	SGT UNIVERSITY, GURGAON		
	FACULTY OF LAW		
SYLLABUS			
PROGRAMME	SEMESTER	SUBJECT	COURSE CODE
LL.M	I	RESEARCH METHODS & LEGAL WRITING	

RESEARCH METHODS & LEGAL WRITING

The main objective of this course is to acquaint the student of law with the scientific method of social science research. This course is expected to provide the knowledge of the technique of selection, collection and interpretation of primary and secondary data in 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. The practical skill in conducting research will be evaluated on their performance in field research and workshops/seminars.

UNIT I. RESEARCH — PERCEPTS

- 1.1 Definition, Meaning and Objectives of Research
- 1.2 Research methods vis-à-vis Research Methodology
- 1.3 Legal Research:
 - a) Meaning, scope and purpose of Legal Research
 - b) Relation between law and society
- 1.4 Types of Research- Descriptive, Analytical, Applied, Fundamental, Quantitative, Qualitative, Conceptual, and Empirical.
- 1.5 Qualities of a Good Researcher
- 1.6 Obstacles to a good Research in India

UNIT II. RESEARCH DESIGN & TECHNIQUES

- 2.1 Major steps in research design
- 2.2 Identifications and Formulation of Research Problem
- 2.3 Hypothesis and Research Design
- 2.4 Scaling and Content Analysis
- 2.5 Technique for Collections of data- collection of case materials and juristic literature, use of historical and comparative research material from Statutes, Judicial Decisions, Juristic Writings

UNIT III. RESEARCH TOOLS AND DATA PROCESSING

- 3.1 Observation
- 3.2 Interview, schedule and Questionnaire,
- 3.3 Sampling, Survey and Case Study method
- 3.4 Socio-metrics and jurimetrics

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- 3.5 Data processing (deductions and Inductions) analysis and interpretation of data


UNIT IV. LEGAL WRITING

- 4.1 Legal Writings: Meaning & Significance
4.2 Report/Article writing & legal research; use of definitions, maxims, concepts, principles, doctrines in legal research
4.3 Guidelines for researchers
 a. Research Ethics
 b. Plagiarism & its consequences.
4.4 Citation methodology

Suggested Reading

1. Robert Watt- Concise book on Legal Research
2. Good and Hatt- Research Methodology
3. Pauline Young- Research Methodology
4. Earl Babbie- Research Methodology
5. Stott D.-Legal Research
6. Robert Watt and Francis Johns- Concise Legal Research
7. S.K.Verma & Afzal Wani- Legal Research Methodology
8. C R Kothari, : Research Methodology

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	SGT UNIVERSITY, GURGAON		
	FACULTY OF LAW		
SYLLABUS			
PROGRAMME	SEMESTER	SUBJECT	COURSE CODE
LL.M	I	COMPARATIVE PUBLIC LAW	

Objectives: The paper intends to provide a comparative analysis about the structure of government, legislative process and the role of the judiciary to have better understanding of the Indian polity. It also aims at providing a Comparative study of the systems of polity in UK, US and India.

UNIT I. Public Law and It's Role in Governance

- 1.1 Nature & Role of Public Law
- 1.2 Distinction between public and private law
- 1.3 Scope of Public law – Constitutional law, Administrative law and Criminal law
- 1.4 Basic concepts of Public Law – Constitution vis-à-vis Constitutionalism
- 1.5 Principles of Accountability and Public Law

UNIT II Basic Principles of organization of Government and Forms of Government

- 2.1 Presidential and Parliamentary forms of Government
- 2.2 Forms of Governments
Federal and Unitary Forms
(a) Features, Advantages, and Disadvantages
(b) Model of Federalism and Concept of Quasi-Federalism
(c) Role of Courts in Preserving Federalism
- 2.3 (a) System of Governance under the U.S. Constitution
(b) Basic principles underlying Government in U.K.

UNIT III. Study of Comparative Constitutional Law

- 3.1 Nature and Role of Fundamental Rights in Public Law
- 3.2 Evolution of Fundamental Rights in U.K. , U.S.A. ,and India
- 3.3 Scope of Fundamental Rights in U.S.A.
- 3.4 Role of Fundamental Rights in U.K.
- 3.5 Limits to Fundamental Rights
- 3.6 Relevance and Problems in Using Comparison

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UNIT IV.

Constitutional Foundations of Powers

- 4.1 Rule of Law
 - (a) Dicey's Concept of Rule of Law
 - (b) Modern Concept of Rule of Law
 - (c) Social and Economic Rights as Part of Rule of Law
- 4.2 Separation of Powers
 - (a) Concept of Separation of Powers
 - (b) Checks and Balances
 - (c) Separation of Powers or Separation of Functions
- 4.3 Judicial Review: Comparative analysis of scope of Judicial Review in UK, US and India

Books Recommended:

1. Christopher Forsyth, Mark Elliott, Swati Jhaveri, *Effective Judicial Review: A Cornerstone of Good Governance* (Oxford University Press, 2010).
2. D.D. Basu, *Comparative Constitutional Law* (2nd ed., Wadhwa Nagpur).
3. David Strauss, *The Living Constitution* (Oxford University Press, 2010)
4. Dr. Subhash C Kashyap, *Framing of Indian Constitution* (Universal Law, 2004)
5. Elizabeth Giussani, *Constitutional and Administrative Law* (Sweet and Maxwell, 2008).
6. Erwin Chemerinsky, *Constitutional Law, Principles and Policies* (3rd ed., Aspen, 2006)
7. M.V. Pylee, *Constitution of the World* (Universal, 2006)
8. Mahendra P. Singh, *Comparative Constitutional Law* (Eastern Book Company, 1989).
9. Neal Devins and Louis Fisher, *The Democratic Constitution* (Oxford University Press, 2010)
10. S.N Ray, *Judicial Review and Fundamental Rights* (Eastern Law House, 1974).


Articles:

1. AmanUllah and UzairSamee, "Basic Structure of Constitution: Impact of KesavanandaBharati on Constitutional Status of Fundamental Rights", Vol. 26 (2) *South Asian Studies* 299-309 (JulyDecember 2011).
2. Anne Smith, "Internationalization and Constitutional Borrowing in Drafting Bills of Rights", 60(4) *International and Comparative Law Quarterly* 867-894 (2011October).
3. Bruce Ackerman, "The New Separation of Powers" 113 (3) *Harv. L. Rev.* 634-729 (2000)
4. Bryan Clark and Amanda Leiter, "Regulatory hide and seek: What agencies can (and can't) do to limit judicial review" 52(5) *Boston College Law Review* 1687-1732 (2011 November)
5. Rodriguez, "Change that matters: Essay on State Constitutional Development", 115(4) *Penn State Law Review* 1073-1098 (Spring 2011).

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7. Daryl Levinson and Richard H. Pildes "Separation of Parties, Not Powers" 119(8) Harvard Law Review 2311-2386 (2006).
8. David King, "Formalizing Local Constitutional Standards of Review and the Implications for Federalism" 97 (7) Virginia Law Review 1685-1726 (November 2011). * Suggested Readings are not exhaustive. Need to be supplemented with additional readings.
9. David Staruss, "Do we Have a Living Constitution" 59 (4) Drake Law Review 973-984 (2011 Summer)
10. Devi Prasad Singh, "Sovereignty, Judicial Review and Separation of Power", 7(5) Supreme Court Cases 1-13 (2012 September)

M. Mahalingam *A.B. in* *OWM*
for

	SGT UNIVERSITY, GURGAON		
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SYLLABUS			
PROGRAMME	SEMESTER	SUBJECT	COURSE CODE
LL.M	I	LAW & JUSTICE IN GLOBALIZING WORLD	

OBJECTIVES: The students should understand the process of globalization in all its dimensions and perspectives; they should particularly appreciate the role of Law and Justice in the context of globalization

UNIT I. Globalisation and Legal Theory

- 1.1 Relationship of Law and Justice: Justice as Function and Purpose of Law.
- 1.2 Jeremy Bentham's Utilitarian Theory of Justice
- 1.3 John Rawls Theory of Justice.
- 1.4 Welfare State and Sociological Jurisprudence
- 1.5 Amartya Sen's Idea of Justice: Its Relevance in the light of Justice and World

UNIT II. GLOBALIZATION: MEANING, REACH AND FORM

- 2.1 Social, Political, and Economic Dimensions of Globalization
- 2.2 Emergence of Transnational Law in a Globalizing World
- 2.3 Impact of Globalization on Sovereignty of States
- 2.4 Impact of Globalization on Federalism and Democratic Law Making
- 2.5 Impact of globalization on
 - a. Human Rights
 - b. Trade Law

UNIT III. CONCEPT OF JUSTICE IN A GLOBALIZING WORLD

- 3.1 Globalization and Universal Values
- 3.2 Concept of Global Justice
- 3.3 Cosmopolitanism
- 3.4 Globalization and Social Justice/ Global Distributive Justice
- 3.5 Impact of Globalization on Judicial Process and Administration of Justice

UNIT IV. Emerging Initiatives for Justice



- 4.1 Role of Mediation and Arbitration in Globalized world
- 4.2 Third World's Perspectives to Globalisation.
- 4.3 Cosmopolitanism and Global Justice
- 4.4 Roles and Responsibilities of
 - a) Multinational Companies
 - b) Corporate Social Responsibilities
 - c) Other New Initiatives
- 4.5 United Nations' Institutional Mechanism of Justice under International Legal Regime


Books Recommended:

1. Andrew Kuper, Democracy Beyond Borders: Justice and Representations in Global Institutions (OUP, 2006).
2. Anthony McGrew, David Held (eds.), Governing Globalization: Power, Authority and Global Governance (Polity Press, 2002).
3. Boaventura de Sousa Santos, Cesar A. Rodriguez-Garavito (eds.), Law and Globalization from Below (Cambridge University Press, 2005).
4. David B. Goldman, Globalization and the Western Legal Tradition: Recurring Patterns of Law and Authority (Cambridge University Press, 2008).
5. David Held, A Globalizing World? Culture, Economics, Politics (2004).
- 6.- Amartya Sen : The idea of justice

Articles:

1. Ajit Pal Singh, "Globalization and its Impact on National Policies with Reference to India: An Overview of Different Dimensions" 42 (1-2) Journal of Constitutional and Parliamentary Studies 62-78 (2008).
2. Amit Kumar Sinha, "Human Rights in the Era of Globalization" 245 (6) Madras Law Journal 124-136 (2010).
3. Anupam Hazra, Indians in Need of Rehabilitation, 8 (3) Indian Journal of Public Administration 29-35 (2009).
5. B. S. Chimni, "A Just World Under Law: A View From South" 22 (2) Am. U. Int. Law. Rev. 199- 220 (2007).
6. B.S. Chimni, "International Institutions Today: An Imperial Global State in the Making" 15 E.J.I.L. 1 (2004).
7. Benedict Kingsbury, Nico Krisch, et al., "The Emergence of Global Administrative Law" 68 Law and Contemporary Problems (2005).
8. Boutros and Branislav, "Global Leadership and Global Systematic Issues: South, North and UNITED Nations in a 21st Century World II 46 (44&45) Economic and Political Weekly 23-35 (April 2011).
9. Cameron and Gunningham, "Natural Resources, New Governance and Legal Regulation: When Does Collaboration Work" 24 (3) New Zealand Universities Law Review 309-336 (June 2011).
10. Hiren Gohain, "Livelihood Losses and National Gains" 45 (51) Economic and Political Weekly 79-80 (2010).



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SYLLABUS				
PROGRAMME	SEMESTER	SPECIALIZATION	SUBJECT	COURSE CODE
LL.M	I	CORPORATE LAW	Competition Law	

Objective: This subject is intended to provide an understanding regarding the Competition Law and the provisions pertaining to Competition Policy

UNIT I

Introduction to Competition Law

- 1.1 History and Evolution of Competition Law In India
- 1.2 Competition: Introduction & Objectives of Competition Law
- 1.3 History of Competition Law (USA, UK, Europe) Relevant provisions of Sherman's Act
- 1.4 Indian scenario with an overview of MRTP Act, 1969 - Raghavan Committee Report
- 1.5 International co-operation for competition - WTO agreements and the Act

UNIT II

Malpractices in Competition

- 2.1 Anti-competitive Agreement - Appreciable adverse effect - Horizontal and Vertical agreements - Effects doctrine
- 2.2 Prohibition of anti-competitive agreements - Concerted practices and parallel behavior
- 2.3 Cartel and Cartelisation - Bid rigging and collusive bidding
- 2.4 Tie-in-arrangements - Exclusive supply agreement - Resale price maintenance agreement

UNIT III

Abuse of Dominant Position

- 3.1 Abuse of Dominant Position

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- 3.2 Relevant market
- 3.3 Predatory behaviour - Predatory pricing
- 3.4 Discriminatory practices - Relevant market

UNIT IV

Competition Policy

- 4.1 Combination - Value of Assets - Turnover - Acquisition - Conglomeration - Joint Venture
- 4.2 Merger and Amalgamation - Notification
- 4.3 Competition Commission of India - Establishment and composition - Duties - Procedure for inquiry - Powers - Competition fund
- 4.4 Competition Advocacy - Competition Policy

Suggested Readings:


1. Dhall .Vinod, Competition Law Today: Concept Issues and Law in Practice, Oxford University Press, 2007
2. Mittal D.P., Taxmann's Competition Law and Practice, 3rd Edition , 2007.
3. Universal Guide to Competition Law in India, Universal Law Publishing Company, New Delhi. 2003
4. Ramappa. T., Competition Law in India- Policy, Issues and Development Oxford University Press, 3rd Edition, 2013
5. Aditi P Talati, Nahar. S. Mahala, Competition Act, 2002: Law, Practice and Procedure, Commercial Law Publishers, 2006

M. Mahalingam

A. B. D. J.

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Corporate

				
SGT UNIVERSITY, GURGAON FACULTY OF LAW				
SYLLABUS				
PROGRAMME	SEMESTER	SPECIALIZATION	SUBJECT	COURSE CODE
LL.M	I	CORPORATE LAW	COMPANY LAW	

Objective: This subject is intended to provide an insight into the fundamentals of corporate law and its basic principles. This subject aims at an understanding of the basic principles of corporate law and gives an insight into the application of this important area.

UNIT I

Incorporation and Formation of Company

- 1.1 Meaning of Corporation: Various theories of Corporate personality
- 1.2 Company and Other Forms of Business Organization
- 1.3 Different Kinds of Company: One Person Company, Foreign Company
- 1.4 Process of Incorporation
- 1.5 Memorandum and Articles of Association
- 1.6 Doctrine of Ultra-Vires

UNIT II

Role of Directors and Meetings

- 2.1 Directors: Appointment, Removal, Position, Powers and Duties of Directors.
- 2.2 Liability of independent directors
- 2.3 Meetings - Types of Meetings, Procedure of calling meeting
- 2.4 Doctrine of Indoor Management
- 2.5 Doctrine of Ultra-vires
- 2.6 Doctrine of Constructive Notice

UNIT III

Oppression & Mismanagement and Investigation (Sections 397 to 408; Sections 235 to 251)

- 3.1 Rule in Foss v. Harbottle
- 3.2 Prevention of Oppression



- 3.3 Prevention of Mismanagement
- 3.4 Role & Powers of the Company Law Board
- 3.5 Role & Powers of Central Government

UNIT IV

Corporate Liquidation

- 4.1 Winding up of Companies
- 4.2 Mode of winding up of the companies
- 4.3 Compulsory Winding up under the Order of the Tribunal
- 4.4 Voluntary winding up
- 4.5 Contributories Payment of liabilities

Suggested Reading:

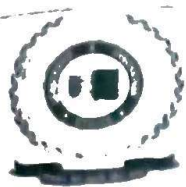
1. Saleem Sheikh & William Rees, Corporate Governance & Corporate Control, Cavendish Publishing Ltd., 1995
2. Taxmann Companies Act 2013
3. Taxmann, A Comparative Study of Companies Act 2013 and Companies Act 1956
4. Avtar Singh: Indian Company Law
5. Shah S.M : Lectures on Company Law
6. Charles Wild & Stuart Weinstein Smith and Keenam, Company Law, Pearson Longman, 2009
7. Institute of Company Secretaries of India, Companies Act, 2013, CCH Wolter Kluwer Business, 2013
8. Lexis Nexis, Corporate Laws 2013 (Palmtop Edition)
9. C.A. Kamal Garg, Bharat's Corporate and Allied Laws, 2013

M. Mahalingam

AB-ly

PKM

Amber



Corporate Law

PROGRAMME	SEMESTER	COURSE NAME	FOL
LLM	II	Corporate Governance	COURSE CODE 12020205

Course Objectives: Corporate governance is the set of processes, customs, policies, laws and institutions affecting the way a corporation is directed or controlled. Emergence of corporate social responsibility affecting all the stakeholders seeks to make the corporations socially responsible. The course aims at providing basic idea about corporate governance and its implications on society and legal system

UNIT I. THEORIES AND PRINCIPLES OF CORPORATE GOVERNANCE.

- 1.2. Corporate governance and Public Governance
- 1.3. Evolution of corporate governance-Developments in India, US, UK
- 1.4. Principles of Corporate Governance- OECD Principles
- 1.5. Theories and philosophies of corporate governance
- 1.6. Concept of corporate governance and stake-holders

UNIT II. LEGISLATIVE FRAMEWORK OF CORPORATE GOVERNANCE IN INDIA

- 2.1 Companies Act, 2013: Board of Directors, Directors- Introduction, types of directors, duties and responsibilities, independence Board Composition, diversity in board, board's role and responsibility
- 2.2 Securities and Exchange Board of India Act, 1992.

UNIT III: CORPORATE GOVERNANCE AND SHAREHOLDER AND OTHER STAKE HOLDERS RIGHTS

- 3.1. Rights of Shareholders. Challenges in exercising shareholder's rights
- 3.2. Corporate governance and related party transactions
- 3.3. Investor protection in India; Role of institutional investors. Employees
- 3.4. Customers, Institutional Investors, Creditors, Community, Government.

UNIT IV: CORPORATE SOCIAL RESPONSIBILITY

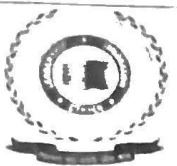
- 4.1. CSR and investment climate, Corruption. Code of ethics,

4.2 Corporate Frauds, Major Corporate frauds, case studies.

4.3 Whistle-blowing and Corporate governance.

Suggested Readings:

1. Sami Pathasarathy, Corporate Governance, Principles, Mechanisms and Practice
2. Dimple Grover, Amulya Khurana, Ravi Shankar, The Regulatory Norms of Corporate Governance in India.
3. Sadhalaxmi Vivek Rao, Legal Framework and corporate Governance: An Analysis of Indian Governance System
4. Ministry of Corporate Affairs, Voluntary Guidelines on Corporate Governance. 2009
5. Sanjay Anand, Essentials of Corporate Governance
6. Kevin Keasey, Steve Thompson, Michael Wright, Corporate Governance, Accountability, Enterprise and International Comparisons
7. The Institute of Directors, Handbook of International Corporate Governance
8. Christine Mallin, International Corporate Governance- A case Study approach
9. Frederick Lipman & Keith Lipman, Corporate Governance Best Practices, Strategies for Public, Private and NGOs
10. A.C. Fernando, Policies and Practices

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PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LLM	II	Law Relating Insolvency and Bankruptcy Code-2016	12020206

Course Objectives: The objective of the Insolvency and Bankruptcy Code, 2016 is to consolidate and amend the laws relating to re-organisation and insolvency resolution of corporate persons, partnership firms and individuals in a time bound manner so as to make it easy for the investors to exit within a fixed time frame in an effort to improve the ease of doing business in India. Since there is no single law in India that deals with insolvency and bankruptcy, one of the most important reforms envisaged in this bill is to make substantive changes in eleven enactments and repealing some to avoid conflicting rules, i.e., now only one Act to be followed, instead of eleven different Acts. It also opens up a new window of professional opportunity for Chartered Accountants as Insolvency Professionals.

UNIT I. The Insolvency and Bankruptcy Code, 2016

- 1.1 Important Provisions of the code, 2016.
- 1.2 Corporate Debtors
- 1.3 Insolvency Resolution Process for Individuals/Unlimited Partnership.
- 1.4 Institutional Infrastructure

UNIT II. Rules and Regulation under the bankruptcy Code.

- 2.1 All Rules and Regulations notified under the Code till 31st December, 2017

Insolvency

- 2.2 Insolvency and Bankruptcy Board of India (Engagement of Research Associates and Consultants) Regulations, 2017.
- 2.3 Insolvency and Bankruptcy Board of India (Model Bye Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016.

UNIT III. The Companies Act, 2013(specific provisions)

- 3.1 Prospectus and Allotment of Securities
- 3.2 Share Capital and Debentures, Acceptance of Deposits by Companies. Registration of Charges

3.3 Management and Administration, Accounts of Companies, Compromises, Arrangements and Amalgamations

3.4 Removal of names of the companies from the register of companies

3.5 Winding-up of the companies

UNIT IV. Miscellaneous Provisions

4.1 The Recovery of Debts due to Banks and Financial Institutions Act, 1993;

4.2 The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002;

4.3 Corporate Debt Restructuring Scheme, Strategic Debt Restructuring, and Scheme for Sustainable Structuring of Stressed Assets (S4A) (of RBI)

Suggested Readings:

1. Insolvency and Bankruptcy Code 2016 - Bare Act Book by Taxmann.

2. Insolvency and Bankruptcy in India – Law & Practice, 1 January 2020 (IP) Ayush J Rajani (FCA), Khushboo Shah Rajani (ACA, LLB), Alka Adatia (FCA)

3. Resolution of Stressed Assets with Special Emphasis on Insolvency and Bankruptcy Code, 2016 for Bankers by MR UMARJI IIBF, Taxmann Publications.



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FACULTY OF LAW

SYLLABUS

FOL

PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LLM	II	Corporate Taxation	12020207

Course Objectives: The course intends to equip students with the ability to apply corporate tax provisions and financial planning tools to corporate world. Corporate Taxation are discussed in terms to provide necessary inputs to the students for handling real life problems efficiently using appropriate concepts of taxation laws. Students are apprised with the recent developments in tax structure in India

UNIT I. GENERAL PRINCIPLES OF TAXATION.

1.1. Introduction to Income-tax, Definitions of Income-tax. Types of Company. Special Provision in respect of newly established undertaking in free trade zone SEZ. Profit and Gains of business or profession

1.2. Concept of Capital Gains, Set off or carry forward of losses

1.3. Incentive and deductions to Companies under Section 80.

1.4. Depreciation under Companies Act- Schedule 14 S. 205 & S. 350 and depreciation Under Income Tax Act. Minimum Alternate Tax 115 JB, Tonnage Taxation Ch. 12 G.

1.6. Dividend Tax; International Transaction. Penalties and prosecution

UNIT II. WEALTH TAX INTRODUCTION AND CHARGEABILITY

2.1. Valuation date and computation

2.2. Assets and deemed assets

2.3 Assets exempt from tax

2.4. Debt owed, Valuation of assets

2.5. Return of wealth and assessment

UNIT III SALES TAX AND VAT LAWS

3.1. Imposition of Tax

3.2. Registration and Security, Returns

3.3. Assessment, Payment of Tax and Interest

3.4. Accounts and Records

3.5. Objections, Appeals and Disputes. Penalties and Offences

3 6. Way to GST (Tax on goods & services)

UNIT IV EXCISE, CUSTOMES AND SERVICE TAX

4.1 Excise- Introduction, Levy and Collection, Search, Seizure and Confiscation, Appeals and Revision

4.2 Custom-Introduction, Charge of Custom Duty, Bill of Entry, Prohibition of Import and Export, Goods liable for confiscation, Baggage exempt from duty, Offences

4.3. Service Tax-Introduction, Exemption from service tax, Abatement, Penalties, Service Tax on Government Department and Public Authorities.

Suggested Readings:

1. Vinod Singhania & Kapil Singhania, Direct Taxes Law and Practice, Taxmann, 2014
2. Chaturvedi & Pithisaria, Income Tax Act with Relevant Tax Allied Acts, Lexis Nexis, 2013
3. Dr. Monica Singhania & Dr Vinod Singhania, Students guide to Indirect Tax Laws, Taxmann, 2014
4. V.S. Datey, Elements of Indirect Taxes, Taxmann, 5th Edition., 2014.

References:

1. B.B. Lal, Income Tax, Pearson, 2010
2. Taxmann's Income Tax Act as Amended by Finance Act, 2014
3. Vineet Sodhani, Indirect Tax Laws, Taxmann, 2014
4. S.S. Gupta, Service Tax: How to Meet your Obligation, Taxmann, 2014
5. R Krishnan & R Parthasarthy, Valuation under Central Excise & Service Tax, Commercial Law Publishers Pvt. Ltd, 2013.
6. V.S. Datey, Custom Law and Practice and Procedure, Taxmann, 12th Edn., 2014A



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SYLLABUS

FOL

PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LLM	II	INTERNATIONAL TRADE LAW	12020208

Course Objectives: To make aware students about the World Trade Organisation and its role in International Trade and giving an insight about the origin of the WTO, sources of WTO law, structure, functions, dispute settlement mechanism, principles of the WTO. Acquaint the students with the transitional commercial law covering the history, UNDRUIT and UNCITRAL etc.

UNIT I. THEORIES RELATED TO INTERNATIONAL TRADE LAW

- 1.1 Mercantilism,
- 1.2 Theory of absolute advantage of Adam Smith,
- 1.3 Theory of comparative advantage of David Ricardo and its developments
- 1.4 Marxist notions affecting International Trade

UNIT II. HISTORICAL BACKGROUND, STRUCTURE AND ROLE OF THE WORLD TRADE ORGANISATION (WTO) IN INTERNATIONAL TRADE

- 2.1 Historical background of WTO
- 2.2 Organizational Structure of the WTO
- 2.3 Role of the WTO in International Trade
- 2.4 Dispute Settlement Mechanism within the WTO and Relationship of WTO with the other two Bretton Woods institutions i.e. IMF and World Bank

UNIT III. Trade in Goods: Transitional Commercial Laws

- 3.1 **Transnational Commercial Laws:** Meaning and scope of Transnational Commercial Law. Evolution of Law Merchant Sources of Transnational Commercial Law Movement towards unification of national commercial laws UNIDROIT and UNCITRAL.

3.2 International Carriages- Carriage of goods by sea; Carriage by air; Multimodal transportation. International Sales of goods- Vienna Convention on Contract for International Sale of Goods; Drafting of International Commercial contracts- an Introduction.

3.5 International Commercial Arbitration. UNCITRAL Model Law on International commercial arbitration. Indian Arbitration and Conciliation Act, 1996; Enforcement of foreign arbitral awards.

UNIT IV. LAW AND POLICY ON TRADE AND INVESTMENT

4.1 Introduction to law and Policy of Export- Import Trade in India

4.2 Foreign Trade (Development and Regulation) Act, 1992

4.3 Foreign Exchange Management Act, 1999.

4.4 Law relating to Customs, Customs Act, 1962

Suggested Readings:

1. Bhala, Raj Modern GATT Law: A Treatise on the General Agreement on Tariffs and Trade (Thompson, Sweet and Maxwell 2005)
2. Macrory, Patrick F.J. et al The World Trade Organization: Legal, Economic and Political Analysis (Springer, 2005)
3. Matsushita, Mitsuo et al The World Trade Organization: Law Practice and Policy (OUP, 2006)
4. Mavroidis, Petros C. The General Agreement on Tariffs and Trade (OUP 2005)
5. Schnitzer, Simone Understanding International Trade Law (Law Matters Publishing, 2006) Michael J. Trebilcock, Robert Howse. The Regulation of International Trade
17. Michael K. Levine, Inside International Trade Policy formulation
18. Nicholas Kouladin, Principles of Law relating to International Trade, Springer, 2006.
19. P. Sellman, The Law of International Trade, 150 leading Cases (2nd 3dition, London: Old Bailey Press, 2004)
20. P.Todd, Cases and Materials on International Trade Law (1stedn. London: Sweet & Maxwell, 2003)
21. Palmeter, N. David; Mavroidis, Petros C., Dispute Settlement in the World Trade Organization: Practice and Procedure.

22. Raj Bhalla. International Trade Law: Theory and Practice, Second Edition, Lexis Publishing, 2001.
23. Rao M B, WTO & International Trade, 2nd edition, Vikas Publishing House Pvt.Ltd
24. Rene David, Arbitration in International Trade, Kluwer Law and Taxation Publishers, Netherlands, 1985.
25. Schnitzer, Simone, Understanding International Trade law, Universal Publishing House, 2007
26. VibhaMathur, WTO and India.
27. WTO Analytical Index: Guide to WTO Law and Practice, WTO Geneva 2003

SPECIALISATION –HUMAN RIGHTS