

INTERNATIONAL MANAGEMENT INSTITUTE, BHUBANESWAR
Post Graduate Diploma in Management (PGDM)
LEGAL ASPECTS OF MANAGEMENT (GM605)
CREDIT: Full (three credits)
SESSION DURATION: 90 Minutes

TERM: III
YEAR: 2016-2018
BATCH: I

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Course Introduction:

One of the most important and occurring part of a managers role is to take decisions. In this changing context of liberalization and globalization of the Indian economy, law has been an important consideration in decision-making process. This paper aims at familiarizing the students about legal concepts and Acts (along with latest Supreme Court and High Court guidelines) that play a vital role in decision-making of management graduates working in different capacities.

Course Objectives:

In designing this course, the instructor has taken a view from the experience, that learning process of legal aspects for management students is very much different as compared to law students. Here, focus shall remain on:

1. Developing an understanding of legal concepts that are an integral part of decision making for managers
2. Management application of Court judgements and legal knowledge rather than focusing purely on legal provisions.

At the end of the course, the students should be able to:

Understand the Indian Contract Act, Consumer Protection Act, Competition Act, Sale of Goods Act, IPR laws and Companies Act.

Pedagogy:

The course will focus to develop the concept and skills. The following paragraphs describe the pedagogy for each.

(a) Concept Development

Business law has its foundation in contract. It is no surprise that a teaching of business law begins with contract law. A good part of the business world is based on buying and selling. Thus law on sale of goods invariable follows contract law, as a specialized from of contract. Law dealing with unfair trade practices and consumer protection further build on contract and sale. These themes are foundations of business law as these apply to all business. Thus, the course would begin with Contract Law and move on to Sale Of Goods, Unfair Trade Practices,

Consumer Protection, Competition Laws, Companies Law, IPR Laws and Negotiable Instruments Act.

(b) Skill development

A manager comes across legal texts like acts, rules, notifications, government orders, notices, contracts, court orders, judgment all the time in the course of his/her work. He must have the skill to read and understand legal texts, law informs all business practices and a manager has to be law literate. Thus, a core objective of the course is to bring out to the student the organization of the hierarchy of legal texts, including acts, rules, notification and government order. Student should acquire the skill to read these texts. Instead of beginning with the law per se, as mentioned earlier competencies are imparted to students to read and understand legal texts.

Group Presentation & Assignment:

The course emphasize on the students learning of the conceptual foundation of law and the skills of reading and understanding legal texts. The presentation component at the end of the course is to encourage to lead exploration on a theme and deploy the skills and concepts learnt in the course. Group assignments would be in area of topics covered but would focus on analysis of the Acts in the context of latest developments such as judgements of SC and HC, statutory amendments etc.

Readings:

1. Kumar, R. (2016), Legal Aspects of Business, Cengage.
2. Sulphery, M.M. & Basheer, A. (2014), Laws for Business, PHI.
3. Albuquerque, Daniel (2013) Legal Aspects of Business, Oxford.
4. Pathak, A. (2010), Legal Aspects of Business, McGraw Hill.
5. Padhi, P.K. (2014), Legal Aspects of Business, PHI.
6. Kapoor, N.D. (Latest Edition)Business Law, Sultan Chand & Sons.

Evaluation Criteria:

Component	Weight
Quiz/Test	20%
Group Presentation & Viva	20%
Mid-term	20%
End-term	40%
Total	100%

Session Plan:

Session	Topic	Reading
1-2	Introduction <input type="checkbox"/> Common Legal Terms, Fundamental Rights and Writ Petition	Readings: Pandey, J.N.(Latest Edition). The Constitutional Law of India. Allahabad: CLA.
3-4-5-6	Indian Contract Act <input type="checkbox"/> Introduction <input type="checkbox"/> Meaning Of Contract <input type="checkbox"/> Proposal And Acceptance <input type="checkbox"/> Essential Elements Of Contract <input type="checkbox"/> Kinds Of Contracts <input type="checkbox"/> Void Agreement Vs. Void Contract <input type="checkbox"/> Void Agreement Vs. Illegal Agreement <input type="checkbox"/> Express Vs. Implied Contracts <input type="checkbox"/> Offer Vs. Invitation To Offer <input type="checkbox"/> Specific Vs. General Offer <input type="checkbox"/> Special Terms In A Contract <input type="checkbox"/> Cross Offer Vs. Counter Offer <input type="checkbox"/> Communication Of Offer, Acceptance And Revocation <input type="checkbox"/> Performance and Discharge of a Contract <input type="checkbox"/> Quasi Contract <input type="checkbox"/> Breach Of Contract And Remedies <input type="checkbox"/> Contracts Relating To Indemnity And Guarantee	Readings: Kumar pp7-143. Sulphey, Basheer 17-72.
7-8	Sale of Goods Act <input type="checkbox"/> Conditions And Warranties <input type="checkbox"/> Doctrine Of Caveat Emptor	Readings: Kumar 191-240. Sulphey, Basheer 105-114.
9-10	Consumer Protection Act And Competition Act <input type="checkbox"/> Overview; Central Consumer Protection Council <input type="checkbox"/> Consumer Dispute Redressal Agencies <input type="checkbox"/> Appeals <input type="checkbox"/> Prohibition of anti-competitive agreements, <input type="checkbox"/> Prohibition of abuse of dominant position, Combinations, <input type="checkbox"/> Competition Commission of India	Readings: Kumar 479-532. Sulphey, Basheer <i>(for Consumer Protection Act)</i> 125-133 Sulphey, Basheer <i>(for Competition Act)</i> 242-246
11-12-13	Companies Act <input type="checkbox"/> Meaning And Definition Of Company <input type="checkbox"/> Types Of Companies <input type="checkbox"/> How To Form A Company? <input type="checkbox"/> Memorandum Of Association <input type="checkbox"/> Articles Of Association <input type="checkbox"/> Prospectus <input type="checkbox"/> Management And Administration <input type="checkbox"/> Doctrine of Indoor Management <input type="checkbox"/> Director <input type="checkbox"/> Sweat Equity, Buy Back <input type="checkbox"/> Management, Meetings and Winding up of a Company	Readings: Kumar 369-462. Sulphey, Basheer 171-236.

14-15	Intellectual Property Rights <input type="checkbox"/> Different Laws on IPR <input type="checkbox"/> Trade Mark Act: Trade Marks, Requirement for registration of a Mark, Non-user Clause, Registration in Foreign Marks, The New Trade Mark Act, Foreign Trade Marks	Readings: Kumar 733-753. Sulphey, Basheer 397
16-17	Patent Act: Functioning of Patent Act Right of Patentee, What can be Patented, Compulsory Licensing.	Readings: Kumar 733-753 Sulphey, Basheer 390
18-19	Copyright Act: What can be Copyrighted, Who is the Owner of Copyright, Territorial Limitation, rights of Owner, Duration of Copyright protection, Broadcasting Reproduction Rights, Registration of Copyrights, Copyright Infringement	Readings: Kumar 733-753 Sulphey, Basheer 392
20	Negotiable Instruments Act Promissory Note, Bill of exchange, Cheque, Parties to Negotiable Instruments, Negotiation of Negotiable Instruments, Dishonor and discharge, Relation between a Bank and a Customer.	Readings: Kumar 291-351. Sulphey Basheer 115-124