



# Shri Vaishnav Vidyapeeth Vishwavidyalaya

## Master of Laws (Business Law) 2021-23

### Choice Based Credit System

### 2<sup>nd</sup> Year, SEMESTER III

#### LLMBE301- INTERNATIONAL TRADE DISPUTE RESOLUTION

COURSE CODE	CATEGORY	COURSE NAME	L	T	P	CREDITS	TEACHING & EVALUATION SCHEME				
							THEORY			PRACTICAL	
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMBE301	DE	INTERNATIONAL TRADE DISPUTE RESOLUTION	4	0	0	4	60	20	20	0	0

**Legends:** L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C - Credit;

\***Teacher Assessment** shall be based following components: Quiz/Assignment/ Project/Participation in Class, given that no component shall exceed more than 10 marks.

#### **Course Educational Objectives (CEO's):** The student will be:

- **CEO1:** Understand the nature of international trade law within the structure of the international legal system, including the theory, relationships and influence of international customary law and treaty law
- **CEO2:** Understand the key international agreements covered under the GATT/WTO multilateral trading framework
- **CEO3:** Consider the roles played by international organizations including the United Nations, the World Trade Organization, the IMF, World Bank, UNCTAD, UNCITRAL and ICSID
- **CEO4:** Apply effective, creative and innovative solutions, both independently and cooperatively, to current and future problems.
- **CEO5:** Give commitment to continuous learning and the capacity to maintain intellectual curiosity throughout life.

#### **Course Outcomes (CO's):** The students will be able to:

- **CO1:** Develop an understanding of several key areas of international trade law including trade in goods, services, technical barriers to trade, environmental issues, IPRs etc
- **CO2:** Critically examine the operation of international trade law in practical
- **CO3:** Develop effective skills, both orally and in writing, in the construction of legal argument and analysis on issues of international trade law
- **CO4:** Develop effective skills in legal research on issues of international law and trade
- **CO5:** Examine legal mechanisms available to facilitate international dispute resolution for governments and business, and the recognition of foreign awards and judgements.



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LLMBE301- INTERNATIONAL TRADE DISPUTE RESOLUTION

## **COURSE CONTENT:**

### **UNIT-I: International Disputes: Conflict and Content**

1. International Conflict Resolution Processes
2. The Role of Culture in Transborder Conflict Resolution
3. Private and Public Disputes
4. International Negotiations and Mediation in the Private and Public Sector
5. Drafting Dispute Resolution Clauses
6. History and Overview of WTO Dispute Settlement
7. The major historical developments in dispute settlement from GATT to WTO
8. The conventional explanations for these developments
9. The method of WTO dispute settlement
10. The aim of WTO dispute settlement (e.g., rule compliance or settlement)
11. The so-called “imbalance” between the political and the judicial branches of the WTO

### **UNIT-II: WTO Dispute Settlement Mechanism**

1. Legal provision relating to WTO Complaints; Sources of Law and Treaty Interpretation
2. Cause of action in WTO dispute settlement
3. Government conduct and dispute settlement.
4. Standing to bring a WTO complaint.
5. The role of private parties in WTO dispute settlement
6. The Sources of Law
7. The application of rules of public international law outside the WTO covered agreements.
8. Status of other treaties, like the regional trade agreements.
9. The rules of interpretation applicable. The Hierarchy in application of the rules.

### **UNIT-III: Overlaps with Other International Tribunals; Conflicts and Choice of Law**

1. WTO Dispute Settlement Process: Roles of Parties, Third Parties,
2. Panels, the Appellate Body, the Secretariat, Private Lawyers, Scientific Experts, NGOs
3. Remedies in WTO Dispute Settlement



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LLMBE301- INTERNATIONAL TRADE DISPUTE RESOLUTION

## UNIT-IV: International Arbitration

1. Understanding International Arbitration: Reasons, Concept and Regulation. International Arbitration as a Necessary Means of Dispute Resolution, Delimitation, Definition and Juridical Nature, Arbitrability
2. Ad Hoc and Institutional Arbitration, Regulatory Infrastructure, Lex Arbitri, Arbitration and the Courts
3. The Legal Basis: The Arbitration Agreement, The Doctrine of Separability/Autonomy, The doctrine of Kompetenz- Kompetenz, Formal and Substantive Validity, Arbitrability, The Law Applicable to Arbitration Agreements, Interpretation of Agreements, Drafting Arbitration Clauses, Analysing Defective Arbitration Clauses

## UNIT-V: Arbitral Tribunal

1. Arbitral Tribunal, Selection and Appointment of Arbitrators, Rights and Duties of Arbitrators, Independence and Impartiality of Arbitrators, Challenge and Removal of Arbitrators
2. Applicable Laws Determination of Applicable Law governing the dispute,
3. Arbitration Awards: Challenges and Enforcement, Form and Content, Finality and Challenges to Award at the Place of Arbitration
4. Recognition and Enforcement Abroad: The New York Convention

## References:

### Books:

1. Fiadjow, A. (2004). *Alternative Dispute Resolution: A developing world perspective*, (1<sup>st</sup> Ed.). UK: Routledge-Cavendish
2. Forlati, S. (2016). *The International Court of Justice: An Arbitral Tribunal or a Judicial Body?* (1<sup>st</sup> Ed.). New Delhi: Springer
3. Garg, S. (2018). *Alternative Dispute Resolution: An Indian Perspective*, (1<sup>st</sup> Ed.). New Delhi: OUP India
4. Nakagawa, J. (2015). *Transparency in International Trade and Investment Dispute Settlement*, (1<sup>st</sup> Ed.) UK: Routledge
5. Nigel Blackaby and Constantine Part asides with Alan Redfern and Martin Hunter, (2009). *Redfern and Hunter on International Arbitration*, UK: Oxford University Press



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6. Palmeter, D. and Mavroidis, P. C. (2004). *Dispute Settlement in the World Trade Organisation: Practice and Procedure*, (2<sup>nd</sup> Ed.) Cambridge University Press
7. Peter Van den Bossche, *The Law and Policy of the World Trade Organization*, Cambridge University Press, 2005
8. World Trade Organization, *A Handbook on the WTO Dispute Settlement System*, Cambridge University Press, 2004 (some copies available from Bookstore).

## Articles:

1. WTO Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), available on: [www.wto.org](http://www.wto.org).
2. Gary B. Born, "International Commercial Arbitration", Wolters Kluwer, 2009.

## Case-Reporters:

1. All India Reporter
2. Manu Patra Database
3. Supreme Court Cases



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### 2<sup>nd</sup> Year, SEMESTER III

#### LLMBE302- CORPORATE FINANCE AND SECURITY REGULATION

COURSE CODE	CATEGORY	COURSE NAME	L	T	P	CREDITS	TEACHING & EVALUATION SCHEME				
							THEORY			PRACTICAL	
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMBE302	DE	CORPORATE FINANCE AND SECURITY REGULATION	4	0	0	4	60	20	20	0	0

**Legends:** L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C – Credit

\***Teacher Assessment** shall be based on following components: Quiz/Assignment/ Project/Participation in class (Given that no component shall be exceed 10 Marks)

**Course Educational Objectives (CEO's):** The student will be-

- **CEO1:** Teach basic concept and scope of corporate finance.
- **CEO2:** Teach the investment decision, where we look at how a business should allocate of resources across competing uses.
- **CEO3:** Provide basic grounding of capital investment like viability assessment of projects, financing it through equity and/or debt, pay dividend or reinvest the profit.
- **CEO4:** Develop understanding of students regarding functions of financial regulatory such as RBI, SEBI for protection and enforcement of financial stability in country.
- **CEO5:** Familiarized with the leading case laws and legislative functions of different regulatory bodies.

**Course Outcomes (CO's):** The student will be able to -

- **CO1:** Apply the legal and economic dimensions of corporate financing.
- **CO2:** Demonstrate the corporate legal environment, taught by faculty members who have first-hand industry experience.
- **CO3:** Critically analyze business opportunities, legal statutes and cases, and strategic business decisions.
- **CO4:** Understand about various statutory rules and regulations relating to corporate finance.
- **CO5:** Evaluate and analyse the functions of different regulatory bodies such as the Securities and Exchange Board of India and the National Company Law Tribunals.



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2<sup>nd</sup> Year, SEMESTER III

LLMBE302- CORPORATE FINANCE AND SECURITY REGULATION

## COURSE CONTENT:

### **UNIT-I: Introduction of Corporate Finance**

1. Concept of corporate finance
2. Time value of money and the value of equity
3. Risk, return and the Capital Asset Pricing Model
4. Capital structure
5. Limited liability and legal remedies

### **UNIT-II: Share-Capital**

1. Public Issue of Share
  - a) Prospectus
  - b) Remedies for misrepresentation
  - c) SEBI and Stock Exchange guidelines
2. Share Capital
  - a) Nature and Kind of Shares
  - b) Transfer, Transmission, Surrender and forfeiture of Shares
  - c) Purchase by Company of its own shares
  - d) Issue of shares at premium and discount

### **UNIT-III: Shareholders & Debentures**

3. Shareholders' Rights (Various rights of shareholders and variation of shareholders rights).
4. Debentures; Difference between Share and Debentures; Kinds of Debenture; Remedies of Debenture Holder; Company Charges.

### **UNIT-IV: Administrative Regulation on Corporate Finance**

1. Administrative Regulation on Corporate Finance
  - a) Inspection of Accounts
  - b) SEBI
  - c) Control by registrar of companies
  - d) RBI control
2. Insider Trading; SEBI's Guidelines on Insider Trading.
3. Securities and Exchange Board of India (SEBI): Constitution, Powers and Functions.



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**LLMBE302- CORPORATE FINANCE AND SECURITY REGULATION**

**UNIT-V: Reconstruction, Amalgamation and Take Over**

1. Reconstruction, Amalgamation and Take Over: Provisions in Company Law and SEBI Guidelines
2. Auditors:
  - a) Appointment, powers, duties and removal of auditors
  - b) Special Audit
  - c) Director Responsibility statement in Board Report
  - d) National Advisory Committee on Accounting Standards
3. FEMA - FERA

**References:**

**Bare Acts:**

1. The Companies Act, 2013 (Latest edition)
2. The Securities and Exchange Board of India Act, 1992
3. The Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002

**Books:**

1. Davies, Paul. *Introduction to Company Law* (2nd edition) Clarendon Law Series, Oxford University Press 2010.
2. Kapoor, G.K. & Suri, A.P. (2015) *Corporate Laws* (3<sup>rd</sup> Ed.). New Delhi: Taxmann's.
3. Kuchhal, S.C. *Corporate Finance- Principles & Problems*. (6<sup>th</sup> Edition).
4. Ramaiya, (2020) *Guide to Company Law* (19<sup>th</sup> Edition). New Delhi: Lexis Nexis.

**Case-Reporters:**

1. All India Reporter
2. Manu Patra Database
3. Supreme Court Cases



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### LLMBE303- CYBER AND INFORMATION TECHNOLOGY LAW

COURSE CODE	CATEGORY	COURSE NAME	L	T	P	CREDITS	TEACHING & EVALUATION SCHEME				
							THEORY			PRACTICAL	
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMBE303	DE	CYBER AND INFORMATION TECHNOLOGY LAW	4	0	0	4	60	20	20	0	0

**Legends:** L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C – Credit.

\***Teacher Assessment** shall be based following components: Quiz/Assignment/ Project/Participation in Class, given that no component shall exceed more than 10 marks.

**Course Educational Objectives (CEO's):** The student will be able:

- **CEO1:** endeavors to give an insightful understanding of fundamental nuances of this information technology ecosystem.
- **CEO2:** To understand the concept of information technology ecosystem and its legal concerns.
- **CEO3:** To offer students a systematic knowledge to enhance the understanding of problems evolving out of online transactions and provoke them to find solutions.
- **CEO4:** Instruct about the law of cyber space at national and international level.
- **CEO5:** Simplify the Intellectual Property issues in the cyber space and the growth and development of the law in this regard.

**Course Outcomes (Co's):** The students will be:

- **CO1:** Understand the concept of Cyber Space and various crimes in transnational perspective.
- **CO2:** Apply the Cyber Space Jurisdiction according to the nature of case laws.
- **CO3:** Apply the new emerging issues of cyberspace
- **CO4:** Critically analyse the Legal Aspects of Data protection and privacy concerns in cyberspace.
- **CO5:** Evaluate the nature of cyber-crime, E-Commerce, E-Governance, E-Contract in special reference to I.T. Act.

#### UNIT-I Introduction to Cyberspace

1. Origin and meaning of Cyberspace.
2. Cyberspace vs. Physical space.
3. Legal Issues in Cyberspace.
4. Need of Regulation for Cyberspace.
5. Different Models of Cyberspace Regulation.





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### LLMBE303- CYBER AND INFORMATION TECHNOLOGY LAW

#### **UNIT-II: Fundamentals of Cyber Law**

1. Jurisdiction in Cyberspace,
2. Issues and concerns of Cyberspace Jurisdiction in India,
3. International position of Cyberspace Jurisdiction,
4. Judicial interpretation of Cyberspace Jurisdiction.

#### **UNIT-III: Information Technology Act, 2000**

1. A brief overview of Information Technology Act, 2000 and IT Amendment Act, 2008
2. Relevant provisions from Indian Penal Code, Indian Evidence Act, Bankers Book Evidence Act, Reserve Bank of India Act, etc.
3. Concept of electronic signature and digital signature
4. E-Commerce
5. E-Governance
6. E-Contract
7. Cyber crimes

#### **UNIT-IV: Data Protection and Privacy Concerns in Cyberspace**

1. Need to protect data in cyberspace: Types of data
2. Legal framework of data protection
3. Data protection bill -an overview
4. GDPR
5. Concept of privacy
6. Privacy concerns of cyberspace
7. Constitutional framework of privacy
8. Judicial interpretation of privacy in India

#### **UNIT-V: Appreciation of Electronic Evidence and IP Protection Issues in Cyberspace**

1. Concept of Electronic Records and Electronic Evidence
2. Recognition of electronic records under the UNCITRAL Model Law & IT Act
3. Types of Electronic Evidence
4. Sources of electronic evidence
5. Technical Issues in collection of electronic Evidence
6. Chain of custody of electronic evidence
7. Admissibility of electronic evidence under Indian laws



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LLMBE303- CYBER AND INFORMATION TECHNOLOGY LAW

8. Copyright issues in cyberspace
9. Trademark issues in cyberspace
10. Patent issues in cyberspace

## References:

### **Bare Acts:**

1. GDPR
2. Indian Evidence Act, 1872
3. Indian Evidence Act., 1872
4. Indian Penal Code, 1860
5. Information Technology Act 2000
6. The Information Technology Act, 2000 and Related Rules
7. The Personal Data Protection Bill 2019
8. UNCITRAL Model law on E-commerce 1996
9. UNCITRAL Model law on E-Signature 2001

### **Books:**

1. Ahmad Farooq (2017). *Cyber Law in India*, Allahabad: Allahabad Law Agency
2. Aparna Viswanathan. (2012). *Cyber Law Indian and International Perspectives*, Nagpur: Lexis Nexis.
3. Duggal, P. (2014). *Textbook on Cyber Law*. New Delhi: Universal Law Publishing
4. Lloyd, Ian J. (2014) *Information Technology Law* (8<sup>th</sup> Edition), New Delhi: Oxford University Press
5. Nandan Kamath, *Law Relating to Computers Internet & E Commerce*, (5<sup>th</sup> Edition) New Delhi: Universal Law Publisher.
6. Nandan, K. (2016). *Law relating to Computer, Internet and E-Commerce*, (5<sup>th</sup> Ed.) New Delhi: Universal Law Publishing.
7. Ryder, Rodney D. & Naren, Nikhil. (2020). *Internet Law-Regulating Cyberspace and emerging Technologies*, New Delhi: Bloomsbury.
8. Seth, Karnika (2016). *Computers, Internet and New Technology Laws- A comprehensive reference work with special focus on developments in India* New Delhi: Lexis Nexis.
9. Sharma, V. (2016). *Information Technology Law and Practice- Cyber Laws and Laws relating to E-Commerce* (5<sup>th</sup> Ed.). New Delhi: Universal Law Publishing



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2<sup>nd</sup> Year, SEMESTER III

LLMBE303- CYBER AND INFORMATION TECHNOLOGY LAW

10. Singh, Yatindra. (2016). *Cyber Laws* (6<sup>th</sup> Ed.). New Delhi: Universal Law Publishing
11. Vishwanathan, A. (2012). *Cyber Law- Indian and International Perspectives on Key Topics Including Data Security, E-Commerce, Cloud Computing and Cyber Crimes* (1<sup>st</sup> Ed.). New Delhi: Lexis Nexis.

### Case-Reporters:

1. All India Reporter
2. Manu Patra Database
3. Supreme Court Cases



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## Master of Laws (Business Law) 2021-23

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### 2<sup>nd</sup> Year, SEMESTER III

### LLMBE304- TAX POLICIES AND TAX REFORMS

COURSE CODE	CATEGORY	COURSE NAME	L	T	P	CREDITS	TEACHING & EVALUATION SCHEME				
							THEORY			PRACTICAL	
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMBE304	DE	TAX POLICIES AND TAX REFORMS	4	0	0	4	60	20	20	0	0

**Legends:** L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C – Credit

\***Teacher Assessment** shall be based on following components: Quiz/Assignment/ Project/Participation in class  
(Given that no component shall be exceed 10 Marks)

**Course Educational Objectives (CEO's):** The student will be -

- **CEO1:** Teach basic principles of taxation.
- **CEO2:** Teach a brief study of Tax Policies of Countries without Personal Income Tax.
- **CEO3:** Provide effect of globalization on law and justice through completion law and international trade.
- **CEO4:** Develop understanding of students regarding how the implementation of GST would affect the division of financial powers between the central and state government having regard to the constitutional provisions.
- **CEO5:** Understand the latest development in tax jurisprudence, nationally and internationally to build logical reasoning for resolving the tax problems.

**Course Outcomes (CO's):** The student will be able to:

- **CO1:** Develop and evolution of tax system this would focus on achievements and challenges met by tax reforms in India.
- **CO2:** Understand the Meaning of “tax policy”, Types/Categories of tax system [Progressive, Regressive, and Proportional], Objectives and Principles of Taxation in the light of latest OECD recommendations for India.
- **CO3:** Critically analyze the essentials that are kept in mind while framing policies for the developing nations and how they are different from the ones dealing with developed nations.
- **CO4:** Understand about Goods and Services Tax. The unit would deal with the brief history of the Indirect Tax System in India and the situations which paved the way for the enactment of GST Act, 2017 and the kinds of GST introduced in the country.
- **CO5:** Understand that there would be the coverage of tax comparison between GST and existing tax scenario, Amendments to the Constitution of India for Implementation of GST.



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LLMBE304- TAX POLICIES AND TAX REFORMS

## COURSE CONTENT:

### **UNIT-1: Evolution of Tax System**

1. Evolution and development of taxation system in India
2. Corporate Tax
3. Fiscal significance of taxes

### **UNIT-II: Tax Policy**

1. Meaning, Types, Objectives and Principles
2. Indirect tax
3. Direct taxation
4. General taxation

### **UNIT-III: Effect of Globalization on Law and Justice**

1. International taxation
2. An analysis over tax policies of different developing countries with India
3. The challenges faced by the developing countries in formulating an efficient taxation policy and the feasible solutions

### **UNIT-IV: Indirect Taxation: Developments and Reforms in India**

1. Goods and Service Tax
2. Different kinds of GST Introduced
3. Impact of GST: balancing federal fiscal relations
4. Taxation of intellectual property

### **UNIT-V: Tax Reforms in India**

1. A brief study of the latest tax policies and reforms proposed in the budget would primarily from the part of discussion.
2. Emerging areas and future concerns in Taxation in India (Like Taxation in Ecommerce), International Taxation (with passing reference to Transfer Pricing) & DTAA in India
3. Problem of Black money and Tax Evasion
4. Income Declaration Scheme



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### LLMBE304- TAX POLICIES AND TAX REFORMS

#### References:

##### **Bare Acts:**

1. Constitution of India, 1950 (latest edition)
2. Income Tax Act, 1961
3. The Integrated Goods and Services Tax Act, 2017

##### **Books:**

1. Datey, V. (2021) *Indirect Taxes Laws* (5<sup>th</sup> edition) New Delhi: Taxman's.
2. Singhaniya, V. & Singhaniya, K. (2022). *Direct Taxes Law & Practice* (67<sup>th</sup> edition) New Delhi: Taxman's.
3. Singhaniya, V. & Singhaniya, M. (2021). *Students' Guide to Income Tax* (65<sup>th</sup> edition) New Delhi: Taxman's.
4. Sinha, Y. & Srivastva, V. (2020). *Indirect Tax Reform in India: 1947 To GST And Beyond*

##### **Reports:**

1. 12th Report of the Law Commission of India (1958)
2. Direct Tax Enquiry Committee (1971)
3. Direct Tax Laws Committee (1978)
4. Economic Survey of India by OECD
5. Indian Taxation Enquiry Committee (1924)
6. Tax Administration Reform Commission (TARC)
7. Tax Reform Committee (1991)
8. Taxation Enquiry Commission (TEC) (1953-54)

##### **Case-Reporters:**

1. All India Reporter
2. Manu Patra Database
3. Supreme Court Cases



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#### LLMBE305- GENERAL PRINCIPLES OF COMPANY LAW-II

COURSE CODE	CATEGORY	COURSE NAME	L	T	P	CREDITS	TEACHING & EVALUATION SCHEME				
							THEORY			PRACTICAL	
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMBE305	DE	GENERAL PRINCIPLES OF COMPANY LAW-II	4	0	0	4	60	20	20	0	0

**Legends:** L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C - Credit;

\***Teacher Assessment** shall be based following components: Quiz/Assignment/ Project/Participation in Class, given that no component shall exceed more than 10 marks.

**Course Educational Objectives (CEO's):** The student will be able to-

- **CEO1:** Learn the basics of Laws governing commercial contracts and nuances of competency to contract, rules of Consideration and Objects of Contracts with case laws and illustrations.
- **CEO2:** Understand the various provisions related to Member of a Company, Modes of Acquiring & Cessation of Membership etc.
- **CEO3:** Explain rules regarding Director, Qualification & Disqualification, Legal position of Director. Legal provisions relating to Company Meetings, i.e., Annual General Meeting, Extra-ordinary General Meeting, Board Meeting.
- **CEO4:** Gain insight on the law related to maintenance of Books of Accounts, Auditor's and Auditors Report
- **CEO5:** Comprehend the classification of Directors, key managerial personnel, Meetings of Companies and the Committees connected with the affairs of a Company

**Course Outcomes (CO's):** The student will be-

- **CO1:** Demonstrate an understanding of the legal rules that relate to the validity of contracts, the rights and duties of the respective parties to the contract, the consequences of breach of such duties and the termination of contracts.
- **CO2:** Identifying and understanding the ethical issues in an organisation.
- **CO3:** Explain the types of companies and the characteristics and uses of each type describe the organs and officers of a company
- **CO4:** Identify and distinguish a close corporation from a company by way of its characteristics
- **CO5:** Explain the relevance of the close corporation under the Companies Act of 2013



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LLMBE305-GENERAL PRINCIPLES OF COMPANY LAW-II

## **COURSE CONTENT:**

### **UNIT I: Corporate Transparency & Accountability**

1. Accounting and Auditing-Legal Issues
2. Inspection & Investigation: Serious Fraud Investigation Office & Role of SEBI
3. Majority rules and oppression & Mismanagement, class action, Derivative Suit

### **UNIT-II: Corporate Merger & Acquisitions**

1. Reconstruction amalgamation, merger and take over
2. Rehabilitation and Revival of Companies
3. SICA

### **UNIT-III: Corporate Winding Up**

1. Winding Up: Types and Nature
2. Grounds of Winding Up
3. Official Liquidators
4. Removal of Companies

### **UNIT-IV: Corporate Administration & Corporate Governance**

1. National Company Law Tribunal and NCLAT, Special Courts
2. Corporate Governance and SEBI Regulations
3. Social Responsibility of Company

### **UNIT-V: Corporate Governance**

1. Significance of Corporate Governance
2. Corporate social Responsibility
3. Corporate Criminal Liability
4. Corporate Liability under Environmental Laws
5. Offences and Penalties of Company under Companies Act, 2013





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LLMBE305-GENERAL PRINCIPLES OF COMPANY LAW-II

## References:

### **Bare-Acts:**

1. Depositories Act, 1996
2. SEBI (Issue of Capital & Disclosure Requirements) Regulation 2009
3. SEBI Act, 1992
4. Securities Contract Regulation Act 1956
5. The Companies Act, 2013
6. The Companies Rules
7. The Indian Contract Act, 1872

### **Books:**

1. Birds & Boyle (2004). *Company Law*, (5<sup>th</sup> Ed.). UK: Universal Law Publishing Co. Pvt. Ltd.
2. Gower, L.C.B. (1997). *Principles of Modern Company Law*, London: Sweet & Maxwell,
3. Majumdar, A.K. & Kapoor, G.K. (2013). *Taxmann's Company Law and Practice*, (18<sup>th</sup> Ed.) New Delhi: Lexis Nexis
4. Palmer, (1987). *Palmer's Company Law*, London: Stevens
5. Penington, R. (2001). *Company Law*, UK: Oxford University Press
6. Ramaiya, A. (2011) *Guide to the Companies Act*, New Delhi: Lexis Nexis

### **Case-Reporters:**

1. All India Reporter
2. Manu Patra Database
3. Supreme Court Cases



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#### LLMBE306- INTERNATIONAL TRADE LAW

COURSE CODE	CATEGORY	COURSE NAME	L	T	P	CREDITS	TEACHING & EVALUATION SCHEME				
							THEORY			PRACTICAL	
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMBE306	DE	INTERNATIONAL TRADE LAW	4	0	0	4	60	20	20	0	0

**Legends:** L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C - Credit;

\***Teacher Assessment** shall be based following components: Quiz/Assignment/ Project/Participation in Class, given that no component shall exceed more than 10 marks.

**Course Educational Objectives (CEO's):** The student will be able to-

- **CEO1:** Understand the key international agreements covered under the GATT/WTO multilateral trading framework
- **CEO2:** Develop an understanding of several key areas of international trade law including trade in goods, services, technical barriers to trade, environmental issues, IPRs etc.
- **CEO3:** Develop effective skills, both orally and in writing, in the construction of legal argument and analysis on issues of international trade law
- **CEO4:** Develop effective skills in legal research on issues of international law and trade
- **CEO5:** critically examine the operation of international trade law in practical contexts

**Course Outcomes (CO's):** The student will be-

- **CO1:** Explain and analyse the role of the World Trade Organisation and the principal international trade agreements it administers
- **CO2:** Identifying and understanding the ethical issues in an organisation
- **CO3:** Describe and analyse how the rules, principles and institutions of international trade impact on domestic legal, political and social arrangements
- **CO4:** Plan and conduct a legal research project with intellectual independence.
- **CO5:** Analyse international monetary systems and its importance



# Shri Vaishnav Vidyapeeth Vishwavidyalaya

Master of Laws (Business Law) 2021-23

Choice Based Credit System

2<sup>nd</sup> Year, SEMESTER III

LLMBE306- INTERNATIONAL TRADE LAW

## **COURSE CONTENT:**

### **UNIT-I: International Trade and Regional Blocks**

1. Theory of Mercantilism
2. Comparative Advantage Theory
3. Adam Smith's Wealth of Nations
4. Regional Trading Blocks
  - a) NAFTA
  - b) European Union
  - c) SAARC
  - d) ASEAN

### **UNIT-II: Evolution of World Trade Organisation**

1. International Trade Organisation
2. GATT
  - a) Annecy round to Tokyo round
  - b) Uruguay round

### **UNIT-III: Pillars of International Trade**

1. National Treatment
2. Most-Favoured Nation (MFN) Treatment
3. Tariffs
4. Safeguards
5. Balance-of –payment provisions
6. Technical Barriers to Trade
7. Sanitary and Phytosanitary measures
8. Trade related Investment measures

### **UNIT-IV: Unfair trade practices and Measures**

1. GATT (since 1994) and WTO (Current) provisions relating to unfair trade practices
2. Subsidies and countervailing measures
3. Anti-dumping



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## UNIT-V: Other issues

1. Custom valuation
2. Import licensing
3. Rules of origin
4. Pre-shipment inspection

## References:

1. Bhala, R. (2015). *International Trade Law: An Interdisciplinary Non-Western Textbook (Vols 1 & 2)* New Delhi: Lexis Nexis
2. Kaul, A. K. (2006). *A Guide to the W.T.O. and GATT: Economics, Law, and Politics, Kluwer Law International*
3. Murray, C. & Holloway, D. (2015). *The Law and Practice of International Trade*, (12<sup>th</sup> Ed.) London: Sweet & Maxwell
4. Myneni, S.R. (2014). *International Trade Law (International Business Law)* (3<sup>rd</sup> Ed.) Prayagraj: Allahabad Law Agency
5. Simone, S. (2010). *Understanding International Trade Law* (2<sup>nd</sup> Ed.) New Delhi Universal Law Publication

## **Case-Reporters:**

1. All India Reporter
2. Manu Patra Database
3. Supreme Court Cases