBI (Issue of Capital and Disclosure Requirements) Regulations, 2009
17. SEBI (Issue of Sweat Equity) Regulations, 2002
18. SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015
19. SEBI (Merchant Bankers) Regulations, 1992
20. SEBI (Mutual Fund) Regulations, 1996,
21. SEBI (Ombudsman) Regulations, 2003
22. SEBI (Portfolio Managers) Regulations, 1993
23. SEBI (Prohibition of Fraudulent & Unfair Trade Practices relating to Securities Markets) Regulations, 2003
24. SEBI (Prohibition of Insider Trading) Regulations, 2015
25. SEBI (Public Offer and Listing of Securitised Debt Instruments and Security Receipts)
26. SEBI (Registrars to an Issue and Share Transfer Agents) Regulations, 1993
27. SEBI (Share Based Employee Benefits and Sweat Equity) Regulations, 2021
28. SEBI (Stock Brokers and Sub-Brokers) Regulations, 1992
29. SEBI (Substantial Acquisition of Shares & Takeovers) Regulations, 2011
30. SEBI (Underwriters) Regulations, 1993
31. SEBI Act, 1992
32. Securities and Exchange Board of India (Alternative Investment Funds) Regulations

### 33. Securities Contracts (Regulation) Act, 1956

#### **Textbook**

1. M.Y. Khan: Indian Financial Systems; Tata McGraw Hill, 4/12, Asaf Ali Road, New Delhi – 110 002
2. Bharati V. Pathak (2018), Indian Financial System, Pearson

#### **Suggested Readings**

1. Guruswamy, *Capital Market*, Tata McGraw Education, 2009
2. E Gordon & H Nataraj, *Capital Market in India*, Himalaya Publishing House, 2013
3. *Deepening India's Capital Market: The Way Forward*, USAID, November 2007
4. *The Consolidated FDI Policy Circular of 2014*, Ministry of Commerce & Industry Department of Industrial Policy & Promotion, Government of India
5. *ICSID Convention – A Commentary*, C. Schreuer, 2<sup>nd</sup> Edition 2009
6. Sanjeev Agarwal, *Guide to Indian Capital Market*, Bharat Law House, 2009
7. Imaad A Moosa, *Foreign Direct Investment: Theory Evidence and Practice*, Palgrave MacMillan, 2010.
8. Niti Bhasin, *FDI In India*, New Century Publication, 2008.

#### **Landmark Judgments**

*Course instructor shall provide a list of at least 10 landmark judgments mandatorily with Teaching Notes, which will be discussed in the class. Latest Supreme Court Judgments which are related to the subject should be prioritized for classroom discussion.*

1. A R Dahiya v. SEBI (2015) SC
2. Alok Khetan v SEBI [2008] 86 SCL 187 (SAT – Mum.)
3. Anil Harish v SEBI [2012] 114 SCL 407 (SAT – Mum.)
4. Arbutus Consultancy LLP v. SEBI (2017)
5. Association, Supreme Court Judgment dated: 13.10.2022
6. Before The Adjudicating Officer, SEBI in the investigation matter of Man (India) Ltd, [Adjudication Order Nos. ASK/AO/62-67/2014]
7. Bikramjit Ahluwalia v. SEBI, Securities Appellate Tribunal Decision Dated:10.11.2017
8. Dsq Holdings Limited v. SEBI, 2005 60 SCL 156 SAT
9. Dushyant N. Dala v SEBI, SC (2017)
10. Exchange Board of India and Union of India, through Ministry of Corporate Affairs (respondents); Appeal No. 131 of 2011; Date of Decision: 18.10.2011
11. Hindustan Lever Ltd. v. SEBI, (1998) 18 SCL 311 MOF
12. In respect of Royal Twinkle Star Club Limited and its Directors, SEBI (2015)
13. In the matter of acquisition of shares of Jet Airways (India) Limited WTM/RKA/CFD-DCR/17/2014
14. In the matter of Fairwealth Securities Limited, 2021
15. In the matter of Kamat Hotels (India) Ltd, WTM/GM/EFD/DRAIII/20/MAR/2017
16. In the matter of Nicer Green Housing and Infrastructure Developers Limited, 2021
17. In the matter of PVP Ventures Ltd Adjudication Order No ASK/AO/172-73/2014-15
18. Judgement dated: 18.09.2015

19. Kosha Investments Ltd v. Securities & Exchange Board of India, Supreme Court Judgement dated: 18.09.2015
20. Laurel Energetics Pvt. Ltd. v. SEBI (2017) SAT
21. M/S Jute Investment Company Ltd vs IDBI Capital Market Services, Delhi High Court Judgment dated: Nov. 16, 2015
22. MCX Stock Exchange Ltd. v. SEBI, Bombay High Court Judgment dated: 14.03.2012
23. Nirma Industries Ltd. v. Securities & Exchange Board of India, (2013)8 SCC 20
24. NSDL v SEBI, SAT (2009)
25. Prakash Gupta v. Securities and Exchange Board of India, Supreme Court Judgment dated: July 23, 2021
26. Pramod Jain v. SEBI, Supreme Court Judgement dated: 07.11.2016
27. Rajat Gupta Case study, 2016
28. Rajesh Toshniwal v. SEBI (2012) SAT
29. Rakesh Agrawal v. SEBI 2003
30. Reliance Industries Ltd. v. SEBI, 2004 55 SCL 81 SAT
31. Sahara India Real Estate v. Securities & Exchange. Board of India, (2012) 10 SCC
32. Samir Arora v SEBI, SAT (2004)
33. Sanjay Dalmia v. SEBI (SAT) 2016
34. SEBI v Information Technologies (India) Ltd, Delhi HC (2017)
35. SEBI v. Abhijit Ranjan, Supreme Court Judgment dated: Sept 119, 2022
36. SEBI v. Akshya Infrastructure Pvt.Ltd., (2014) 11 SCC 112
37. SEBI v. Sameer Arora (2004) SAT
38. SEBI v. Shri Sunil Krishna Khaitan, Supreme Court Judgement dated: 11.07.2022
39. SEBI vs Shreepati Holdings and Finance, SAT (2007)
40. Securities & Exchange Board of India vs Burren Energy India Ltd, SC (2016)
41. Securities and Exchange Board of India v. National Stock Exchange Members
42. Securities and Exchange Board of India Vs Ajay Agarwal, (2010) 3 SCC 765
43. Securities Exchange Board of India vs M/S Opee Stock-Link Ltd., SC (2016)
44. Standard Chartered Bank v Custodian, (2000) 6 SCC 427
45. Subhkam Ventures Pvt Ltd v. SEBI (2010) SAT
46. Tarun Jiwarajka v. SEBI (2018) SAT
47. Tijaria Polypipes and Others v SEBI, SAT (2014)

### **Assessment Scheme**

| <b>Components</b>    | <b>Internal Assessment</b> | <b>Mid Term Exam</b> | <b>End Exam</b> | <b>Total</b> |
|----------------------|----------------------------|----------------------|-----------------|--------------|
| <b>Weightage (%)</b> | 25%                        | 25%                  | 50%             | 100%         |

|                                 |                                        |          |          |          |          |
|---------------------------------|----------------------------------------|----------|----------|----------|----------|
| <b>Name of Program</b>          | <b>LL.M.</b>                           |          |          |          |          |
| <b>LLLM110L</b>                 | <b>Law, technology, and E-Commerce</b> | <b>L</b> | <b>T</b> | <b>P</b> | <b>C</b> |
| <b>Owning School/Department</b> | School of Law                          | 2        | 0        | 0        | 2        |
| <b>Pre-requisites/Exposure</b>  |                                        |          |          |          |          |

### **Course Summary**

The main objective of the course is to enable students to understand the pressing problems of commerce. The students will be exposed to know the theoretical and philosophical dimensions of e-commerce in multiple dimensions. By the end of the term the student will be able to understand the problems and challenges of consumer protection in e-commerce with an ability to suggest remedies. This course will help in the development of employability of the students.

### **Course Outcomes (COs)**

CO1: Understand the nature and aspects of E-Commerce.

CO2: Appraise the legal position of electronic contracts and assess the jurisdictional issues in e-consumer disputes.

CO3: Develop critical understanding of consumer protection laws and dispute resolution mechanisms in e-commerce including mediation and online dispute resolution in India.

CO4: Identify the issues related to cyber security with focus on e-commerce specific issues including intermediary liability, privacy and data protection.

CO5: Assess the protection of Intellectual Property Rights in e-commerce domain.

### **CO-PO/PSO Mapping**

|     | PO1 | PO2 | PO3 | PO4 | PO5 |
|-----|-----|-----|-----|-----|-----|
| CO1 | 2   |     | -   | 2   | -   |
| CO2 | -   | 2   | -   | 3   | -   |
| CO3 | 3   | -   | 2   | -   | -   |
| CO4 | 2   | -   | 2   | 2   | 3   |
| CO5 | -   | 2   | -   | 2   | 3   |

1=weakly related

2= moderately related

3=strongly related

#### **Unit I: Introduction to E- Commerce**

**6 Lecture hours**

Definition, Features and Types of E-Commerce; E-Commerce as a Business Model; UNCITRAL – Model Law of E-Commerce; Issues in E-Commerce Transactions.

#### **Unit II: Legal and Regulatory Framework Of E-Contracts**

**8 Lecture hours**

Meaning and kinds of Electronic Contracts; Formation, Validity and Enforceability of electronic contracts; Jurisdictional issue in e- contracts; Liability of E-Commerce Entities.

#### **Unit III: E-Commerce Dispute Resolution**

**5 Lecture hours**

E-Commerce and its impact on consumers; Standard Form of Contracts, Unfair contracts, Product Liability; Measures for the protection of E-consumer; Consumer Protection Act, 2019

Mediation in consumer dispute & Online Dispute Resolution Mechanism.

#### **Unit IV: Data Protection And Cyber Security**

**6 Lecture hours**

Concept of Privacy, Key Privacy issues, State Surveillance and Right to Privacy; Issues relating to Cyber Security in India; Government Initiatives related to cybersecurity; Protection of Personal Data; Digital Personal Data Protection Act, 2023.

#### **Unit V: Intellectual Property Rights In E-Commerce**

**5 Lecture hours**

Protection of IPR in E-commerce; Trademark and Counterfeiting; Domain Name Dispute; cyber squatting; Software Piracy.

#### **Suggested Readings**

1. Alan Davidson, The law of electronic commerce, Cambridge University Press 2012.
2. Avery Wiener Katz, "Is Electronic Contracting Different? Contract Law in the Information Age" 2018
3. Burrows & Edwin Peel, Contract Formation and Parties (Oxford University Press Inc., New York, 2010).
4. C. M. Abhilash, "Commerce Law in Developing Countries: An Indian Perspective" 2002.
5. Chetan Karnatak, "Cyberspace: Jurisdictional Issues of E-commerce and Consumer Protection" 2017.
6. Chris Reed, Internet Law, Text and Materials (Cambridge University Press, 2nd edn., 2004).
7. Chris Reed and John Angel, Computer Law: The Law of Regulation of Information Technology (Oxford University Press, 5th edn., 2007).
8. Christopher William Pappas, "Comparative U.S. & EU Approaches to E- Commerce Regulation: Jurisdiction, Electronic Contracts, Electronic Signatures and Taxation" 31 DENV. J.IN'L L & POL'Y 325 (2002-2003).
9. Chris Reed, "Managing Regulatory Jurisdiction" 38 Houston Law Review 1003 (2001).
10. C. Droge and R.Germain, "The relationship of electronic data interchange with inventory and financial performance 21 JBL 209-230 (2000).
11. Dennis M. Kennedy, "Key Legal Concerns in E-Commerce: The Law Comes to the New Frontier" 18 T.M. COOLEY L. REV. 17 (2001)
12. Chetan Karnatak, "Cyberspace: Jurisdictional Issues of E-commerce and Consumer Protection" (2017)
13. Dennis M. Kennedy, "Key Legal Concerns in E-Commerce: The Law Comes to the New Frontier" 18 T.M.COOLEY L. REV. 17 (2001).
14. N.S. Nappinai, Technology Law Decoded (Lexis Nexis, 1st edn., 2017).
15. Neeraj Dubey, "Legal issues in e-commerce: Think before you click" 2015.
16. J Hill, Cross-Border Consumer Contracts (Oxford, Oxford University Press, 2008).
17. Rohas Nagpal, "Electronic Contracts & the Indian Law" 2012.
18. Sachin Mishra, "Determining Jurisdiction over E-Commerce disputes in India" 2014.
19. Teresa Rodríguez de las Heras Ballell, "Applicable Law and Jurisdiction in Electronic Contracts" 2016.
20. Vakul Sharma, "Information Technology: Law and Practice" 2021
21. Vancouver and Jeffery E. Wittmann "Electronic Contracts" 2015
22. Patrick Quirk and John A. Rothchild, "Consumer Protection and the Internet" in Handbook of Research on International Consumer Law (Edward Elgar Publishing, 2010).
23. Lorna E Gillies, Electronic Commerce and International Private Law: A study of Electronic Consumer Contracts (Ashgate Publishing Limited, England, 1st edn., 2008).

## **Case Laws**

1. A.B.C. Laminart Pvt. Ltd. and Anr. v. A. P. Agencies, Salem, AIR 1989 SC1239.
2. Amazon Seller Services Private Limited, Chandigarh v. Gopal Krishan S/o Shyam Lal and others, 2017 (4) CPJ 112.
3. Amway India Enterprises Pvt. Ltd v. Flipkart Internet Pvt. Ltd and Ors. And Modi Care Ltd. v. Amazon Seller Services Private Limited & Ors., CS (OS) 531/2018.
4. Amazon Seller Services Private Limited, through its Authorized Signatory Rahul Sundaram, Bangalore v. Rahul Popal S/o Ashok Kumar Popal and others, 2019 Indlaw SCDRC 367.
5. Advocates Association v. Union of India, AIR 2001 SC 416.
6. Banyan Tree Holding (P) Limited v. A. Murali Krishna Reddy and Anr., 2010 (42) PTC 361 (Del).
7. Bhagvandas Goverdhandas Kedia v. Ghirdharilal Parshottamdas and Co.,
8. 1966 AIR 543.
9. Bensusan Restaurant Corp. v. King, 937 F. Supp. 295 (S.D.N.Y. 1996).
10. Bharathi Knitting Co. v. DHL Worldwide Express Courier, (1996) 4 SCC
11. 704.
12. Burger King Corp. v. Rudzewicz, 471 U.S. 462, 477 (1985).
13. Calder v. Jones, 465 U.S. 783(1984).
14. Cairo, Ivc. v. Cross Media Services, Inc., 2005 WL 756610 (N.D. Cal. 2005).
15. Casio India Co. Ltd. v. Ashita Tele Systems Pvt. Ltd., 106 (2003) DLT 544.
16. Carlill v. Carbolic Smoke Ball Company,[1893] 1 QB 256.
17. Citicorp Maruti Finance Ltd. v. S.Vijayalakshmi, (2012) 1SCC 1.
18. Compuserve, Inc. v. Patterson, 89 F.3d 1257 (6th Cir. 1996).
19. Life Insurance Corporation of India v. Consumer Education and Research
20. Centre and others, 1995 (5) SCC 482.
21. Lucknow Development Authority v. M.K. Gupta, AIR 1994 SC 787.
22. Sushanta Chandra Deb S/o Late Jagadish Chandra Deb v. G. R. Service,
23. Tripura and another, 2018 Indlaw SCDRC 1547.
24. Spicejet Ltd. v. Ranju Aery, Revision Petition No. 1396 of 2016 in Appeal
25. No. 347 of 2015.
26. Spicejet Ltd. v. Sanyam Aggarwal, First Appeal No.515 of 2016, SCDRC, Haryana.
27. Trimex International FZE Ltd. Dubai v. Vedanta Aluminum Ltd., (2010) 3 SCC 1.
28. World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286 (1980).
29. World Wrestling Entertainment v. M/s. Reshma Collection & Ors.,2013 SCC OnLine Del 3987.
30. Zippo Manufacturing Co. v. Zippo Dot Com, Inc., 952 F. Supp. 1119 (W.D.Pa. 1997)

## **Assessment Scheme**

| Components    | Internal Assessment | Mid Term Exam | End Exam | Total |
|---------------|---------------------|---------------|----------|-------|
| Weightage (%) | 25%                 | 25%           | 50%      | 100%  |

|                                 |                      |          |          |          |          |
|---------------------------------|----------------------|----------|----------|----------|----------|
| <b>Name of Program</b>          | <b>LL.M.</b>         |          |          |          |          |
| <b>LLLM108L</b>                 | <b>Dissertation</b>  | <b>L</b> | <b>T</b> | <b>P</b> | <b>C</b> |
| <b>Owning School/Department</b> | School of Law        | 0        | 0        | 4        | 4        |
| <b>Pre-requisites/Exposure</b>  | Research Methodology |          |          |          |          |

### **Course Summary**

Submission of thesis is mandatory for the award of degree of LL.M. To be declared successful in completion of degree of LL.M., a candidate must secure at least 'B' Grade. Those who secure 'F' Grade shall be declared as failed. If a candidate secures 'F' Grade in the Thesis or fails to submit the Thesis within the time permitted he/she will be given one more chance to submit a revised Thesis, within such time as approved and allowed by the Dean SOL.

### **Course Outcomes (COs)**

On completion of this course, the students will be able to:

CO1: Apply the legal research methods and tools to conduct research

CO2: Raise and provide solution through writings to the issues of socio-legal nature

CO3: Undertake research projects independently

CO4: Uphold the standards of ethics and professionalism in legal writing and research

CO5: Give guidelines and suggestions for future policy makers.

### **CO-PO/PSO Mapping**

|     | PO1 | PO2 | PO3 | PO4 | PO5 |
|-----|-----|-----|-----|-----|-----|
| CO1 | 2   | 1   | 2   | -   | -   |
| CO2 | -   | 2   | 2   | -   | 1   |
| CO3 | 2   | 1   | -   | -   | 1   |
| CO4 | -   | 1   | 2   | 1   | 2   |
| CO5 | 2   | -   | 1   | -   | 2   |

1=weakly related

2= moderately related

3=strongly related

### **Guidelines**

1. The thesis shall be written in English and shall contain a critical account of the student's research. It should be characterised by discovery of facts or fresh approach towards interpretation of facts and theories or significant contribution to knowledge of development or a combination of these. It should bear evidence of the scholar's capacity for analysis and judgement as well as his ability to carry out independent investigation, design, or development. No part of the thesis or supplementary published work shall have been submitted for the award of any other degree. An undertaking/ certificate to the above effect attesting to the originality of the work, vouching that there is no plagiarism, and the work has not been submitted for award of any other degree/diploma to any other Institute shall be provided by the student and supervisor.
2. A student shall submit his thesis within the time-period as notified by SOL, Bennett University.

3. The Thesis shall be put through anti plagiarism software to detect any kind of Academic dishonesty. 10% plagiarism or as notified by UGC shall be allowed.
4. The synopsis should contain the following:
  - (i) Introduction
  - (ii) Literature Review
  - (iii) Objectives
  - (iv) Research Questions
  - (v) Hypothesis (As required by the research area)
  - (vi) Research Methodology
  - (vii) Chapterisation
  - (viii) References/Bibliography
5. The thesis should contain 100-120 pages and minimum 5 Chapters.
6. The referencing style to be followed for the purpose of thesis shall be OSCOLA.
7. The student shall submit three/four/five copies of the thesis in the university. For the format for submission of thesis, students may refer to guidelines in PhD Ordinance of Bennett university. However, the outer cover binding must be Color: BLUE. Cover printing should be in Gold.

#### **Assessment Scheme**

| <b>Components</b>    | <b>Written Submission</b> | <b>Continuous Evaluation</b> | <b>Presentation and Viva-Voce</b> | <b>Total</b> |
|----------------------|---------------------------|------------------------------|-----------------------------------|--------------|
| <b>Weightage (%)</b> | 50%                       | 20%                          | 30%                               | 100%         |



# **Specialization: Criminal Law**

|                                 |                                                        |   |   |   |   |
|---------------------------------|--------------------------------------------------------|---|---|---|---|
| <b>Name of Program</b>          | <b>LL.M.</b>                                           |   |   |   |   |
| <b>LLLM112L</b>                 | <b>Socio-Economic Offences and White Collar Crimes</b> | L | T | P | C |
| <b>Owning School/Department</b> | School of Law                                          | 2 | 0 | 0 | 2 |
| <b>Pre-requisites/Exposure</b>  |                                                        |   |   |   |   |

### Course Summary

With social and economic development of the State, crimes undergo a transformation distinct from traditional nomenclatures of crimes against the human body and property. Crimes which affect the social and economic aspects of public life and crimes which are committed by persons in position of authority in organizations and status. Behavioural and societal changes have also created new debates on forms of human behaviour which need to be regulated to prevent harm to others by bringing such behaviour within the ambit of criminal law. The course seeks to undertake a critical analysis of emerging crimes in light of the abovesaid context.

### Course Outcomes (COs)

By the end of this program, students shall be able to:

CO1: To analyze the concept of socio-economic offences and white collar crimes in Indian context

CO2: To analyze the various statutes on crimes against women and children

CO3: To understand the legal challenges of cyber crimes

CO4: To understand evolving sites of criminal responsibility

|     | PO1 | PO2 | PO3 | PO4 | PO5 |
|-----|-----|-----|-----|-----|-----|
| CO1 | 3   | 1   | 2   | -   | -   |
| CO2 | -   | 2   | 2   | 3   | 1   |
| CO3 | 2   | 1   | -   | -   | 1   |
| CO4 | -   | 1   | 2   | 3   | 2   |
| CO5 | 2   | -   | 1   | -   | 2   |

1=weakly related

2= moderately related

3=strongly related

### **Unit I: Socio-Economic Offences**

**6 Lecture hours**

Historical Evolution of Concept of Socio-Economic Offences; Mens Rea Requirement in Socio-Economic Offences; Sentencing in Socio-Economic Offences; Socio-Economic Offences in India; Poverty and Crime.

### **Unit II: White Collar Crime And Privileged Class Deviance**

**6 Lecture hours**

Historical Evolution of Concept of White Collar Crime & Privileged Class Deviance; Mens Rea Requirement and Sentencing in White Collar Crimes; Criminal Responsibility of Managerial Persons and Employees; Corruption and Privileged Class Deviance in Public Servants; White Collar Crimes & Privileged Class Deviance in India.

### **Unit III: Offences Against Women & Children**

**6 Lecture hours**

Evolution of Rape Laws post- Mathura & Nirbhaya Rape Incidents; Sexual Harassment of Women under IPC and Prevention of Sexual Harassment of Women at Workplace Act 2015 Obscenity & Pornography under Indecent Representation of Women (Prohibition) Act 1986 and Information Technology Act 2000; Domestic Violence against Women Act 2005; Sexual Assault of Children under Protection of Children from Sexual Offences Act 2012.

#### **Unit IV: Cyber Crimes**

**6 Lecture hours**

Offences under Information Technology Act 2000; Jurisdictional Challenges in Cyber Crimes; Measures by Central & State Investigation Agencies against Cyber Crimes; Cyber Crimes in the Financial Sector; Artificial Intelligence and Cyber Crimes.

#### **Unit V: International Developments**

**6 Lecture hours**

LGBTQI+ Discrimination and Criminal Responsibility; Criminal Responsibility of Robots and Non-Sentient Beings; Intellectual Property Infringement as Crime; Effect of Non-Citizenship and Criminal Responsibility; Social Media Posts and Criminal Responsibility.

#### **Reference Book**

1. Edwin H. Sutherland, *White Collar Crime: The Uncut Version*, Yale University Press
2. David Weisburd, *The Criminology of White-Collar Crime*, Springer International Publishing
3. Robert Taylor, Eric Fritsch, John Liederbach, Michael Saylor, William Tafoya, *Digital Crime and Digital Terrorism*, Pearson Education
4. Sameer Patil, *Securing India in the Cyber Era*, Routledge Publishers
5. Nancy Lombard, *The Routledge Handbook of Gender and Violence*, Routledge Publishers
6. Shalu Nigam, *Women and Domestic Violence Law in India: A Quest for Justice*, Routledge Publishers
7. Jay S. Albanese, *Combating Piracy: Intellectual Property Theft and Fraud*, Taylor & Francis Publishers
8. Gabriel Hailevy, *When Robots Kill: Artificial Intelligence Under Criminal Law*, Northeastern University Press
9. Rebecca M. Hayes and Kate Luther, *#Crime: Social Media, Crime, and the Criminal Legal System*, Springer International Publishing

#### **Assessment Scheme**

| Components    | Internal Assessment | Mid Term Exam | End Exam | Total |
|---------------|---------------------|---------------|----------|-------|
| Weightage (%) | 25%                 | 25%           | 50%      | 100%  |

|                                 |                         |   |   |   |   |
|---------------------------------|-------------------------|---|---|---|---|
| <b>Name of Program</b>          | <b>LL.M.</b>            |   |   |   |   |
| <b>LLLM114L</b>                 | <b>Juvenile Justice</b> | L | T | P | C |
| <b>Owning School/Department</b> | School of Law           | 2 | 0 | 0 | 2 |
| <b>Pre-requisites/Exposure</b>  | -                       |   |   |   |   |

### **Course Summary**

This course is designed to give students an overview of the topic of juvenile justice, with a specific emphasis on the Indian juvenile justice system, though comparisons with other justice systems will be made from time to time. The course will examine the history of the juvenile justice system and evaluate how juvenile wrongdoing has been socially constructed as a problem. The course also examines how the juvenile justice system deals with child in conflict with law. We investigate several aspects of the juvenile system, including the juvenile courts, juvenile residential and non-residential interventions, and alternative means of dealing with so-called problem youth, such as restorative justice and diversion programs.

### **Course Outcomes (COs)**

By the end of this program, students shall be able to:

CO1: Understand the concept of delinquency and the evolution of the juvenile justice system.

CO2: Explain children's rights and the need for protection of children.

CO3: Examine the juvenile court system and its handling of cases, as well as other methods of treatment of children and adolescents.

CO4: Analyse the role of police, attorneys, judges, and other actors in the juvenile justice system and the main outcomes of juvenile justice system process

CO5: Develop an ability to analyse the influence of social, community, and environmental factors on delinquency.

|     | PO1 | PO2 | PO3 | PO4 | PO5 |
|-----|-----|-----|-----|-----|-----|
| CO1 | 1   | 2   | 2   | 3   | 2   |
| CO2 | -   | 2   | -   | 3   | 2   |
| CO3 | -   | 3   | -   | 2   | -   |
| CO4 | 1   | 3   | -   | 3   | 1   |
| CO5 | -   | 2   | 1   | 2   | 3   |

1=weakly related

2= moderately related

3=strongly related

### **Unit I: Introduction To Juvenile Justice**

**8 Lecture hours**

Evolution of juvenile justice Jurisprudence; Juvenile justice system vs. Criminal justice system; International child law (UNCRC, Beijing Rules, Riyadh Guidelines); Juvenile Justice (Care and Protection of Children) Act 2015 and other Legal frameworks (POCSO, Child Labour Act, Information Technology Act, Child Marriage Act); Introductory Comments; Juvenile Crime Rate in India: Methodological Understanding of 'Crime in India' Report (NCRB) (Theories of Delinquency)

### **Unit II: Child Rights and Legal Protection of Children**

**6 Lecture hours**

Definition of Child: UNCRC, JJ Act, 2015, POCSO, Child Labour Act; Age of Criminal Responsibility: Debating the age of "child"; Child Rights under United Nations Convention

on the Rights of the Child (UNCRC); The Constitution of India and Child rights; The Commissions for Protection of Child Rights Act, 2005: National Commission for protection of child rights, State Commission for the protection of child rights, Children's Courts.

### **Unit III: Reforming The Child-In-Conflict-With-Law**

**6 Lecture hours**

International Perspectives on dealing with child-in-conflict with-Law (UNCRC, Beijing Rules, Riyadh Guidelines, Tokyo Guidelines); Indian Response in dealing with child-in-conflict with-Law (Pre and Post Juvenile Justice (Care and Protection of Children) Act 2015 perspectives); Juvenile Justice Board (JJB): Composition, Powers and functions of Board, Procedure in relation to children in conflict with law, Preliminary assessment in heinous offences; Powers of children's court, Observation homes – Special home, Special juvenile police unit.

### **Unit IV: Rehabilitation of Child-in-Need-of-Care-and-Protection**

**5 Lecture hours**

Child-in-need-of-Care-and-Protection; International Perspectives on dealing with Child-in-need-of-Care-and-Protection; Indian Response in dealing with Child-in-need-of-Care-and-Protection; Child Welfare Committee (CWC): Composition, Powers, functions of Committee, Procedure in relation to children in need of care and protection; Institutions' roles (public/private): Open shelter, Place of safety, foster care, Children's/Shelter homes, Adoption and sponsorship of children.

### **Unit V: Juvenile Justice Process: Powers And Procedure**

**5 Lecture hours**

Principle of Best interest of children; Pre-trial Procedure; Trial Procedure; Sentencing; Rehabilitation and social re-integration, After care programs, Role of families/guardians (support persons) in the trial and post-trial process, Repatriation; Nature and role of diversion programs, Disposition process, Social Investigation and Reporting and its impact on rehabilitation, Individual Care Plan (ICP).

### **Bare Act**

The Juvenile Justice (Care and Protection of Children) Act, 2015

### **Reference Book**

1. Champion, Dean J., Alida V. Merlo, and Peter J. Benekos. *The juvenile justice system: Delinquency, processing, and the law*. New York: Macmillan Publishing Company, 1992.
2. Champion, Dean J., Alida V. Merlo, and Peter J. Benekos. *The juvenile justice system: Delinquency, processing, and the law*. New York: Macmillan Publishing Company, 1992.
3. Cox, Steven M., et al. *Juvenile justice: A guide to theory, policy, and practice*. Sage publications, 2021.
4. Freeman, Michael, ed. *The future of children's rights*. Hotei Publishing, 2014.
5. Haveripeth Prakash, D. "Juvenile Justice–A Hard Look." *Int. Res. J. Social Sci* 2.1 (2013): 38-40.  
Kumari, Ved. *The Juvenile Justice (Care and Protection of Children) Act 2015: Critical analyses*. Universal Law Publishing, 2017.

6. Kumari, Ved. *The juvenile justice system in India: From welfare to rights*. Oxford University Press, USA, 2004.
7. Pande, B. B. "'Bad 'juveniles And The 'worst' juvenile Justice Law? The Second Challenge To Juvenile Justice Law In" Darga Ram" V." State Of Rajasthan". *Journal of the Indian Law Institute* (2015): 27-47.
8. Pande, B. B. "In the name of Delhi gang rape: The proposed tough Juvenile Justice Law reform initiative." *Journal of National Law University Delhi* 2.1 (2014): 145-166.
9. Van Bueren, Geraldine. "The international law on the rights of the child." *The International Law on the Rights of the Child*. Brill Nijhoff, 2021.
10. Whitehead, John T. *Juvenile justice: An introduction*. Routledge, 2018

### **Assessment Scheme**

| <b>Components</b>    | <b>Internal Assessment</b> | <b>Mid Term Exam</b> | <b>End Exam</b> | <b>Total</b> |
|----------------------|----------------------------|----------------------|-----------------|--------------|
| <b>Weightage (%)</b> | 25%                        | 25%                  | 50%             | 100%         |

|                                 |                               |          |          |          |          |
|---------------------------------|-------------------------------|----------|----------|----------|----------|
| <b>Name of Program</b>          | <b>LL.M.</b>                  |          |          |          |          |
| <b>LLLM116L</b>                 | <b>National Security Laws</b> | <b>L</b> | <b>T</b> | <b>P</b> | <b>C</b> |
| <b>Owning School/Department</b> | School of Law                 | 2        | 0        | 0        | 2        |
| <b>Pre-requisites/Exposure</b>  |                               |          |          |          |          |

### **Course Summary**

Rule of Law in a State requires maintenance of public order against threats affecting both internal and external security of the State such public disturbances, communal riots, terrorist activities and anti-social activities. The course seeks to undertake a critical analysis of the threats to the security of the State and the legal mechanisms to address these threats in the light of protection of the public and protection of the rights of the individual. This course will aid the students enhance their employability.

### **Course Outcomes (COs)**

By the end of this program, students shall be able to:

CO1: Understand the concept of national security and maintenance of law and order.

CO2: Examine the recourse of maintenance of national security through preventive detention and other means.

CO3: Analyse the various anti-terrorism legislations enforceable in India.

CO4: Evaluate the powers of armed forces in maintenance of internal and national security.

CO5: Appraise the various regulations affecting financial security.

|     | PO1 | PO2 | PO3 | PO4 | PO5 |
|-----|-----|-----|-----|-----|-----|
| CO1 | 2   | -   | -   | -   | 3   |
| CO2 | 3   | -   | 2   | -   | -   |
| CO3 | -   | 2   | 3   | -   | 2   |
| CO4 | -   | 2   | 2   | 2   | -   |
| CO5 | -   | 3   | -   | 2   | -   |

1=weakly related

2= moderately related

3=strongly related

### **Unit I: Introduction**

**6 Lecture hours**

Concept of National Security; Maintenance of Law and Public Order; National Security and Emergencies Provision under Constitution; National Security and Fundamental Rights.

### **Unit II: Preventive Detention**

**6 Lecture hours**

Preventive and Punitive Detention; Article 22 and Preventive Detention Act, 1950; Preventive Arrest by Police under section 151 CrPC/170 BNSS; Grounds for Preventive Detention and Comparison of Rights of Detenu and Accused.

### **Unit III: Anti-Terrorism Legislations**

**6 Lecture hours**

National Security Act, 1980; Development through Terrorism and Disruptive Activities (Prevention) Act 1987, (TADA) Prevention of Terrorism Act, 2002 (POTA) to Unlawful Activities Prevention Act, 1967 (UAPA); Organised Crimes, Terrorist Acts and Imputations, assertions prejudicial to national integration under Section 111-113, 197 BNS; Maharashtra Control of Organized Crimes Act, 1999 (MCOCA); National Investigation Agency Act, 2008

#### **Unit IV: Armed Forces and Maintenance Of Security**

**6 Lecture hours**

Powers of Armed Forces for Dispersal of Unlawful Assemblies under sections 130-131 CrPC/149-150 BNSS; Powers of Military Officers under Army Act 1950, Air Force Act, 1950 and Navy Act, 1957; Command Responsibility and Defence of Bound by Law under section 76 IPC/ 14 BNS; Immunity of Actions under Armed Forces (Special Powers) Act, 1958; Powers of central Armed Police Forces - Border Security Force, Central Reserve Police Force, Central Industrial Security Force, Indo-Tibetan Border Police

#### **Unit V: Legislations on Financial Security**

**6 Lecture hours**

Smuggling of Goods under Customs Act, 1962; Conservation of Foreign Exchange and Prevention of Smuggling Act, 1974 (COFEPOSA); Foreign Exchange Regulation Act, 1973 (FERA) and Foreign Exchange Maintenance Act, 1999 (FEMA); Black Money Circulation and Prevention of Money Laundering Act, 2002 (PMLA); Cyber Terrorism and Information Technology Act, 2000.

#### **Bare Act**

1. Air Force Act, 1950
2. Armed Forces (Special Powers) Act, 1958
3. Army Act, 1950
4. Customs Act, 1962
5. Foreign Exchange Maintenance Act, 1999
6. Foreign Exchange Regulation Act, 1973
7. Information Technology Act, 2000
8. Maharashtra Control of Organized Crimes Act, 1999
9. National Investigation Agency Act, 2008
10. National Security Act, 1980
11. Navy Act, 1957
12. Prevention of Money Laundering Act, 2002
13. Prevention of Smuggling Act, 1974
14. Preventive Detention Act, 1950
15. The Bharatiya Nagarik Suraksha Sanhita, 2023
16. The Bharatiya Nyaya Sanhita, 2023
17. Unlawful Activities Prevention Act, 1967

#### **Textbook**

Sanjeev K Chadha and Shailesh K Singh, *National Security Laws: In Indian Scenario*, Regal Publications, ISBN – 9788-184844023.

#### **Suggested Readings**

1. Andrew Harding and John Hatchard, *Preventive Detention and Security Law: A Comparative Survey*, Brill Publishers.
2. Arun Kumar, *Understanding the Black Economy and Black Money in India: An Enquiry into Causes, Consequences and Remedies*, Aleph Publishers.
3. Ashok Kumar, *Challenges to Internal Security of India*, McGraw Hill Education Press.
4. Ashok Kumar, *Terrorism, Naxalism & Insurgency in India*, K. K. Publications.
5. *Benami Black Money & Money Laundering Laws*, Taxmann Publishers.



6. Harsh V. Pant and Kanti P. Bajpai, *India's National Security: A Reader*, Oxford University Press.

**Assessment Scheme**

| Components    | Internal Assessment | Mid Term Exam | End Exam | Total |
|---------------|---------------------|---------------|----------|-------|
| Weightage (%) | 25%                 | 25%           | 50%      | 100%  |

|                          |                            |   |   |   |   |
|--------------------------|----------------------------|---|---|---|---|
| Name of Program          | LL.M.                      |   |   |   |   |
| LLLM118L [LLLM111L]      | International Criminal Law | L | T | P | C |
| Owning School/Department | School of Law              | 2 | 0 | 0 | 2 |
| Pre-requisites/Exposure  |                            |   |   |   |   |

### Course Summary

International Criminal Law is the branch of public international law which seeks to address the criminal responsibility of persons for crimes recognized under international law. With increasing conflict concerning States and non-State armed groups which go beyond international borders, the principles of International Criminal Law are utilized to fix responsibility of persons who commit crimes which draw the attention of the international community of States under specialized international criminal tribunals. The course seeks to undertake a critical analysis of the various crimes recognized under International Criminal Law and the working of the tribunals.

### Course Outcomes (COs)

By the end of this program, students shall be able to:

CO1: Understand the distinct principles of international criminal law

CO2: Examine the different crimes recognized under international criminal law

CO3: Analyse the working of the different international criminal tribunals

CO4: Analyse the limitations and of the different international criminal tribunals

CO5: **Evaluate challenges** of International Criminal Law

|     | PO1 | PO2 | PO3 | PO4 | PO5 |
|-----|-----|-----|-----|-----|-----|
| CO1 | 2   | -   | -   | -   | 1   |
| CO2 | 1   | -   | 2   | -   | -   |
| CO3 | -   | 2   | 3   | -   | 2   |
| CO4 | -   | 2   | 2   | 2   | -   |
| CO5 | -   | 3   | -   | 2   | -   |

1=weakly related

2= moderately related

3=strongly related

### **Unit I: Introduction to International Criminal Law**

**6 Lecture hours**

International Criminal Law and Domestic/Municipal Criminal Law; **International Criminal Law and other Branches of International Law; State Sovereignty and International Criminal Law;** Individual Responsibility in International Criminal Law; Universal Jurisdiction in International Criminal Law.

### **Unit II: Historical Development of International Criminal Law**

**6 Lecture hours**

Hague Conventions of 1899 & 1907 and the Treaty of Versailles 1919; International Military Tribunal (Nuremberg Tribunal) 1945-46 International Military Tribunal for the Far East (Tokyo Tribunal) 1946-48; Convention on the Prevention and Punishment of the Crime of Genocide 1948, International Law Commission Draft Code of Crimes against the Peace and Security of Mankind 1996.

**Unit III: Crimes in International Criminal Law****6 Lecture hours**

War Crimes, Crimes against Humanity; Genocide, Crime of Aggression; Immunities and Defences in International Criminal Law.

**Unit IV: International Criminal Court And Ad Hoc International Criminal Tribunals****6 Lecture hours**

Rome Statute 1998 and the International Criminal Court (ICC) 2002, Jurisdiction Issues of the ICC; International Criminal Tribunal for the Former Yugoslavia (ICTY) 1993, International Criminal Tribunal for Rwanda (ICTR) 1994; Special Courts/Tribunals - Extraordinary Chambers in the Courts of Cambodia 1993; Special Panels for Serious Crimes (East Timor) 2000; Special Court for Sierra Leone 2002; Supreme Iraqi Criminal Tribunal 2004; Special Tribunal for Lebanon 2009; International Crimes Tribunal (Bangladesh) 2009; Kosovo Specialist Chambers 2016

**Unit V: Challenges to International Criminal Law****6 Lecture hours**

Non-State Actors in International Criminal Law and Non-Membership of the United States and Russia in ICC; Withdrawal of African States from ICC and Asian Perspectives on ICC; Proposed International Criminal Tribunal for the Russian Federation

**Textbook**

Robert Cryer, Hakan Friman, Darryl Robinson and Elizabeth Wilmshurst, *An Introduction to International Criminal Law and Procedure*, Oxford University Press

**Reference Book**

1. William A. Schabas, *An Introduction to the International Criminal Court*, Cambridge University Press
2. Antonio Cassese, Guido Acquaviva, Mary De Ming Fan and Alex Whiting, *International Criminal Law: Cases and Commentary*, Oxford University Press
3. Gerhard, Werle, *Principles of International Criminal Law*, T.M.C. Asser Press
4. Gerry J. Simpson, *Law, War and Crime: War Crimes Trials and the Reinvention of International Law*, Polity Press.

**Further Readings**

Course instructor shall provide list of important judgments, journal articles and treaties

**Assessment Scheme**

| Components    | Internal Assessment | Mid Term Exam | End Exam | Total |
|---------------|---------------------|---------------|----------|-------|
| Weightage (%) | 25%                 | 25%           | 50%      | 100%  |

|                                 |                      |          |          |          |          |
|---------------------------------|----------------------|----------|----------|----------|----------|
| <b>Name of Program</b>          | <b>LL.M.</b>         |          |          |          |          |
| <b>LLLM108L</b>                 | <b>Dissertation</b>  | <b>L</b> | <b>T</b> | <b>P</b> | <b>C</b> |
| <b>Owning School/Department</b> | School of Law        | 0        | 0        | 4        | 4        |
| <b>Pre-requisites/Exposure</b>  | Research Methodology |          |          |          |          |

### **Course Summary**

Submission of thesis is mandatory for the award of degree of LL.M. To be declared successful in completion of degree of LL.M., a candidate must secure at least 'B' Grade. Those who secure 'F' Grade shall be declared as failed. If a candidate secures 'F' Grade in the Thesis or fails to submit the Thesis within the time permitted he/she will be given one more chance to submit a revised Thesis, within such time as approved and allowed by the Dean SOL.

### **Course Outcomes (COs)**

On completion of this course, the students will be able to:

CO1: Apply the legal research methods and tools to conduct research

CO2: Raise and provide solution through writings to the issues of socio-legal nature

CO3: Undertake research projects independently

CO4: Uphold the standards of ethics and professionalism in legal writing and research

CO5: Give guidelines and suggestions for future policy makers.

### **CO-PO/PSO Mapping**

|     | PO1 | PO2 | PO3 | PO4 | PO5 |
|-----|-----|-----|-----|-----|-----|
| CO1 | 2   | 1   | 2   | -   | -   |
| CO2 | -   | 2   | 2   | -   | 1   |
| CO3 | 2   | 1   | -   | -   | 1   |
| CO4 | -   | 1   | 2   | 1   | 2   |
| CO5 | 2   | -   | 1   | -   | 2   |

1=weakly related

2= moderately related

3=strongly related

### **Guidelines**

1. The thesis shall be written in English and shall contain a critical account of the student's research. It should be characterised by discovery of facts or fresh approach towards interpretation of facts and theories or significant contribution to knowledge of development or a combination of these. It should bear evidence of the scholar's capacity for analysis and judgement as well as his ability to carry out independent investigation, design, or development. No part of the thesis or supplementary published work shall have been submitted for the award of any other degree. An undertaking/ certificate to the above effect attesting to the originality of the work, vouching that there is no plagiarism, and the work has not been submitted for award of any other degree/diploma to any other Institute shall be provided by the student and supervisor.

2. A student shall submit his thesis within the time-period as notified by SOL, Bennett University.
3. The Thesis shall be put through anti plagiarism software to detect any kind of Academic dishonesty. 10% plagiarism or as notified by UGC shall be allowed.
4. The synopsis should contain the following:
  - (ix) Introduction
  - (x) Literature Review
  - (xi) Objectives
  - (xii) Research Questions
  - (xiii) Hypothesis (As required by the research area)
  - (xiv) Research Methodology
  - (xv) Chapterisation
  - (xvi) References/Bibliography
5. The thesis should contain 100-120 pages and minimum 5 Chapters.
6. The referencing style to be followed for the purpose of thesis shall be OSCOLA.
7. The student shall submit three/four/five copies of the thesis in the university. For the format for submission of thesis, students may refer to guidelines in PhD Ordinance of Bennett university. However, the outer cover binding must be Color: BLUE. Cover printing should be in Gold.

#### **Assessment Scheme**

| <b>Components</b>    | <b>Written Submission</b> | <b>Continuous Evaluation</b> | <b>Presentation and Viva-Voce</b> | <b>Total</b> |
|----------------------|---------------------------|------------------------------|-----------------------------------|--------------|
| <b>Weightage (%)</b> | 50%                       | 20%                          | 30%                               | 100%         |