

**United University**  
*Prayagraj*  
**FACULTY OF LAW**  
**2021-22**

**Semester: I**  
**Course Title: Banking and Insurance Law.**  
**Course Code: FLPCLM105T**  
**Credit: 3**

**Course: LLM CCL**

**L-T-P**  
**3-0-0**

**Course Objective:** The course is designed to explain the students with conceptual and operational parameters of banking & insurance law. This course is an attempt towards imparting knowledge of various aspects of banking regime and analyses the interdisciplinary study of Banking with other Laws.

**Course Content:**

S. No.	Contents
Unit I	<b>Structure of Indian Banking:</b> <ul style="list-style-type: none"> <li>• Origin of currency and Banking Industry</li> <li>• Reserve Bank of India: Role of RBI in stability of Indian Macroeconomy</li> </ul> Different Bank accounts and legal relation of Banker and customer.
Unit II	<b>Recovery Process of Banking Industry</b> <ul style="list-style-type: none"> <li>• Various laws governing Recovery actions: RDDBFI Act 1992, SARFAESI 2002, Insolvency and Bankruptcy Code 2016</li> <li>• Bank Guarantees and letter of credit: laws governing and UCP guidelines</li> <li>• Issues in recovery laws and Bank Guarantees with respect to recent frauds in Banking Industry</li> </ul>
Unit III	<b>Insurance Laws</b> <ul style="list-style-type: none"> <li>• Nature-, History of Insurance in India</li> <li>• Insurance Regulatory &amp; Development Authority Act, 1999: Its role and functions.</li> <li>• Contract of Insurance: Classification of contract of Insurance- Nature of various Insurance.</li> <li>• Insurance Contract, Insurable Interest, and Premium: Definition, method of payment, days of grace, forfeiture, return of premium, Meaning and scope of risk, Causa Proxima.</li> </ul>
Unit IV	<b>Law of Insurance: Life Insurance</b> <ul style="list-style-type: none"> <li>• Nature and scope of Life Insurance- Kinds of Life Insurance.</li> <li>• The policy and formation of a life insurance contract, Event insured against Life Insurance contract, Circumstance affecting the risk, Amount recoverable under the Life Policy, Persons entitles to payment, Settlement of claim and payment of money, Life Insurance Act, 1956</li> </ul>
Unit V	<b>Fire Insurance and Marine Insurance</b> <ul style="list-style-type: none"> <li>• Fire Insurance: Nature and scope of Fire Insurance, Basic Principles, Conditions &amp; Warranties Right &amp; Duties of Parties, Claims, Some Legal Aspects.</li> <li>• Marine Insurance: Nature and Scope, Classification of Marine policies, Insurable interest.</li> </ul>

**Course Outcome:**

1. The students will understand and know about the Meaning and Scope of Banking Sector in India and associated Legislations in India.
2. The Students will understand the working of the banking sector and various considerations for the proper functioning and efficiency of the system.
3. The Students will be able to understand the Nature and Scope of the Insurance System in India and various

Legislations associated with it

Text Books:

1. Tannan's Banking Law and Practice in India, 23rd edition, by M.L. Tannan, Publisher: Lexis Nexis, Butterworths Wadhwa, Nagpur (2010).
2. Insurance Law and Regulation: Cases and Materials, by Kenneth S. Abraham, Publisher: Foundation Press.
3. Insurance Law: Cases and Materials, by John Lowry, Philip Rawlings, Publisher: Hart Publishing (UK)

E-Sources:

1. <https://www.jstor.org/stable/42365>
2. <https://www.jstor.org/stable/2570contents>

**United University**  
*Prayagraj*  
**FACULTY OF LAW**  
**2021-22**

**Semester: I**  
**Course Title: Corporate Law.**  
**Course Code: FLPCLM104T**  
**Credit: 4**

**Course: LL.M CCL**

**L-T-P**  
**4-0-0**

**Course Objective:** To understand the conceptualization of basic principles of corporate law, to acquaint the knowledge of Corporate Personality, theories of personality and Jurisprudential aspect. To know the circumstance of Lifting the Corporate veil. To understand the significance Memorandum and Articles of Association.

**Course Content:**

S. No.	Contents
Unit I	<p><b>COMPANY FORM AND STRUCTURE</b></p> <ul style="list-style-type: none"> <li>• Corporate Personality, personification -Concept</li> <li>• Theories of Corporate Personality –Jurisprudential aspects</li> <li>• Company – Definition, Nature, Characteristics</li> <li>• Classification of companies</li> <li>• Doctrine of piercing the corporate veil – Statutory exceptions and Judicial interpretations</li> <li>• Promotion of companies – Legal position of Promoters, Duties and Liabilities</li> </ul>
Unit II	<p><b>COMPANY REGISTRATION AND INCORPORATION</b></p> <ul style="list-style-type: none"> <li>• Memorandum of Association – Importance and Contents</li> <li>• Articles of Association – Significance and interrelationship</li> <li>• Doctrine of Ultra Vires – Applicability, consequences</li> <li>• Doctrine of Constructive Notice – Rule of presumption</li> <li>• Doctrine of Indoor Management – Concept &amp; exceptions</li> <li>• Prospectus (meaning, issue and kinds)</li> </ul>
Unit III	<p><b>CORPORATE FUND RAISING</b></p> <ul style="list-style-type: none"> <li>• Share/Equity Capital – Meaning and Nature of Shares, Kinds of Shares</li> <li>• Rights issue, Bonus Issue - Rationale, mechanism</li> <li>• Allotment –Principles &amp; procedure</li> <li>• Debenture/Debt Capital –Concept, Meaning and Kinds</li> <li>• Debenture Trustee, Debenture Trust Deed.</li> <li>• Shareholder vis-à-vis Debenture holder.</li> </ul>
Unit IV	<p><b>CORPORATE MANAGEMENT</b></p> <ul style="list-style-type: none"> <li>• Directors – Meaning, Types, Qualifications, Disqualifications</li> <li>• Legal Position of Directors</li> <li>• Shadow, De-facto and De-jury Director</li> <li>• Powers and Duties of Directors</li> <li>• Meetings – Kinds and Requisites of valid meeting</li> </ul>

Unit V	<b>CORPORATE ABUSE, CORPORATE GOVERNANCE AND CORPORATE SOCIAL RESPONSIBILITY</b> <ul style="list-style-type: none"><li>• Shareholders Democracy</li><li>• Majority Powers and Minority Rights</li><li>• Principle of Non-Interference (Rule established in Foss v Harbottle)</li><li>• Protection against Oppression</li><li>• Protection against Mismanagement</li><li>• Principal of Corporate Governance</li><li>• CSR and its importance including statutory provisions</li><li>• Interrelationship between CG &amp; CSR.</li></ul>
--------	---

Course Outcome:

1. The fundamentals of Corporate Law and the essential doctrines governing it.
2. The legal features of a company and their implications in business.
3. The legal framework of Corporate Law comprising the Companies Act, rules, case laws and regulatory practices.

Text Books:

1. Ramaiyya, Guide to Companies Act, 2013
2. Charlesworth & Morse, Company Law
3. K. Majumdar, Dr. G. K. Kapoor Company Law & Practice, Taxman

3. <https://www.jstor.org/stable/42365>
4. <https://www.jstor.org/stable/25700s>

**United University**  
*Prayagraj*  
**FACULTY OF LAW**  
**2021-22**

**Semester: I**  
**Course Title: Law and Justice in Globalizing World.**  
**Course Code: FLPCLM101T**  
**Credit: 3**

**Course: LL.M (CCL)**

**L-T-P**  
**3-0-0**

**Course Objective:** Enable the students to understand the concept of Global Justice. It will enable students to understand and apply the core legal knowledge for the better understanding of Global Judicial System and Institutions.

**Course Content:**

S. No.	Contents
Unit I	<p><b>Introduction to concept of Justice</b></p> <ul style="list-style-type: none"> <li>● Concept of Law &amp; Justice</li> <li>● Law making power of different organs of the State</li> <li>● Components of Judicial Process (Judges, Lawyers, Law Schools) commissions &amp; committees</li> <li>● Types of Justice i.e. compensatory justice, distributive justice, socio-economic justice, social justice etc.</li> <li>● Perspective on Social Justice: ▪ Mahatma Gandhi: Ideas on Social Justice, Caste, Untouchability, Village communities, Self- governance, Trusteeship theory, Sarvodaya, Antyodaya</li> <li>● Dr. B. R. Ambedkar: Caste System, Untouchability, Social Transformation, Destruction of Hinduism, Political Safeguards</li> <li>● Dr. Ram Manohar Lohia: Socialism, Marxism, Capitalism, Small Unit Machine</li> </ul>
Unit II	<p><b>The Process of Globalization</b></p> <ul style="list-style-type: none"> <li>● Globalization: The Historical and Social Context, Distinctive Characteristics and Dimensions: Economic, Technological, Social and Cultural.</li> <li>● Modernization and Globalization, Neo-Liberalism and Global Capitalism and Globalization and Nation State</li> <li>● Globalization and Culture: The Ethos of Globalization (Individualism, Freedom, Consumerism) Cultural Homogenization, Hegemony and Dominance Impact of Globalization on Poor and Women</li> </ul>
Unit III	<p><b>Rights of Indigenous People</b></p> <ul style="list-style-type: none"> <li>● Indigenous People: Traditional Knowledge, Traditional knowledge of India, Right of Self-Determination, Right to Use Natural Resource, Right to use Land as a Cultural Right, Biodiversity, Exploitation of Rights of Indigenous People,</li> <li>● Problems of Tribal, Overview of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) and Forest Right Act, 2006.</li> </ul>
Unit IV	<p><b>International Organizations vis-à-vis Globalization</b></p> <ul style="list-style-type: none"> <li>● Role of United Nations in the Globalization Process</li> <li>● Role of Bretton Woods Institutions in the Globalization Process: with special reference to the WTO</li> <li>● MNCs &amp; CSR</li> </ul>

Unit V	<b>Litmus Testing of Globalization</b> <ul style="list-style-type: none"><li>● Impact of Globalization on Judicial Process and administration of Justice</li><li>● Impact of globalization on Human Rights with special reference to Gender Right:</li><li>● Feminism, Types, Sexual Violence, UNO and Women Rights, India and Women Rights, Women and law in India</li><li>● Impact of globalization on free market and related notions</li><li>● Globalization vis-à-vis Environment and development</li></ul>
--------	--

Course Outcome:

1. Students would be able to understand the concept of Global Justice and Institutions.
2. Students would be able to apply critical and theoretical approaches to understanding of Globalization.
3. Students would be able to identify, analyze, interpret and describe the critical ideas, values, and themes involve in Global Geo-Politics.

Text Books:

1. LAW AND JUSTICE IN A GLOBALISED WORLD, Dr. Mohd Yasin Wani, Mr Naveed Naseem, Notion Press.
2. Law in Globalizing World, Deepshikha Shrivastava, Whitesmann.

E-Sources:

1. National University of Juridical Sciences Law Review (NUJS LR)
2. National Law School of India Review (NLSIR)

**United University**  
*Prayagraj*  
**FACULTY OF LAW**  
**2021-22**

**Semester: I**  
**Course Title: Research Methodology**  
**Course Code: FLPCLM103T**  
**Credit: 3**

**Course: LL.M (CCL)**

**L-T-P**  
**3-0-0**

**Course Objective:** Post-graduate students of law should get an insight into the objectives of Research Methods and Legal writing. They should have an exposure like publication of law journal, memo writing, case research and study, legal clinics, client interviews and counselling etc. The LL.M one year course, being intended also to produce good lawyers, Legal officers , Judicial officers etc. with better competence and expertise, it is imperative that the students should familiarize themselves with the different systems of research and legal writing.

**Course Content:**

S. No.	Contents
Unit I	<p><b>RESEARCH:</b></p> <ul style="list-style-type: none"> <li>• Definition</li> <li>• Characteristics</li> <li>• Objectives</li> <li>• Research and Scientific method</li> <li>• <b>Types of Research</b></li> <li>• Descriptive vs. Analytical Research</li> <li>• Applied vs. Fundamental Research</li> <li>• Quantitative vs. Qualitative Research</li> <li>• Conceptual vs. Empirical Research</li> <li>• <b>Research Methodology: An Introduction</b></li> <li>• Research Process</li> <li>• Basic Overview</li> <li>• Formulating the Research Problem</li> <li>• Defining the Research Problem</li> <li>• <b>Research Questions</b></li> <li>• <b>Research Methods vs. Research Methodology</b></li> </ul>
Unit II	<p><b>LITERATURE REVIEW:</b></p> <ul style="list-style-type: none"> <li>• <b>Review Concepts and Theories</b></li> <li>• Formulation of Hypothesis</li> <li>• Sources of Hypothesis</li> <li>• Characteristics of Hypothesis</li> <li>• Role of Hypothesis</li> <li>• Tests of Hypothesis</li> <li>• <b>Research Design</b></li> <li>• <b>Sampling Design</b></li> <li>• Data Collection</li> <li>• Observation Method</li> <li>• Interview Method</li> <li>• Questionnaires</li> <li>• Case Study Method</li> </ul>

Unit III	<b>Analysis and Interpretation of Data</b> <ul style="list-style-type: none"> <li>● Processing Operations</li> <li>● Statistics in Research</li> <li>● Descriptive Statistics</li> <li>● Inferential Statistics</li> <li>● Elements / Types of Analysis</li> <li>● <b>Interpretation of Data</b></li> </ul>
Unit IV	<b>KINDS OF RESEARCH:</b> <ul style="list-style-type: none"> <li>● Legal Research</li> <li>● Social Research</li> </ul> <b>Models of Research</b> <ul style="list-style-type: none"> <li>● Evolutive and Evaluative</li> <li>● Identificatory and Impact studies</li> <li>● Projective and Predictive</li> <li>● Collative</li> <li>● Historical</li> <li>● Comparative</li> <li>● <b>Current trends in Research</b></li> <li>● Mono-disciplinary Research</li> <li>● Trans-disciplinary Research</li> <li>● Inter-disciplinary Research</li> </ul>
Unit V	<b>Legal Research Report Writing</b> Steps in Legal Research Report Writing Contents of Good Legal Research Report Criteria for a Good Legal Research Report The Problem of Plagiarism Citation Methods: Footnotes, End Notes, References and Bibliography Citation Styles: MLA Handbook Format, Blue Book Citations

Course Outcome:

1. Discuss different methodologies and techniques used in research work.
2. Explain basic computer skills necessary for the conduct of research
3. Assess the basic function and working of analytical instruments used in research

Text Books:

1. Garg.B.L., Karadia, R., Agarwal,F. and Agarwal, U.K., 2002. An introduction to Research Methodology, RBSA Publishers.
2. Kothari, C.R.(2008). Research Methodology: Methods and Techniques. Second Edition. New Age International Publishers, New Delhi.
3. Sinha, S.C. and Dhiman, A.K., 2002. Research Methodology, Ess Ess Publications. 2 volumes.

E-Sources:

5. <https://www.jstor.org/stable>
6. <https://www.jstor.org/stable>



Faculty of Law 21-22

Sr. No	Topics
Unit 1	<b>PUBLIC LAW AND ITS ROLE IN GOVERNANCE OF THE COUNTRY.</b>
	Nature of Public Law.
	Distinction between public and private law. Its importance in Civil law and Common Law Countries,
	Scope of Public law – Constitutional law, administrative law and Criminal law.
	Basic concepts and Principles of Public Law.
Unit II	<b>BASIC PRINCIPLES OF GOVERNANCE AND DIFFERENT FORMS OF GOVERNMENT</b>
	Presidential and Parliamentary forms of Government
	Federal and Unitary Governments
	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
Unit III	<b>PRINCIPLES OF PUBLIC LAW (RULE OF LAW AND DOCTRINE OF SEPARATION OF POWERS)</b>
	Rule of Law.
	a) The rule of law—in the international scenario b) Magna Carta (1215). c) The English Bill of Rights
	Universal rule of law. (a) The Universal Declaration of Human Rights (1948). (b) The Convention on the Prevention and Punishment of the Crime of Genocide (1948). (c) The Covenant on Civil and Political Rights (1966). (d) The Convention against Torture (1984).
	Dicey's doctrine of rule of law.
	Rule of law under the Indian Constitution. (a) Ancient Indian system— <i>Dharma</i> . (b) Preamble. (c) Article 13. (d) Article 14 (equality before the law and equal protection of the laws).
	Doctrine of Separation of Powers. (a) Aristotle, Locke, Montesquieu. (b) Concept of separation of powers. (c) Doctrine of Checks and balances. (d) Separation of powers or separation of functions and its applications in France, USA, and UK.
	Does the Indian Constitution discard the principle of separation of powers?
Unit IV	<b>JUDICIAL SYSTEM</b> Legal systems in the world • Civil law (sometimes known as Continental European law),

	<ul style="list-style-type: none"> <li>• Common law</li> <li>• Religious/theocratic law, or</li> <li>• Combinations of the above systems</li> <li>• The Supreme Court of India</li> <li>• The High Courts</li> <li>• The subordinate judiciary</li> <li>• Quasi judicial bodies</li> </ul>
	<p>Indian judicial system</p> <ul style="list-style-type: none"> <li>• The Constitution of India</li> <li>• Single integrated (unitary) system of courts</li> <li>• Hybrid legal system: common law system, statutory law, regulatory law</li> <li>• Adversarial system (not inquisitorial system or non-adversarial)</li> <li>• Adopted the features of other legal systems</li> </ul>
	<p>The United Kingdom Judicial System</p> <ul style="list-style-type: none"> <li>• The Supreme Court</li> <li>• The Court of Appeal (Civil Division and Criminal Division)</li> <li>• The High Court</li> <li>• The Crown Court/County Court</li> <li>• Magistrates' Court</li> </ul>
	<p>The US Court System</p> <ul style="list-style-type: none"> <li>▪ The Supreme Court of the United States</li> <li>▪ United States Courts of Appeals and the US Court of Appeals for the Armed Forces</li> <li>▪ US district courts and specialised courts</li> </ul>
<b>Unit V</b>	<p><b>JUDICIAL REVIEW, AND DOCTRINE OF STATE ACTION</b></p> <p>Constitutional Review</p> <ul style="list-style-type: none"> <li>• Methods of constitutional review</li> <li>• Judicial and political review</li> <li>• Concentrated and diffused review</li> <li>• Anticipatory and successive review</li> </ul>
	<p>Judicial Review</p> <ul style="list-style-type: none"> <li>• Concept and origin</li> <li>• Judicial review under the US Constitution [<i>Marbury v Madison</i> 5 US 137 (1803)]</li> <li>• Judicial review under the UK Constitution</li> <li>• Judicial review under the Indian Constitution</li> <li>• Functions of judicial review</li> </ul>
	<p>Judicial activism</p> <ul style="list-style-type: none"> <li>• Judicial activism in India</li> <li>• Judicial review and judicial activism</li> </ul>
	<ul style="list-style-type: none"> <li>• Limitations and challenges to the doctrine of 'judicial review'.</li> </ul>
	<p>Public Interest Litigation</p> <ul style="list-style-type: none"> <li>• An innovative step towards judicial activism</li> <li>• Problems and challenges posed by PIL</li> </ul>

Semester: I

Course title: Comparative Public Law

Course code: FLPCLM102T

Credit: 3

Course: LLM CCL

**Course Objective:** This course is intended to acquaint students with the constitutional and administrative systems of governance of a few countries, in particular, the United States of America, the UK, Australia, Canada, and few other emerging constitutions along with the Indian Constitution. Students will be benefitted from a deeper understanding of the doctrines and values underlying the provisions and principles of various constitutional systems.

**Course Outcome:**

1. Undertake self-directed research in comparative constitutional law, analyse and synthesise comparative constitutional law information and materials.
2. Apply the comparative constitutional law method to complex issues of constitutional reform, and critique the operation of constitutional law from a comparative perspective.
3. Structure and sustain concise and cohesive written and oral arguments for a legal audience.
4. Conduct and analyse comparative legal, historical and jurisprudential research and effectively communicate resulting ideas orally and in writing.
5. Analyse the impact of constitutional law on social issues from a comparative legal perspective and in the context of social and cultural diversity.

**Textbooks:**

1. Mahendra P. Singh, Comparative Constitutional Law.
2. Basu DD, *Comparative Administrative Law*
3. Basu DD, *Comparative Constitutional Law*, (2nd ed., Wadhwa 2008).
4. Gutteridge HC, *Comparative Law: An Introduction to the Comparative Method of Legal Study & Research*

**UNITED UNIVERSITY  
Prayagraj  
Faculty of Law  
2021-22**

**Semester:II**  
**Course Title: Advanced Contract.**  
**Course code: FLPCLM202T**  
**Credit: 3**

**Course: LLM CCL**  
**L-T-P**  
**3-0-0**

**Course Content**

Unit	Contents
<b>I</b>  <b>General Principles of Contracts and Introduction to Advanced Contracts.</b>	<p><b>Introduction</b></p> <ol style="list-style-type: none"> <li><b>1. Evolution of Standard Contract Law.</b></li> <li><b>2. General Principles of a Valid Contracts.</b></li> <li><b>3. Government Contracts</b> <ul style="list-style-type: none"> <li>-Formation of Government Contract</li> <li>-Contractual Liability in Government Contracts</li> <li>-Government Contracts and the Role of Judiciary</li> </ul> </li> <li><b>4. Contract of tenders</b></li> </ol>

	<ul style="list-style-type: none"> <li>- Applicable laws</li> <li>- Governmental procurement laws and policies</li> <li>- Judicial review of the contract of tender</li> <li>- Types of tenders</li> <li>- E- Tendering process</li> <li>- Steps involved in filling an e-tender</li> <li>- Stamp value on a contract of tender</li> </ul> <p><b>5. E-contracts</b></p> <ul style="list-style-type: none"> <li>-Introduction</li> <li>-What is an electronic contract (e-contract)</li> <li>-What is the legal validity of an e-contract</li> <li>-Indian Evidence Act and e-contracts</li> <li>-Kinds of e-contracts <ul style="list-style-type: none"> <li>o Shrink Wrap Agreements</li> <li>o Click wrap Agreements</li> <li>o Browse Wrap Agreements</li> <li>o Scroll Wrap Agreements</li> <li>o Sign-In Wrap Agreements</li> <li>o Electronic Signatures</li> </ul> </li> <li>-Stamping of e- contract</li> </ul>
<b>II Interpretation of Advanced Contracts.</b>	<ol style="list-style-type: none"> <li>1. Introduction to different forms.</li> <li>2. Interpretation of Contracts.</li> <li>3. Relevance of Interpretation.</li> <li>4. Principles of Interpretation.</li> <li>5. Rules of Interpretation.</li> </ol>
<b>III Introduction to Intellectual Property Rights and Copyright Law as a contemporary form of IP Protection.</b>	<ol style="list-style-type: none"> <li>1. Introduction to Intellectual Property Rights.</li> <li>2. IP Protection as a tool to promote Research and Development and Scientific Temperament.</li> <li>3. International Scenario of IP Protection.</li> <li>4. Introduction to Copyright Law in India: Copyright: The Copyright Act, 1957</li> <li>5. Process of Copyright Registration and essential elements of Copyright registration. Legal measures of Copyright Protection in India.</li> </ol>
<b>IV Meaning and Scope of Patent Law in India as a tool to protect and promote Scientific</b>	<ol style="list-style-type: none"> <li>1. Introduction to Concept of Patent.</li> <li>2. Patent as a tool to promote Research and Development and Scientific Temperament.</li> <li>3. International regime of Patent system..</li> <li>4. Introduction to Patent Law in India: The Patents Act 1970.</li> <li>5. Process of Patent Filing and Legal measures to for Patent Infringement.</li> </ol>

<b>Temperament.</b>	
<b>V Trademark Law in India.</b>	<ol style="list-style-type: none"> <li>1. Introduction to Concept of Trademarks.</li> <li>2. Trademark as a tool to promote Commercial Identity..</li> <li>3. International regime of Trademark Law.</li> <li>4. Introduction to Trademark Law in India: The Trademark Act, 1999.</li> <li>5. Process of Trademark Filing and Legal measures to for Trademark Infringement.</li> </ol>

Course Outcome:

1. The students will understand the fundamentals of Contract Law and the essential doctrines governing it.
2. The students will understand the basics of Intellectual Property law and various factors associated with it.
3. The legal framework of Patent law and Trademark Law.

Text Books:

1. Ramaiyya, Guide to Companies Act, 2013
2. Charlesworth & Morse, Company Law
  1. K. Majumdar, Dr. G. K. Kapoor Company Law & Practice, Taxman
  2. <https://www.jstor.org/stab365>
  3. <https://www.jstor.org/stab700s>

**United University**  
*Prayagraj*  
**FACULTY OF LAW**  
**-2021-22**

**Semester: II**  
**Course Title: COMPETITION LAW.**  
**Course Code: FLPCLM201T**  
**Credit: 3**

**Course: LL.M (CCL)**  
  
**L-T-P**  
**3-0-0**

**Course Objective:** To understand the conceptualization of basic principles of Competition law, to acquaint the knowledge of Competition law and Jurisprudential aspect.

**Course Content:**

S. No.	Contents
Unit I	<p><b>History and development of competition law:</b></p> <ul style="list-style-type: none"> <li>• History and development of competition law</li> <li>• Historical development in               <ul style="list-style-type: none"> <li>• US</li> <li>• EU</li> </ul> </li> <li>Development in India –               <ul style="list-style-type: none"> <li>• Hazari Study, Mahalanobis Committee,</li> <li>• Monopolies Inquiry Commission</li> <li>• Sachar Committee,</li> <li>• Enactment of MRTP Act, 1969, Raghavan Committee, Competition Act, 2002</li> </ul> </li> <li>• Basic Concepts:               <ul style="list-style-type: none"> <li>• Goals of Competition Law</li> <li>• Competition Policy and Competition Law</li> </ul> </li> <li>• Models of Competitive Market, Monopoly               <ul style="list-style-type: none"> <li>• Monopsony</li> <li>• Oligopoly</li> <li>• Monopolistic</li> <li>• Perfect Competition and</li> <li>• Workable competition</li> </ul> </li> <li>• Efficiency. Market               <ul style="list-style-type: none"> <li>• Types of Market</li> <li>• Relevant Product market</li> <li>• Relevant Geographic Market</li> <li>• Enterprise,</li> <li>• Agreement, Cartel and Consumer.</li> </ul> </li> </ul>

Unit II	<p><b>Regulation under Competition Act, 2002.</b></p> <ul style="list-style-type: none"> <li>• Regulation of Collusion in the Market and Abuse of Dominant Position</li> <li>• Anti- Competitive Agreements under the Competition Act, 2002</li> <li>• Appreciable Adverse Effect on Competition in the Market</li> <li>• Determination of Relevant Market</li> <li>• Rule of Reason and Per se Rule</li> <li>• Horizontal and Vertical restraints.</li> <li>• Determination and Regulation of Cartel, Bid Rigging <ul style="list-style-type: none"> <li>• Exemptions, Penalties under Indian Competition Law</li> <li>• Dominance in the Market, Relevant Market, Appreciable Adverse Effect on Competition in the Market.</li> </ul> </li> <li>• Abusive Conducts under the Competition Act, 2002 <ul style="list-style-type: none"> <li>• Types of abuse</li> <li>• Exclusionary Abuse</li> <li>• Exploitative Abuse</li> <li>• Penalties</li> </ul> </li> <li>• Prevention of Abuse of Dominance under Indian Competition Law</li> </ul>
Unit III	<p><b>Nature of Regulations:</b></p> <ul style="list-style-type: none"> <li>• Regulations of Combinations</li> <li>• Combinations</li> <li>• Merger</li> <li>• Acquisition</li> <li>• Amalgamation</li> <li>• Takeover</li> <li>• Horizontal, Vertical and Conglomerate Mergers</li> <li>• Combinations covered under the Competition Act, 2002</li> <li>• Penalties</li> <li>• Regulation of Combinations under Indian Competition law</li> </ul>
Unit IV	<p><b>Competition Advocacy:</b></p> <ul style="list-style-type: none"> <li>• Competition Advocacy and Emerging Trends in Competition Law</li> <li>• Competition Advocacy in India and other jurisdictions</li> <li>• Intellectual Property Rights and Competition Law</li> <li>• Relation between International Trade Law and Competition Law</li> <li>• Possibility of International Competition Law</li> </ul>

Unit V	<p><b>Enforcement Mechanisms under the Competition Act, 2002:</b>  <b>Enforcement Mechanism</b></p> <ul style="list-style-type: none"> <li>• Enforcement Mechanisms under the Competition Act, 2002</li> <li>• Competition Commission of India (CCI)</li> <li>• Constitution of the CCI</li> </ul> <p><b>Powers and Functions</b></p> <ul style="list-style-type: none"> <li>• Jurisdiction of the CCI - adjudication and appeals</li> <li>• Director General</li> <li>• Removal of Competition Appellate Tribunal (CAT)</li> <li>• Introduction of NCLAT- Appellate Tribunal</li> </ul>
--------	--

Course Outcome:

4. The fundamentals of Competition Law and the essential doctrines governing it.
5. The legal features of a company and their implications in business.
6. The legal framework of Competition Law and its regulatory functions.

Text Books:

1. Conceptual Foundation of Competition Law in India: Law and Interpretation of the Competition Act, 2002



**United University**  
*Prayagraj*  
**FACULTY OF LAW**  
**2021-22**

Semester: II  
 Course Title: CORPORATE GOVERNANCE.  
 Course Code: FLPCLM204T  
 Credit: 3

Course: LL.M (CCL)

L-T-P  
 3-0-0

Σ. No.	Τοπιχσ						
<b>Ιντροδυχορσ</b> Βασιχσ αβουτ Χορπορατε Γοπερνανχε	Introduction To Corporate Governance Χορπορατε γοπερνανχε <ul style="list-style-type: none"> <li>• Ιντροδυχοτιον</li> <li>• Νεεδ</li> <li>• Σχοπε.</li> </ul>						
<b>Unit I</b>	Evolution of corporate governance- Developments in <ul style="list-style-type: none"> <li>• India</li> <li>• US</li> <li>• UK.</li> <li>• Public governance and corporate governance</li> </ul>						
<b>Υνιτ ΙΙ</b> <b>Nature of Corporate Governance</b>	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> <tr> <td colspan="2" style="text-align: center;">Nature And System of Corporate Governance</td> </tr> <tr> <td colspan="2"><b>Session2:</b> Theories of Corporate Governance               <ul style="list-style-type: none"> <li>• Agency theory</li> <li>• Stewardship theory</li> <li>• Stakeholder theory</li> <li>• Resource dependency theory</li> <li>• Transaction cost theory and</li> <li>• Political theory</li> </ul> </td> </tr> </table>			Nature And System of Corporate Governance		<b>Session2:</b> Theories of Corporate Governance <ul style="list-style-type: none"> <li>• Agency theory</li> <li>• Stewardship theory</li> <li>• Stakeholder theory</li> <li>• Resource dependency theory</li> <li>• Transaction cost theory and</li> <li>• Political theory</li> </ul>	
Nature And System of Corporate Governance							
<b>Session2:</b> Theories of Corporate Governance <ul style="list-style-type: none"> <li>• Agency theory</li> <li>• Stewardship theory</li> <li>• Stakeholder theory</li> <li>• Resource dependency theory</li> <li>• Transaction cost theory and</li> <li>• Political theory</li> </ul>							

	Μοδελσ οφ Χορπορατε : <ul style="list-style-type: none"> <li>• Ανγλο Σαξον Μοδελ</li> <li>• Γερμαν Μοδελ ανδ</li> <li>• Ινδιαν Μοδελ οφ Χορπορατε Γοπερναν χε</li> </ul>
<b>Unit III</b>	Regulatory System Of Corporate Governance <ul style="list-style-type: none"> <li>• Companies Act, 2013</li> </ul>
	<ul style="list-style-type: none"> <li>• Board composition and Duties of Board Members under Companies Act, 2013</li> </ul>
	<ul style="list-style-type: none"> <li>• Corporate Governance and Clause 49 of Listing Agreement</li> </ul>
<b>Unit Ις</b>	Meaning and evolution of CSR in India Legal framework of CSR
	Relationship between CSR and Corporate Governance
	Code of ethics – <ul style="list-style-type: none"> <li>• Issue of ethical leadership in corporate governance</li> </ul>
<b>Unit V</b>	Poor Corporate Governance And Corporate Frauds <ul style="list-style-type: none"> <li>• Meaning, consequences, impact and effect of poor corporate governance</li> </ul>
	<ul style="list-style-type: none"> <li>• Ways to improve corporate governance</li> </ul>
	Introduction to corporate frauds <ul style="list-style-type: none"> <li>• Major corporate frauds</li> </ul>
	<ul style="list-style-type: none"> <li>• Whistle blowing and corporate governance</li> </ul>

**Τεαχηνγ Ματεριαλ Υσεδ:**

1. *Prof.N. Balasubramanian, ‘Corporate Governance and Stewardship’*
2. *Petri Mantyasaari, ‘Comparative Corporate Governance’ Springer*

**Course Title: International Commercial Arbitration**  
**Course Code: FLPCLA203T**  
**Credit: 3**

**L-T-P**  
**3-0-0**

**Course Objectives :** The course deals in an exhaustive manner with the substantive and procedural aspects of the law related to international commercial arbitration. The course will examine and discuss various issues which occur in international arbitral process, ranging from entering into the arbitration agreement to the enforcement of the award. It will focus on theoretical foundations of international arbitration, the juridical nature of arbitration, the agreement to arbitrate, applicable laws, the interplay between national courts and international arbitral tribunals and finally the various issues related with the award. We shall refer to various national arbitration statutes, international arbitration treaties and the arbitral rules of leading international arbitral institutes.

### **Course Outcome**

- 1) To make understand that concepts of an International Commercial Arbitration.
- 2) To learn the procedure of an International Arbitration and in comparison, with domestic arbitration.
- 3) To make competent on process of International Commercial Arbitration.

At the end of the course students will be at the level of understanding the efficacy of merits and demerits of an International Commercial Arbitration.

<b>Unit I – Theoretical foundations of International Commercial Arbitration:</b>	
<ol style="list-style-type: none"><li>a) Introduction to International Commercial Arbitration</li><li>b) Interpretation of International Commercial Arbitration</li> <li>c) Theories in International Commercial Arbitration<ol style="list-style-type: none"><li>1) Jurisdictional Theory</li><li>2) Contractual theory</li><li>3) Hybrid theory</li><li>4) Autonomous Theory</li></ol></li></ol>	
<b>Unit II – Ad-hoc Arbitration vs Institutional Arbitration</b>	

<ul style="list-style-type: none"> <li>a) 1. Ad-hoc Arbitration and its procedure in International Commercial Arbitration</li> <li>b) Institutional Arbitration and its procedure. <ul style="list-style-type: none"> <li>1) LIAC 2) SIAC 3)</li> </ul> </li> <li>c) Uncitral model Institutional Arbitration Rules</li> </ul>	
<b>Unit III – Applicable National Legislation on ICA- I</b>	
<ul style="list-style-type: none"> <li><b>1) The Arbitration Agreement in ICA</b></li> <li>2) Categories of arbitration agreement</li> <li>3) Significance of an arbitration agreement- positive and negative effect</li> <li>4) Parties to an arbitration agreement</li> <li>5) Formal Validity- The requirement of writing and the debate surrounding it</li> </ul>	
<b>Unit IV – Applicable National Legislation on ICA -II</b>	

<ol style="list-style-type: none"> <li>1) Composition of Arbitral Tribunal</li> <li>2) Jurisdiction of Arbitration Tribunal</li> <li>3) Appointment of arbitrators</li> <li>4) Conduct of Arbitral Proceedings</li> <li>5) The Arbitral Award</li> </ol>	
<b>Unit V – Enforcement of Foreign Arbitral Awards</b>	
<ol style="list-style-type: none"> <li>a) New York Convention awards</li> <li>b) Geneva convention awards</li> <li>c) Uncitral Model Law on International Commercial Arbitration</li> </ol>	

**READING MATERIAL**

<b>Essential</b>	<ol style="list-style-type: none"> <li>1) Arbitration and Conciliation Act, 1996</li> <li>2) The New Delhi international arbitration Centre Act, 2019</li> <li>3) Uncitral Model Law, 1985.</li> </ol>
<b>References</b>	<ol style="list-style-type: none"> <li>1) The Principles and Practice of International Commercial Arbitration by Maragaret L Moses.</li> <li>2) Gary B Born, International Arbitration; Law and Practice: 3 volumes.</li> <li>3) Russell on Arbitration, Book By Francis Russell.</li> <li>4) Justice R S Bachawat, A Book on Supreme Court Case Law.</li> <li>5) Julian D.M. Lew et al. Comparative International Commercial Arbitration, Kluwer Law International.</li> </ol>

