



SRM

INSTITUTE OF SCIENCE & TECHNOLOGY
(Deemed to be University u/s 3 of UGC Act, 1956)

MASTER OF LAWS (LL.M.) IN INTERNATIONAL TRADE LAWS - ONE YEAR LL.M FULL TIME PROGRAMME

Regulation 2020

Academic Year 2021-2022

**COURSE STRUCTURE AND SYLLABUS
CENTRE FOR POST GRADUATE STUDIES IN
LAW AND RESEARCH**

**SRM INSTITUTE OF SCIENCE AND TECHNOLOGY
SRM NAGAR, KATTANKULATHUR- 603 203, CHENGALPATTU**

COURSE STRUCTURE SEMESTER I

CATEGORY	SUBJECT TITLE	L	T	P	TOT LTP	Credit
PLMT21101	Legal Research Methodology	3	0	0	3	3
PLMT21102	Comparative Public Law/System of Governance	3	0	0	3	3
PLMT21103	Law and Justice in a Globalizing World	3	0	0	3	3
PLMT21104	General Principles of International Trade and The Law of World Trade Organization	3	0	0	3	3
PLMT21105	Trade and Intellectual Property Rights	3	0	0	3	3
PLMT21106	E-Commerce and Competition Law	3	0	0	3	3
TOTAL						18

SEMESTER II

CATEGORY	SUBJECT TITLE	L	T	P	TOT LTP	Credit
PLMT21201	Law of Transnational Sales	3	0	0	3	3
PLMT21202	Law of Carriage of Goods	3	0	0	3	3
PLMT21203	Law and Policy of Trade and Investment	3	0	0	3	3
PLMT21204	International Commercial Arbitration	3	0	0	3	3
PLMT21205	Dissertation	0	0	5	5	5
PLMT21206	Teaching/Research Publication	0	0	2	2	2
TOTAL						19

Total Credits of the Course: 37

ELIGIBILITY FOR MASTER OF LAWS (LL.M IN INTERNATIONAL TRADE LAW)

Medium of Instruction shall be English.

Courses Offered	Eligibility
Master of Laws (LL.M. in International Trade Law)	B.L/LL.B (3 years or 5 years course fulltime) or equivalent.

SEMESTER – I

Paper-1

Course Code	SUBJECT TITLE	L	T	P	Total of LTP	Cred it
PLMT21101	LEGAL RESEARCH METHODOLOGY	3	0	0	3	3

UNIT-I Legal Education

(10Hours)

Evolution of Legal Education - Objective of Legal Education - Bar Council of India Regulations, 2008 – Part IV – Role of the University Grants Commission – Role of the State and other institutions- NKC recommendation on Legal Education- 184th Report of LCI-Recommendation of Committee and Commission.

UNIT-II Teaching and Examination

(10Hours)

Methods of Teaching - Problem Method -Discussion Method -Seminar Method - Socratic method - Case Method - Examination and Evaluation - Extension Activities (Clinical, Legal Aid, Legal Literacy and Law Reforms).

UNIT-III Research

(10Hours)

Concept of Research – Objectives -Types of Research - Social Science Research - Legal Research – Socio- Legal Research-Methods-Identification of the research problem–Framing of hypothesis – research questions.

UNIT-IV Research processes

(10Hours)

Review of Literature -Formulation of Research Design - Data Collection - Sampling and Census Method - Legal material, Statutes, Subordinate Legislation, Notifications, Policy statements. Decisional material, Foreign Judgments, Legal data bases, Reports of Commissions &Committees.

UNIT-V Analysis and Report Writing

(10Hours)

Statistical and Legal analysis of data – Interpretation and implication of data - Hypothesis testing - Report Writing – Structure of the dissertation.

Suggested Readings:

1. WilliamJ. Goode and Paul K. Hatt, Methods in Social Research
2. Adam Podgorecki, Law and Society, Routledge & Kagal Paul, London, 1974.
3. Prof. P. Ishwara Bhat, Idea and Methods of Legal Research, (2019)
4. Anwarul Yaqin, Legal Research and Writing Methods, (2008)
5. S.K.Verma, M. Afzal Wani, Legal Research and Methodology, Indian Law Institute (2010)

Course Nature: Theory						
Assessment Method (Max Marks:100)						
In-Semester	Assessment Tool	Mid term Test	Assignment /Seminar/Group discussion/ Presentation	Participation in seminar/ Conference/ Publication	Attendance	Total
	Marks	20	10	5	5	40
End Semester Examination						60
Total Max Marks						100

SEMESTER – I
Paper-2

Course Code	SUBJECT TITLE	L	T	P	Total of LTP	Credit
PLMT21102	COMPARATIVE PUBLIC LAW/SYSTEM OF GOVERNANCE	3	0	0	3	3

UNIT–I Study of Comparative Constitutional Law (12 Hours)

Meaning and Idea of Constitution – Nature & Goals – Constitution as a Supreme Law - Relevance - Problems and Concerns in Using Comparison

UNIT–II Constitutional foundations of powers (12 Hours)

Supremacy of Legislature in Law Making - Rule of law - Dicey's Concept of Rule of Law - Modern Concept of Rule of Law - Social and economic rights as part of rule of law -Separation of powers - Checks and Balances - Separation of Powers or Separation of Functions.

UNIT–III Constitutional Review

(12 Hours)

Constitutional Review - Methods of Constitutional Review - Judicial and Political Review - Concentrated and Diffused Review - Anticipatory and Successive Review - Concept and Origin of Judicial Review - Limitations on Judicial Review

UNIT–IV Comparative Criminal Law – Common Law and Civil Law (16 Hours)

Arrest - Investigation – Trial – Plea Bargaining – Sentencing Process – Death Sentence - Sexual Offences – Offences against State – Domestic Violence - Comparison of Substantive and Procedural Criminal Law of India, USA, UK & Germany.

Suggested Readings:

1. Christopher Forsyth, Mark Elliott, Swati Jhaveri, Effective Judicial Review: A Cornerstone of
2. Good Governance (Oxford University Press, 2010).
3. D.D. Basu, Comparative Constitutional Law (2nd ed., Wadhwa Nagpur).
4. David Strauss, The Living Constitution (Oxford University Press, 2010)
5. Dr. Subhash C Kashyap, Framing of Indian Constitution (Universal Law, 2004)
6. Elizabeth Giussani, Constitutional and Administrative Law (Sweet and Maxwell, 2008).
7. Erwin Chemerinsky, Constitutional Law, Principles and Policies (3rd ed., Aspen, 2006)
8. M.V. Pylee, Constitution of the World (Universal, 2006)
9. Mahendra P. Singh, Comparative Constitutional Law (Eastern Book Company, 1989).
10. Neal Devins and Louis Fisher, The Democratic Constitution (Oxford University Press, 2010)
11. S.N Ray, Judicial Review and Fundamental Rights (Eastern Law House, 1974).
12. Sudhir Krishna Swamy, Democracy and constitutionalism in India – A Study of the Basic Structure Doctrine (Oxford University Press, 2009)
13. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, Comparative Constitutionalism in South
14. Asia (Oxford University Press, 2013).
15. Vikram David Amar, Mark Tushnet, Global Perspectives on Constitutional Law (Oxford University Press, 2009).
16. Zachery Elkins, Tom Ginsburg, James Melton, The Endurance of National Constitutions
17. (Cambridge University Press, 2009).

The Handbook of Comparative Criminal Law, Stanford Law Books (2010).

Course Nature: Theory						
Assessment Method (Max Marks:100)						
In-Semester	Assessment Tool	Mid term Test	Assignment /Seminar/Group discussion/ Presentation	Participation in seminar/ Conference/ Publication	Attendance	Total
	Marks	20	10	5	5	40
End Semester Examination						60
Total Max Marks						100

Semester I Paper- 3

Course Code	SUBJECT TITLE	L	T	P	Total of LTP	Credit
PLMT21103	LAW AND JUSTICE IN A GLOBALIZING WORLD	3	0	0	3	3

UNIT-I Introduction

(15Hours)

Globalization: Meaning, Reach and Form - Social, Political, and Economic Dimensions of Globalization - Emergence of Transnational Law in a Globalizing World - Impact of Globalization on Sovereignty of States -Impact of Globalization on Federalism and Democratic Law Making - Impact of globalization on Human Rights & Trade Law

UNIT-II Globalization and Free Market

(15Hours)

Impact on welfare state -Natural Resources - Environment - Displacement for Development
- Problem of Unemployment

UNIT-III Concept of Justice in a Globalizing World

(15Hours)

Globalization and Universal Values - Concept of Global Justice - Cosmopolitanism
- Globalization and Social Justice/ Global Distributive Justice -Impact of Globalization on Judicial Process and administration of Justice

Suggested Readings:

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. David Kinley, *Civilizing Globalization: Human Rights and the Global Economy* (Cambridge University Press, 2009).
7. David Schzeiderman, *Constitutionalizing Economic Globalization: Investment Rules and Democracy's Promise* (Cambridge University Press, 2008).
8. Jean-Marc Coicaud, Michael W. Doyle et al (eds.), *The Globalization of Human Rights* (United Nations University Press, 2003).
9. John Baylis, Steve Smith, et al (eds.) *The Globalization of World Politics: An Introduction to International Relations* (OUP, 2008).
10. Karl-Heinz Ladeur (ed.), *Public Governance in the Age of Globalization* (2004).
11. Laura Valentini, *Justice in a Globalizing World: A Normative Framework* (OUP, 2011).
12. M. Abouharb, David Cingranelli, *Human Rights and Structural Adjustment* (Cambridge University Press 2007).
13. Pablo De Greiff and Ciaran Cronin (eds.), *Global Justice and Transnational Politics: Essays on the Moral and Political Challenges of Globalization* (MIT Press, 2002).
14. Percy E. Corbett, *the Growth of World Law* 184 (1971).
15. Rosalyn Higgins, *Development of International Law through the Political Organs of the United Nations* (1963).
16. Simon Coney, *Justice Beyond Borders: A Global Political Theory* (Oxford University Press, 2005).
17. Upendra Baxi, *the Future of Human Rights* (OUP, 2002).
18. Warner Menski, *Comparative Law in Global Context: The Legal Systems of Asia and Africa* (Cambridge University Press, 2006).
19. Wenhua Shan, Penelope Simons et al., *Redefining Sovereignty in International Economic Law* (Hart Publishing, 2008).
20. William Twining, *General Jurisprudence: Understanding Law from a Global Perspective* (Cambridge University Press, 2009).
21. World Commission on Social Dimension of Globalization, *A Fair Globalization: Creating Opportunities for All* (2004).

Course Nature: Theory						
Assessment Method (Max Marks:100)						
In-Semester	Assessment Tool	Mid term Test	Assignment /Seminar/Group discussion/ Presentation	Participation in seminar/ Conference/ Publication	Attendance	Total
	Marks	20	10	5	5	40
End Semester Examination						60
Total Max Marks						100

SEMESTER – I
Paper-4

Course Code	SUBJECT TITLE	L	T	P	Total of LTP	Credit
PLMT21104	GENERAL PRINCIPLES OF INTERNATIONAL TRADE AND THE LAW OF WORLD TRADE ORGANIZATION	3	0	0	3	3

UNIT I - Economics of International Trade (05 Hours)

Why do nations trade? – Free Trade vs. Protectionism - The pure theory of international trade – Theories of absolute advantage, comparative advantage and opportunity costs - Theorem of factor price equalization - Heckscher-Ohlin theory of trade - The Theory of Interventions (Tariffs, Quota and non-tariff barriers) - Economic effects of tariffs and quota.

UNIT II: International Economic Institutions (03 Hours)

Need for International Economic Institutions - The role of United Nations as an economic institution – role of UN in development – ILO - Global organizations for trade – IMF, World Bank & WTO – Regional trade blocs - NAFTA – ASEAN – APEC & other regional agreements- OECD - Objectives and institutional make up - activities and functions - OECD and Development.

UNIT III: The WTO: Evolution & Structural dimensions (07 Hours)

Historical evolution of GATT -- Objectives of GATT– General Overview of Uruguay Round Agreements - Establishment of WTO – Objectives of the WTO - Legal Status - Membership, Accession & Withdrawal - Structure and Functions of WTO – Ministerial Conferences - Decision Making at WTO – Relations with other International Organizations - Need for institutional reforms.

UNIT IV: General Principles of Trading System (10 Hours)

GATT – Obligations - Fundamental principles – Principle of progressive trade liberalisation, Principle of non-discrimination, Principle of reciprocity, Binding and enforceable commitments, Transparency, MFN Principle, National Treatment Principle - Exceptions to GATT, Special and Differential Treatment under the GATT - Generalised System of Preferences – Rules of Origin – Customs Valuation Rules - Tariff and Non-Tariff Barriers – Impact of Regional Trade Agreements Principles of the trading system.

UNIT V: Trade Remedies (10 Hours)

Concept of Dumping – Determination of Injury – Causation – Imposition of Anti-dumping measures – provisional measures – standard of review - Economics of subsidies – countervailing measures – determination of injury – causation – prohibited subsidies – permissible subsidies – actionable subsidies – safeguards – concept of serious injury – serious injury vs material injury – causation – non attribution – imposition of safeguard measures - Comparative analysis of the three agreements related to contingent protection.

UNIT VI: SPS measure, Technical Barriers to Trade & WTO Law (05 Hours)

Environmental exceptions to GATT – GATT Article XX(b) – SPS Agreement – Objectives – Basic rights and obligations of member states – Standards of risk – Equivalence & Harmonisation - Implementation - Transparency - Risk assessment - TBT Agreement – Objectives – Basic rights and obligations of member states – Preparation, Adoption and Application of Technical Regulations – International Standards – Standard equivalence – assessment of conformity - Implications for domestic regulatory autonomy - Special and Differential treatment to developing countries – Dispute settlement.

UNIT VII: General Agreement in Trade and Services (GATS) (03 Hours)

Objectives of GATS – Importance of service trade – General obligations - Modes of supply – General Principles – MFN – Transparency – Specific Obligations – Market Access – National Treatment – Exceptions – Progressive liberalization of service sectors (Banking services, legal and other professional services, telecom services etc.) - GATS Dispute settlement - Current status of Services Negotiations – India and GATS

UNIT VIII: Dispute Settlement System under the WTO (07 Hours)

Dispute Settlement under GATT 1947 – The WTO Dispute Settlement System (DSU) – Jurisdiction and applicability mechanism - Dispute Settlement Procedure – The Formation and working of Panels – Working of the Appellate Body –

Enforcement and Legal effect of Panel and Appellate Body reports, DSB recommendations and rulings - Reforms of the DSU - Developing Countries at the Dispute Settlement.

Suggested Readings:

1. Simon Lester, Bryan Mercurio, Arwel Davies, World Trade Law Text, Materials and Commentary, Hart Publishing, 2018.
2. Prof. Raj Bhalla, Modern GATT Law: A Treatise on the Law and Political Economy of the GATT & other W.T.O Agreements, Sweet & Maxwell, 2013.
3. Michael J. Trebilcock, Advanced Introduction to International Trade Law, Edward Elgar Publications, 2015.
4. Raj Bhala, Dictionary of International Trade Law, LexisNexis, 2015.
5. Daniel C.K. Chow and Thomas J. Schoenbaum, International Trade Law: Problems Cases & Materials, Wolters Kluwer, 2017
6. Raj Bhala, International Trade Law: Interdisciplinary Theory and Practice, LexisNexis, 2007.
7. John H. Jackson, The Jurisprudence of GATT and the WTO, Cambridge University Press, 2000.
8. Ralph Folsom, International Trade Law Including the World Trade Organization, Technology Transfers, and Import/Export/Customs Law, West Academic Publishing, 2017.
9. N.K. Jain, WTO Concepts, Challenges and Global Development, Regal Publications, 2008.
10. P. Van Den Bossche, Essentials of WTO Law, Cambridge University Press, 2016
11. A.K. Koul, Guide to the WTO and GATT: Economics, Law and Policies, Satyam Law International, 2018.
12. John H. Jackson, The World Trading System, The MIT Press, Cambridge 1998.
13. M. Schmitthoff, The Law and Practice of International Trade, 2012.
14. World Trade Organization, The WTO Agreements: The Marrakesh Agreement Establishing the World Trade Organization and its Annexes, Cambridge University Press, 2017.
15. Indira Carr and Jae Sundaram, International Trade Law Statutes and Conventions, Routledge, 2016.
16. Robert E. Hudec, Developing Countries in the GATT Legal System, Cambridge University Press, 2010.
17. Lorand Bartels and Federico Orthino, Regional Trade Agreements and the WTO legal system, Oxford Publishers, 2006.

18. Amin and Alavi, Legalization of Development in the WTO, Wolters Kluwer, 2009.
19. M. Matsushita, P. Mavroidis & T. Schobenbaum (Eds.), The World Trade Organization: Law, Practice & Policy, Oxford University Press, 2015
20. Yanning Yu, Circumvention and Anti-Circumvention Measures: The Impact on Antidumping Practice in International Trade, CCH, 2007
21. Gustavo E. Luengo & Hernandez de Madrid, Regulation of Subsidies and State Aids in WTO and EC Law, CCH, 2006
22. Y.S. Lee (Ed.), Safeguard Measures in World Trade: The Legal Analysis, CCH, 2007
23. P. Van Den Bossche, The Law & Policy of the World Trade Organisation: Text, Cases and Materials, Cambridge University Press, 2017

Course Nature: Theory						
Assessment Method (Max Marks:100)						
In-Semester	Assessment Tool	Mid term Test	Assignment /Seminar/Group discussion/ Presentation	Participation in seminar/ Conference/ Publication	Attendance	Total
	Marks	20	10	5	5	40
End Semester Examination						60
Total Max Marks						100

SEMESTER – I
Paper-5

Course Code	SUBJECT TITLE	L	T	P	Total of LTP	Credit
PLMT21105	TRADE AND INTELLECTUAL PROPERTY RIGHTS	3	0	0	3	3

UNIT 1: Overview of Protection & Recognition of IPRs (05 Hours)

Rationale behind protecting IPR: Meaning and Concept - Growth and development of IPR: Paris and Berne Conventions - Theoretical Justifications of IP - Labour theory- John Locke - Personhood theory- Kant and Hegel - Utilitarian theory- Bentham - Marxist theory - Incentive theory - IPR, Innovation and Economic Growth - Legal Concept of IP as a Property - Concept of ownership, transfer, license and assignment - Difference between physical property and IP - IP and Competition Law and effect on International Trade.

UNIT II: Principles governing International Trade and IP (07 Hours)

Territoriality of IP- a consideration in context of principles of International Trade - Issues of jurisdiction - The recognition of well-known trademarks and issues thereof - Exceptions to the principle of territoriality - National treatment & Most Favoured Nations - Exceptions to these principles - The Principle of Exhaustion and Issue of "Gray Market" goods - Parallel imports and effect on International Trade.

UNIT III: Copyright protection under TRIPS (08 Hours)

The Berne Convention - Basic Provisions relating to protection of copyrights and neighbouring rights - Subject matter - Concept of Originality of ideas and expression and variations in IP regimes - Concept of fixation - Test of Infringement and Substantial similarity test - Joint authorship and work for hire and ownership of copyrights - Limitations and Exceptions to copyrights: Fair Use and Fair Dealing - Idea-Expression dichotomy in computer programs and software - Rental Rights - Moral Rights- Civil law and Common law perspectives - Copyrights and Principle of Exhaustion - WCT and WPPT - The Digital agenda - Anti-Circumvention - Umbrella Solution - Rights Management Information.

UNIT IV: Protection of Trademarks under TRIPS (07 Hours)

International Agreements - Madrid Protocol- Nice Agreement- Vienna Agreement - Trademark Law Treaty - Subject matter of Protection - Registrable and Non-registrable TM's - Well Known trademarks and Trans-border reputation - Honest and Concurrent use - Formalities and Conditions for Registration and Use - Likelihood of confusion and Deceptive Similarity - Distinctiveness of TM's- inherited and acquired - Licensing, Assignment and Merchandising - Trademarks and Unfair Competition- Infringement of Trademarks - Related issues - Ambush Marketing - Dilution, disparagement and comparative advertising Use of TM's constituting a Fair Use - Undisclosed Information and trade-secrets (Article 39 and 40).

UNIT V: Protection of Patents under the TRIPS (08 Hours)

The Patent Co-operation Treaty and Patent Law Treaty - Conditions for patentability - Concept of novelty, inventive step and industrial application - Prior art, anticipation and state of art - Priority date - Subject matter of patents - Patenting life forms and genes- issues and controversies - Other uses without authorisation of right-holder: Compulsory Licenses - Limitations and Exceptions - Parallel Imports and Regulatory Use - Undisclosed information (Art. 39) - Doha Declaration and Public Health - International Framework of Plant Variety Protection - International Framework of Traditional Knowledge Protection.

UNIT VI: Protection of other forms of IP (05 Hours)

Geographical indications - International Protection for GI's - Indication of source and appellation of origin - Special protection for wines and spirits - Industrial Designs - International Protection for designs - Requirements for protection: Functional and Non- functional aspects of designs - Copyright-Design Interface.

UNIT VII: Enforcement of IPRs (10 Hours)

General obligations, Procedures and remedies under TRIP's - Border Measures - Dispute Settlement - Anti-Counterfeiting Trade Agreement - NAFTA and the Introduction of IP Provisions in Free Trade Agreements - The Shift from Multilateral to Bilateral and Plurilateral Agreements: issues and concerns - TRIPS-Plus Standards and FTAs - Examples of Post-TRIPS Bilateral and Plurilateral Agreements - IP provisions under the Trans-Pacific Partnership Agreement.

Suggested Readings

1. Antony Taubman, Hannu Wager, Jayashree Watal, *A Handbook on the WTO TRIPS Agreement*, Cambridge University Press, 2021.
2. Carlos M. Correa, *Trade Related Aspects of Intellectual Property Rights: A Commentary on the TRIPS Agreement*, OUP, 2020.
3. Jayashree Watal and Antony Taubman, *The Making of TRIPS Agreement: Personal Insights from the Uruguay Round Negotiations*, (available at: https://www.wto.org/english/res_e/publications_e/trips_agree_e.htm)
4. ICTSD-UNCTAD, *Resource Book on TRIPS and Development*, Cambridge University Press, 2010.
5. Carlos M. Correa, *Intellectual Property Rights, the WTO and Developing Countries: The TRIPS Agreement and Policy Options*, Zed Books Ltd & TWN, 2000.
6. Annette Kur, *Intellectual Property Rights in a Fair World Trade System: Proposals for Reform of TRIPS*, Edward Elgar Publishing Ltd., 2011.
7. Carlos M Correa & Abdulqawi A. Yusuf, *Intellectual Property and International Trade: The TRIPS Agreement*, Kluwer Law International, 2016.
8. Nuno Pires de Carvalho, *The TRIPS Regime of Trademarks and Designs*, Kluwer Law International, 2018.
9. J. Watal, *Intellectual Property Rights in the WTO and Developing Countries*, OUP, 2002.
10. *WIPO Intellectual property Handbook: Policy, Law and Use*, WIPO Publication No. 489 (E); available at https://www.wipo.int/edocs/pubdocs/en/intproperty/489/wipo_pub_489.pdf

11. Thomas Cottier & Veron Pierre, *Concise International and European Law: Trips, Paris Convention, European Enforcement and Transfer of Technology*, Wolters Kluwer, 2014.
12. David Brainbridge, *Intellectual Property*, Pearson Education Ltd., 2012.

Course Nature: Theory						
Assessment Method (Max Marks:100)						
In-Semester	Assessment Tool	Mid term Test	Assignment /Seminar/Group discussion/ Presentation	Participation in seminar/ Conference/ Publication	Attendance	Total
	Marks	20	10	5	5	40
End Semester Examination						60
Total Max Marks						100

SEMESTER – I
Paper-6

Course Code	SUBJECT TITLE	L	T	P	Total of LTP	Credit
PLMT21106	E-COMMERCE AND COMPETITION LAW	3	0	0	3	3

UNIT I - Introduction to e-Commerce Law (10 Hours)

Importance of e-commerce – Impact of e-commerce on international trade and development – e-Commerce Business Models – e-money and electronic payment systems Technology – secure electronic transactions – issues - Authentication and Identification – Privacy - Data Protection -Security of Systems - – Current threats and Future challenges – Applicability of laws and regulation of e-Commerce - e-commerce in India.

UNIT II - Electronic Contracting (10 Hours)

Commencement, formation and conclusion of e-Contracts - Comparison between traditional contracts and online contracts - Validity of online contract - Limits on Contractual Terms - Digital Signatures - Digital Enforcement – International instruments on Electronic Commerce
- UNCITRAL Model law.

UNIT III - e-Disputes and Online Dispute Resolution (ODR) (05 Hours)

Jurisdictional issues in e-Commerce - Web Sites, Transactions, Communications and Domain Name - Choice of Forum/Choice of Law in Cyberspace - Types of ODR - Binding effect of ODR – Advantages and Disadvantages - ODR in India – Current and Future challenges.

UNIT IV - Introduction to Competition Law (08 Hours)

Definition of Competition & Competition Law - Objectives - History (USA, UK, Europe, India) - Relevant provisions of the Sherman's Act - Indian scenario with an overview of MRTP Act, 1969 - Raghavan Committee Report - International co-operation for competition - WTO agreements and the Act - Competition Commission of India - Establishment and composition – Duties - Procedure for inquiry – Powers - Competition fund - Competition Advocacy - Competition Policy.

UNIT V - Anti-competitive Agreement (08 Hours)

Appreciable adverse effect - Horizontal and Vertical agreements - Effects doctrine - Prohibition of anti-competitive agreements - Concerted practices and parallel behavior - Cartel and Cartelisation - Bid rigging and collusive bidding - Tie-in arrangements - Exclusive supply agreement - Resale price maintenance agreement - Abuse of Dominant Position - Relevant market - Predatory behavior - Predatory pricing - Discriminatory practices - Relevant market.

UNIT VI – International trade and Competition policy (09 Hours)

Monopolistic distortions of International Trade – Issues raised in the WTO Debate – Harmonization to promote foreign investment - Promoting market access for imports – preventing abuse of anti-dumping procedure, intellectual property rights – cross border cartels International agreements concerned with competition policy - Recent changes in the Indian Competition policy in relation to the international debate.

Suggested Reading

1. Paul Todd, *E-commerce Law*, Taylor & Francis Ltd, 2017.
2. Alan Davidson, *The Law of Electronic Commerce*, Cambridge University Press, 2012
3. Pralok Gupta, *E-Commerce in India: Economic and Legal Perspectives*, Sage Publications, 2020.
4. Ammu Charles, *E-Commerce Laws: Law and Practice*, Eastern Book Co., 2019
5. Schellekens, M. H. M., *Electronic Signatures: Authentication Technology from a Legal Perspective*, The Hague: T. M. C. Asser Press, 2004.

6. Phillips, Jeremy, *E-commerce and IT Law Handbook*, LexisNexis Butterworths, 2007.
7. Davis, W., Benamati, J., *E-Commerce Basics: Technology Foundations and E-Business Applications*, Prentice Hall, 2002.
8. Kamath, Nandan, *Law Relating to Computers Internet & e-Commerce (A guide to Cyber Laws & the Information Technology Act, 2000 with Rules, Regulations & Notifications along with latest case laws)*, Universal Law Publishing, 2016.
9. Dennis Campbell, *E-Commerce and the Law of Digital Signatures*, Oxford University Press, 2005.
10. Dhall Vinod, *Competition Law Today: Concept Issues and Law in Practice*, Oxford University Press, 2019.
11. S M Dugar, *Guide to Competition Law (Containing commentary on the Competition Act, 2002 MRTP Act, 1969 & the Consumer Protection Act, 1986)*, Lexis Nexis, 2019.
12. Martyn D. Taylor, *International Competition Law: A New Dimension for the WTO?* Cambridge University Press, 2009.
13. T. Ramappa, *Competition Law in India: Policy, Issues, and Developments*, Oxford University Press, 2009.
14. Mitsuo Matsushita, *Trade and Competition Law*, Oxford University Press, 2009.
15. Abir Roy, *Competition Law in India: A practical guide*, Kluwer Law International, 2016.
16. Richard Whish & David Bailey, *Competition Law*, Oxford University Press, 2018.

Course Nature: Theory						
Assessment Method (Max Marks:100)						
In-Semester	Assessment Tool	Mid term Test	Assignment /Seminar/Group discussion/ Presentation	Participation in seminar/ Conference/ Publication	Attendance	Total
	Marks	20	10	5	5	40
End Semester Examination						60
Total Max Marks						100

SEMESTER – II
Paper- 1

Course Code	SUBJECT TITLE	L	T	P	Total of LTP	Credit
PLMT21201	LAW OF TRANSNATIONAL SALES	3	0	0	3	3

UNIT I – International Commercial Contracts (10 Hours)

Legal peculiarities of an international commercial contract - Types, Formation and Enforcement – International Sales Contract – Essentials of sales contract - Rights and Liabilities of Parties to Contracts – Acceptance and rejection of goods - Product liability – Performance of contract - Frustration of contract.

UNIT II – Sources of International Sales Law (10 Hours)

United Nations Convention on Contracts for the Sale of Goods (CISG 1980) - The Convention on the Limitation Period in the International Sale of Goods (the "Limitation Convention") 1974 - UNIDROIT Principles of International Commercial Contracts 1994 - The Hague Convention on the Law Applicable to Contracts for the International Sale of Goods, 1987 - UNCITRAL Model Law.

UNIT III – INCOTERMS (10 Hours)

INCOTERMS as a form of standardization in international sales law – general characteristics - Defined terms – Obligation of the seller, duties of the buyer & duties of the seller under the EXW, FCA, FAS, FOB, CFR, CIF, CPT, CIP, DPU, DAP, DAF, DAT, Contracts – INCOTERMS 2020.

UNIT IV – Drafting the International Sales Contract (10 Hours)

ICC Model International Sale Contract – Specific conditions and particular terms of the sales contract – Territorial exclusivity clause - Information about the seller and buyer –Description of the goods sold – Contract price – Delivery terms according to Incoterms – Inspection of the goods by the buyer – Non-conformity of the goods - Payment conditions - Force majeure clause–Resolution of disputes.

UNIT V - Methods of Payment and financing in International Trade (10 Hours)

Trade payment methods -Prepayments/ Cash-in advance – Open Account - Documentary Collection / Drafts / Bill of Exchange - Letters of credit – Bank Guarantee & Contract of Guarantees – Performance Bond – Escrow – Comparison of various methods of payments - Factoring – Forfeiting - Financial Leasing - Countertrade etc.

Suggested Readings

1. Larry A. DiMatteo et al., *International Sales Law: Contract, Principles & Practice*, Nomos/Hart, 2016.
2. J.C.T. Chuah, *Law of International Trade*, Sweet & Maxwell, 2019.
3. Indira Carr, Peter Stone, *International Trade Law*, Taylor & Francis, 2018.
4. David Sassoon, *CIF and FOB Contracts*, 1995.
5. Carole Murray, David Hooloway and Darem Timson-Hunt, (ed), Schmitthoff, *Export Trade: The Law and Practice of International Trade*, Lexis Nexis, 2017
6. Jason C.T. Chuah, *Law of International Trade: Cross- Border Commercial Transactions*, Sweet & Maxwell Publications, 2013
7. Indira Carr and Richard Kidner, *Statutes and Conventions on International Trade Law*, Cavendish Publishing Ltd, 2003
8. Day & Griffin, *The Law of International Trade*, Butterworths, 2003.
9. Richard E Caves, Jeffrey A. Frankel, *World Trade and Payments- An Introduction*, 2007.
10. Paul Todd, *Cases and Materials on International Trade Law*, Thomson Sweet and Maxwell, 2009
11. Matti S. Kurkela, *Letters of Credit and Bank Guarantees under International Trade Law*, Oxford University Press, 2007
12. Carole Murray, David Hooloway and Darem Timson-Hunt, (ed), Schmitthoff: *The Law and Practice of International Trade*, Sweet & Maxwell Publications, 2012.

Course Nature: Theory						
Assessment Method (Max Marks:100)						
In-Semester	Assessment Tool	Mid term Test	Assignment /Seminar/Group discussion/ Presentation	Participation in seminar/ Conference/ Publication	Attendance	Total
	Marks	20	10	5	5	40
End Semester Examination						60
Total Max Marks						100

SEMESTER – II
Paper- 2

Course Code	SUBJECT TITLE	L	T	P	Total of LTP	Credit
PLMT21202	LAW OF CARRIAGE OF GOODS	3	0	0	3	3

UNIT I – Contract of Carriage (07 Hours)

Definition – Rights and Liabilities of the Parties to Contract of Carriage (carrier, sender, receiver) – Different modes of transportation of goods – Intermodal and Multimodal transport - Types of contracts of carriage – Bills of Lading – Sea Waybills - Air Waybill – Charterparties Consignment notes.

UNIT II – Carriage of goods by Land (08 Hours)

Convention on the Contract for the International Carriage of Goods by Road (CMR Convention) - Uniform Rules Concerning the Contract of International Carriage of Goods by Rail (CIM) – The Carriage by Road Act, 2007 – The Railways Act, 1989.

UNIT III – Carriage of goods by Sea (12 Hours)

International Convention for the Unification of Certain Rules of Law relating to Bills of Lading (Hague Rules, 1924) – Hague-Visby Rule, 1968 – Hamburg rules, 1978, Rotterdam Rules, 2009 - The Indian Bills of Lading Act, 1856, the Indian Carriage of Goods by Sea Act, 1925, the Merchant Shipping Act, 1958.

UNIT IV – Carriage of goods by Air & Multimodal Transport (10 Hours)

The Warsaw Convention 1929 – Montreal Convention, 1999 - The Hague Protocol 1955 – The Montreal Protocols 1975 – The Carriage by Air Act, 1972 - Convention on International Multimodal Transport of Goods - The Multimodal Transportation of Goods Act, 1993.

UNIT V – Risk analysis and Management in Contracts of Carriage of Goods (06 Hours)

Risks involved in transportation of goods -Threats to Cargo – Piracy – Unexpected additional costs – Delays or disruption of supply chain – personal injury or death – increased insurance premium etc. – Risk management strategies – Institutional players in International Cargo Risk Management.

UNIT VI - Insurance of Goods in Transit (07 Hours)

Principles of Insurance - Marine insurance, Aviation insurance – Inland transit insurance – Export credit guarantees - Risk Coverage – Exclusion – Basis of assessment - Procedure of claim settlement – Standard terms and conditions.

Suggested Readings

1. Baris Soyer, Andrew Tettenborn, *International Trade and Carriage of Goods*, Informa Law from Routledge, 2017.
2. Baris Soyer, Andrew Tettenborn, *Carriage of Goods by Sea, Land and Air: Uni-modal and Multi-modal Transport in the 21st Century*, Informa Law from Routledge, 2014.
3. Brian Harris, *Ridley's Law of the Carriage of Goods by Land, Sea and Air*, Sweet and Maxwell, 2012.
4. Avtar Singh, *Law of Carriage (Air, Land & Sea)*, Eastern Book Company, 2015.
5. Malcolm A. Clarke, Malcolm Clarke, *International Carriage of Goods by Road: CMR*, Informa Law from Routledge, 2014.
6. Stephen D. Girvin, *Carriage of Goods by Sea*, Oxford University Press, 2011.
7. John Furness Wilson, *Carriage of goods by Sea*, Longman, 2010.
8. Rhidian Thomas, *The Carriage of Goods by Sea under the Rotterdam Rules*, Informa Law from Routledge, 2010.
9. Diana Faber et al., *Multimodal Transport - Avoiding Legal Problems*, 1998.
10. Michiel Spanjaart, *Multimodal Transport Law*, Routledge, 2017.
11. R.W. Hodgins, *Insurance law: Texts & Materials*, London: Routledge-Cavendish, 2016.
12. M.N. Sreenivasan & K.K. Kannan, *Principles of Insurance Law*, LexisNexis, 2020.
13. Mitra B.C., *Law Relating to Marine Insurance*, Universal Law Publishing, 2012.

Course Nature: Theory						
Assessment Method (Max Marks:100)						
In-Semester	Assessment Tool	Mid term Test	Assignment /Seminar/Group discussion/ Presentation	Participation in seminar/ Conference/ Publication	Attendance	Total
	Marks	20	10	5	5	40
End Semester Examination						60
Total Max Marks						100

SEMESTER – II
Paper- 3

Course Code	SUBJECT TITLE	L	T	P	Total of LTP	Credit
PLMT21203	LAW AND POLICY ON TRADE AND INVESTMENT	3	0	0	3	3

UNIT I - International Investment Law Regime (07 Hours)

Origin and development of International Investment – Conflicting economic theories on foreign investment – Calvo's doctrine and protection of foreign investors – Hull's formula regarding protection of foreign investors Evolution of Investment Protection Treaties - TRIMs Agreement of the WTO - Sources of international investment Law – ICSID Convention – Bilateral Investment Treaties – Regional sectoral treaties - Customary Law and Treaty Law - State Responsibility for Breach of investment Obligations.

UNIT II - Concept of 'investor' and 'investment' (08 Hours)

Definition of Investor and Investment with respect to investment treaties - Private Foreign Investor – Nationality of Individuals - Nationality of Corporations - Article 25(2)(b) of ICSID Convention - Nationality Planning - Denial of Benefit Clause in Treaty -Shareholders as investors - Basic terminology and Concept of Investment - Investment as interrelated operations - Definition of investment in investment protection treaties - Investment and Article 25 of ICSID Convention.

UNIT III – Market Access in International Investment (07 Hours)

Concept of Market Access - Promotion and Encouragement a way for Economic Liberalization Favorable Condition under International Investment Treaty - Admission and Establishment - Rationale for freedom of admission and

- establishment - Different treaty models for admission and establishment - Positive and Negative list approach - Regulation of investment incentives
- Prohibition of performance requirements.

UNIT IV: Principles of Non-Discrimination and Standard of Protection (08 Hours)

Concept of Non-discrimination under International Investment - National treatment (NT) - Most favoured nation treatment (MFN) - Fair and equitable treatment (FET) - Legitimate expectation of investor and stability - Transparency - Compliance with contractual obligations - Full protection and security - Standard of liability - Access to justice, Fair procedure and Denial of Justice.

UNIT V - Rights of Host State and Protection of Foreign Investment (05 Hours)

Permanent sovereignty over natural resources - Concept of state's exclusive jurisdiction over its territory and people - Permanent sovereignty over natural resources as an economic concept - Conflict of interest between capital exporting and importing countries - Rights and obligations of state regarding Natural Resources - The Charter of Economic Rights and Duties of States, proclaimed by U.N. - Expropriation of property - The right to expropriate - Legality of expropriation.

UNIT VI - Dispute Resolution in International Investment (07 Hours)

Basic principles of dispute settlement - State v. State dispute - Concept of diplomatic protection - Investor v. State dispute - ICSID - issues with respect to jurisdictional proceedings - Essentials for the jurisdiction of ICSID - Non-ICSID investment arbitration - Choosing the mode of Dispute Resolution.

UNIT VII – Regulation of Foreign Trade and Investment in India (08 Hours)

Power of Control: Central Government and RBI - Foreign Trade Development and Regulation Act (1992) - Law Relating to Customs, - Prohibition and Penalties - Conservation of Foreign Exchange, Foreign Exchange Management - Control under FEMA - Currency Transfer - Investment in Foreign Countries - EXIM Policy - Investment Policy: NRIs, FIIs (Foreign Institutional Investors), FDIs - Promotion of Foreign Trade - Regulation on Investment - Borrowing and Lending of Money and Foreign Currency - Purchase of Securities and Immovable Property Abroad - Investment in Indian Banks - Repatriation and Surrender of Foreign Securities.

Suggested Readings

1. Andrew Newcombe & Lluís Paradell, *Law and Practice of Investment Treaties - Standards of Treatment*, Wolters Kluwer, 2009.
2. Rudolf Dolzer and Christoph Schreuer, *Principles of International Investment Law*, Oxford University Press, 2012.

3. Peter Muchlinski, Federico Ortino, & Christoph Schreuer, eds., *The Oxford Handbook of International Investment Law*, Oxford University Press, 2012.
4. Campbell McLachlan, Laurence Shore, & Matthew Weiniger, *International Investment Arbitration*, Oxford University Press, 2017.
5. August Reinish, *Standards of Investment Protection*, Oxford University Press, 2008.
6. M. Sornarajah, *The International Law on Foreign Investment*, Cambridge University Press, 2010.
7. David Collins, *An Introduction to International Investment Law*, Cambridge University Press, 2016.
8. Krista Nadakavukaren Schefer, *International Investment Law: Text, Cases and Materials*, Edward Elgar Publishing, 2020.
9. Rafael Leal-Arcas, *International Trade and Investment Law: Multilateral, Regional and Bilateral Governance*, Edward Elgar Publishing Ltd., 2011
10. Christoph H. Schreuer et al., *The ICSID Convention: A Commentary*, Cambridge University Press, 2010.
11. Ranjan Prabhash, *India and Bilateral Investment Treaties*, Oxford University Press, India, 2019.
12. Shahid Ahmed, *Foreign Direct Investment, Trade and Economic Growth: Exploring Challenges and Opportunities*, Taylor and Francis Books India, 2019.
13. Aniruddha Rajput, *Protection of Foreign Investment in India and Investment Treaty Arbitration*, Wolters Kluwer, 2017.

Course Nature: Theory						
Assessment Method (Max Marks:100)						
In-Semester	Assessment Tool	Mid term Test	Assignment /Seminar/Group discussion/ Presentation	Participation in seminar/ Conference/ Publication	Attendance	Total
	Marks	20	10	5	5	40
End Semester Examination						60
Total Max Marks						100

SEMESTER – II
Paper- 4

Course Code	SUBJECT TITLE	L	T	P	Total of LTP	Credit
PLMT21204	INTERNATIONAL COMMERCIAL ARBITRATION	3	0	0	3	3

UNIT I- Non-litigative Settlement of /disputes: Principles and Processes (06 Hours)

Importance of ADR – Different forms of ADR – Legislative and Judicial Sanction for ADR – History of Arbitration – Basic features and nature of arbitration - Important terms used in commercial arbitration - Types of arbitration - Overview of Arbitration & Conciliation Act 1996.

UNIT II - Evolution of International Arbitral Institutions (07 Hours)

Permanent Court of Arbitration at The Hague - International Chamber of Commerce, Paris - American Arbitration Association - London Court of International Arbitration - Singapore International Arbitration Centre.

UNIT III - Arbitration Agreement (10 Hours)

Significance of arbitration agreement - Doctrine of Severability and Doctrine of Party Autonomy - Arbitrable subject matter – Capacity and validity of agreement to arbitrate - Forms of arbitration agreement – Reference for arbitration on the basis of agreement – interim measures.

UNIT IV – Constitution of Arbitral Tribunal & Conduct of Arbitral Proceedings (10 Hours)

Composition and Powers of Arbitral Tribunal – Impartiality and independence of Arbitrators- Jurisdiction of arbitral tribunal - Theory of competence- competence – Conduct of the arbitral proceedings: place of arbitration, preliminary steps, written submissions, evidence, hearings, expert appointment and evidence taking.

UNIT V - Framework Governing International Commercial Arbitration (10 Hours)

UNCITRAL model law - UNCITRAL rules on arbitration – Principles of choice of Law - Formal validity and Scope of chosen law – Interim and Emergency Relief in International Commercial Arbitration - Investment Arbitration and Emergency Arbitration.

UNIT VI - Enforcement of Arbitral Awards (07 Hours)

Appointment of arbitrators Choice of law (Seat Theory) -Jurisdiction of arbitral tribunal Independence and impartiality of the tribunal - Arbitral process Party autonomy and arbitral award - Arbitral Awards- Form and Content - Grounds for setting aside arbitral award - Recognition and enforcement of foreign arbitral awards.

Suggested Readings

1. Gary B. Born, *International Commercial Arbitration*, Kluwer Law International, 2015.
2. David St John Sutton, Judith Gill, Matthew Gearing, *Russell on Arbitration*, Sweet & Maxwell Ltd., 2009.
3. Margaret L. Moses, *The Principles and Practice of International Commercial Arbitration*, Cambridge University Press, 2017.
4. Loukas A. Mistelis & Stavros L. Brekoulakis, *Arbitrability: International & Comparative Perspectives*, Kluwer Law International, 2009.
5. Bansal A K, *Law of International Commercial Arbitration Practice & Procedure Enforcement of Foreign Awards*, Universal Law Publishers, 2012.
6. Nigel Blackaby et al., *Redfern & Hunter on International Arbitration*, ThomsonReuters, 2015.
7. Bansal Ashwinie Kumar, *Arbitration Awards Law on Setting Aside and Execution of Arbitration Awards, Agreements and Appointment of Arbitration*, Universal Law Publishers, 2014.
8. S.K. Chawla, *Law of Arbitration & Conciliation -Including other ADRs*, Eastern Law House, 2012.
9. Dr. Markanda P.C., *Law Relating to Arbitration and Conciliation*, Lexis Nexis, 2016.
10. Justice SB Malik, *Commentary on The Arbitration and Conciliation Act, 2013*, Universal Law Publishing Co., 2013.
11. S K Chawla, *Law of Arbitration and Conciliation Including other ADRs*, Eastern Law House, 2012.
12. Avtar Singh, *Law of Arbitration and Conciliation*, Eastern Book Company, 2018.

Course Nature: Theory						
Assessment Method (Max Marks:100)						
In-Semester	Assessment Tool	Mid term Test	Assignment /Seminar/Group discussion/ Presentation	Participation in seminar/ Conference/ Publication	Attendance	Total
	Marks	20	10	5	5	40
End Semester Examination						60
Total Max Marks						100

SEMESTER – II
Paper- 5

Course Code	SUBJECT TITLE	L	T	P	Total of LTP	Credit
PLMT21205	DISSERTATION	0	0	5	5	5

DISSERTATION

The dissertation is in a form of assessment which the student undertakes as a part of the LL.M. Course in the final semester. The student is expected to submit a dissertation write up on the chosen topic subject to approval of the supervisor. The dissertation shall comply with all the guidelines of thesis in terms of suggested readings. It shall also be evaluated by internal and external examiners. It shall carry maximum marks of 100, in which the written submission will be for 150 marks and presentation, viva voce will be evaluated for 25 marks each.

Course Nature: Practical					
Assessment Method (Max Marks:100)					
In-semester	Assessment Tools	Dissertation - Submission	Presentation	Viva Voce	Total
	Marks	60	20	20	100
Total Max Marks					100

SEMESTER – II
Paper- 6

Course Code	SUBJECT TITLE	L	T	P	Total of LTP	Credit
PLMT21206	TEACHING /RESEARCH PUBLICATION	0	0	2	2	2

TEACHING PRACTICAL

Different from the Post-Graduation Programme in other disciplines, in law, one of the prominent purposes of the Post-graduation is to make ideal teachers. Therefore, in LLM programme teaching skill development is utmost important. Every student has to undergo a teaching practical at the end of the second semester.

Course Nature: Practical		
Assessment Method(Max Marks:100)		
In-semester	100	Total
		100
Total Max Marks		100