

## **BA (Hons) Law and Management (Yearly Programme) P/T- LM311E**

### **1. Objectives**

This undergraduate programme intends to expose prospective professionals to a panoply of Legal/ Managerial subjects which are geared towards emerging sectors in Mauritius. It broadens the scope of the Legal profession and develops wide competencies for future legal officers/legal managers. It encourages degree holders with a good legal background to join other emerging sectors like International Trade, Offshore, Banking, Financial Services.

### **2. General Entry Requirements**

As per General Entry Requirements for admission to the University for Undergraduate Degrees.

### **3. Programme Requirement**

Credit in French at 'O' Level or equivalent.

### **4. Programme Duration**

	<b>Normal (Years)</b>	<b>Maximum (Years)</b>
Degree:	4	7

### **5. Credits per year: Minimum 18, Maximum 48 subject to Regulations 4.**

### **6. Minimum Credits Required for Award of Undergraduate Degree: 99**

Breakdown as follows:

<b>Degree</b>	<b>Minimum credits for core taught modules</b>	<b>Dissertation*</b>	<b>Elective modules</b>	<b>Total</b>
<b>4 years</b>	78	6	15	99
	78	-	21	99

### **Either dissertation or 2 additional modules to be completed from elective modules**

The University reserves the right not to offer a given elective module if the critical number of students is not attained and/or for reasons of resource constraints.

### **7. Assessment**

Each module will carry 100 marks and will be assessed as follows:

Assessment will be based on a written examination of 2-hour (for a semester module) or 3-hour (for a yearly module) duration as specified and continuous assessment carrying a range of 20% to 30% of total marks. Continuous assessment will be based on two (2) assignments and should include at least one class test.

For a student to pass a module, an overall total of 40% for combined continuous assessment and written examination components would be required without minimum thresholds within the individual continuous assessment and written examination.

Dissertation is optional. If dissertation is completed, it will carry 6 credits.

## 8. List of Modules

### CORE MODULES

<b>Code</b>	<b>Module Name</b>	<b>Hrs/Wk L+P</b>	<b>Credits</b>
LAWS 1110Y(1)	Mauritian legal System and Communication Skills for Lawyers	3+0	6
LAWS 1112Y(1)	Constitutional and Administrative Law	3+0	6
LAWS 1113Y(1)	Droit des Obligations	3+0	6
LAWS 2212Y(3)	Corporate Law	3+0	6
LAWS 2220Y(3)	Revenue law & Law of Trusts	3+0	6
LAWS 3214Y(5)	Labour and Industrial Relations Law	3+0	6
LAWS 3110Y (5)	Law of International Trade	3+0	6
MGT 2061 Y (3)	Human Resource Management	3+0	6
MGT 2060 Y (3)	Marketing Management		
MGT 3059Y(5)	International Business and Management	3+0	6
ECON 1173(1)	Economics for Lawyers	3+0	3
MGT 1203 (1)	Marketing Fundamentals	3+0	3
ACF 1000(1)	Accounting For Financial Decision-making	3+0	3
MGT 1117(1)	Principles and Practices of Management	3+0	3
MGT 2067Y(3)	Business Ethics and good governance	3+0	6

### ELECTIVE MODULES

LAWS 2215(3)	Contrats Spéciaux	3+0	3
LAWS 2218(3)	Intellectual Property Law	3+0	3
LAWS 2219(3)	Human Rights	3+0	3
LAWS 3111(5)	Commercial and Banking Law	3+0	3
LAWS 3216(5)	Legal Aspects of Finance	3+0	3
LAWS 3220 (5)	Corporate Governance	3+0	3
STAT 1010(1)	Statistics 1	3+0	3
ACF 1002(1)	Principles of Finance	3+0	3
MGT 2217(3)	Research Methodology in Management	3+0	3
ACF 2001(3)	Costing Concepts and Practices	3+0	3
MGT 2084 Y (3)	Process Management	3+0	6
MGT 3131(5)	Knowledge Management	3+0	3
MGT 3104(5)	Marketing of Services	3+0	3
DFA 3021Y(5)	Financial Management and Control	3+0	3
LAWS 2121	International Dispute [Resolution/Settlement]	3+0	3
LAWS 3201(5)	Jurisprudence	3+0	3

### DISSERTATION

* LAWS3001Y(5)	Dissertation		6
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## 9. Programme Plan – BA (HONS) LAW AND MANAGEMENT - PT

### YEAR 1

<u>Code</u>	<u>Module Name</u>	<u>Hrs/Wk</u> <u>L+P</u>	<u>Credits</u>
<b>CORE</b>			
LAWS 1110Y(1)	Mauritian Legal System and Communication Skills for Lawyers	3+0	6
LAWS 1112Y(1)	Constitutional and Administrative Law	3+0	6

### **Core Semester modules**

ECON 1173(1)	Economics for Lawyers <sup>1</sup>	3+0	3
MGT 1203 (1)	Marketing Fundamentals <sup>2</sup>	3+0	3
ACF 1000(1)	Accounting For Financial Decision-making <sup>1</sup>	3+0	3
MGT 1117(1)	Principles and Practices of Management <sup>2</sup>	3+0	3

### YEAR 2

<u>Code</u>	<u>Module Name</u>	<u>Hrs/Wk</u> <u>L+P</u>	<u>Credits</u>
<b>CORE</b>			
LAWS 1113Y(1)	Droit des Obligations	3+0	6
LAWS 2212Y(3)	Corporate Law	3+0	6
MGT 2061 Y (3)	Human Resource Management	3+0	6
LAWS 2220Y(5)	Revenue law & Law of Trusts	3+0	6

### **Elective modules (choose 2 elective modules)**

LAWS 2218(3)	Intellectual Property Law <sup>2</sup>	3+0	3
STAT 1010(1)	Statistics 1 <sup>1</sup>	3+0	3
ACF 1002(1)	Principles of Finance <sup>1</sup>	3+0	3
MGT 2217(3)	Research Methodology in Management <sup>2</sup>	3+0	3

### YEAR 3

<u>Code</u>	<u>Module Name</u>	<u>Hrs/WK</u> <u>L+P</u>	<u>Credits</u>
<b>CORE</b>			
MGT 2060 Y (3)	Marketing Management	3+0	6
MGT 2067Y(3)	Business Ethics and Good Governance	3+0	6
LAWS 3110Y (5)	Law of International Trade	3+0	6

### **ELECTIVES (Choose any three semester modules )**

LAWS 2215(3)	Contrats Spéciaux <sup>1</sup>	3+0	3
LAWS 2219(3)	Human Rights <sup>2</sup>	3+0	3
ACF 2001(3)	Costing Concepts and Practices <sup>2</sup>	3+0	3
MGT 3131(5)	Knowledge Management <sup>1</sup>	3+0	3

**YEAR 4**

<b>Code</b>	<b>Module Name</b>	<b>Hrs/Wk</b>	<b>Credits</b>
LAWS 3214Y(5)	Labour and Industrial Relations Law	3+0	6
MGT 3059Y(5)	International Business and Management	3+0	6

**ELECTIVES (choose dissertation or any two semester modules or one elective yearly module)**

LAWS 3216(5)	Legal Aspects of Finance <sup>1</sup>	3+0	3
LAWS 3111(5)	Commercial and Banking Law <sup>2</sup>	3+0	3
MGT 3104(5)	Marketing of Services <sup>2</sup>	3+0	3
DFA 3021Y(5)	Financial Management and Control	3+0	3
LAWS 3001Y(5)	Dissertation*		6
MGT 2084 Y (3)	Process Management	3+0	6
LAWS 3220 (5)	Corporate Governance <sup>2</sup>	3+0	3
LAWS 2121	International Dispute [Resolution/Settlement] <sup>1</sup>	3+0	3
LAWS 3201(5)	Jurisprudence	3+0	3

**NOTE:**

<sup>1</sup> - Module offered in semester 1 (Examinations will be held at the end of semester 1)

<sup>2</sup> - Module offered in semester 2

**\*Students may choose:**

A dissertation

OR

2 elective semester modules

OR

One elective yearly module

**10. Outline Syllabus****ACF 1000(1) - ACCOUNTING FOR FINANCIAL DECISION MAKING**

The Role of Accounting Information; Recording and Summarising Transactions; Accounting Concepts & Preparing Final Accounts; Adjustments to Final Accounts; Capital v/s Revenue Expenditure; Bank Reconciliation Statement; Accounting Ratios; Accounting for Internal Decision Making Techniques; Elements of Cost; Costing Methods & Techniques; Decision Making Techniques; Accounting for Manufacturers; Budgets.

**ACF 1002(1) - PRINCIPLES OF FINANCE**

The Financial System; Capital Markets; An Analysis of the Mechanisms of the Financial System in the Economy: Theory and Current Statistics; Time value of money; Capital Budgeting: an introduction; Valuation of Financial Assets; Bond Analysis: an introduction; Risk, Return and Diversification; Efficient Market Hypothesis; Multinational Finance: an introduction.

**ACF 2001(3) - COSTING CONCEPTS AND PRACTICES (PR: ACF 1000(1))**

Cost Accounting System; Cost Book Keeping; Job & Batch Costing; Contract Costing; Process Costing; Joint Products & By Products Costing; Operation & Service Costing; Marginal Costing & Contribution Analysis; Break Even & Cost Volume Profit Analysis; Budgeting & Budgetary Control; Standard Costing & Variance Analysis.

**ECON 1173 (1) - ECONOMICS FOR LAWYERS**

Introduction to Economics: Economic problem and resource allocation. Consumer choice and production analysis. Market failure and government intervention. Externalities and property rights . Economics of

information. Labour markets and Trade union. Competition policy . Agency theory. Game theory and conflict resolution ; Contract theory and enforcement. Economic torts. Macroeconomic issues and policy. Globalisation and international economic order.

### **MGT 1117(1) - PRINCIPLES & PRACTICES OF MANAGEMENT**

Management Concepts and Functions. The internal and external environments of the organisation. Introduction to Organisational Behaviour. Foundations of Individual and Group Behavior. Management Decision Making. Communication. Conflict Management. Organisational Culture. Organisational Change and Development. Social Responsibility and Ethics in Management.

### **MGT 1203(1) - MARKETING FUNDAMENTALS**

Introduces the foundation of marketing and its key concepts: the Marketing Concept, Customer Satisfaction and Customer Value. Topics covered will include: evolution in Marketing Management philosophy; the marketing environment (Internal and External environment); the marketing research process; Consumer and Organisational buying behaviour; Market segmentation, positioning and targeting; The Marketing mix: product, price, promotion and distribution strategy of firms; Social Responsibility and green marketing.

### **MGT 2061Y(3) - HUMAN RESOURCE MANAGEMENT**

Evolution of HRM, HRM policy goals, SHRM - HRM and organisational performance, Individual performance - attitudes and behaviour, Organisational citizenship behaviour and organisational culture, Psychological contracts, Organisational justice, Job redesign and team working, Human resource planning, Recruitment and selection, Performance appraisal and management, Reward management, Training and development, Employee relations. International human resource management - management of expatriates, cross cultural management, Comparative human resource management (US, EU, Japan, Asia-Pacific, etc.), Public sector HR (New public management), Criticisms of HRM, Case Study and seminars.

### **MGT 3104(5) - MARKETING OF SERVICES**

Marketing of products and marketing of services. The services industry. Intangibility of services. Marketing mix allocation and peculiarities. Customer Service. Marketing strategies in the Services Industry.

### **MGT 2060Y(3) - MARKETING MANAGEMENT**

Nature and Scope of Marketing; The Marketing Environment; Marketing Research and Marketing Information Systems; Buyer Behaviour Segmentation, Targeting and Positioning Framework; Marketing Mix: Product and Services, Place (channel decisions and channel intermediaries), Price (pricing considerations and pricing methods), Promotion (Advertising, Personal Selling, Public Relations, Sales Promotion, Direct Marketing & Sponsorship); The extended marketing mix; Services Marketing; Broadening the Scope of marketing: Social responsibility; Ethics; Green Marketing; Customer Relationship Management; Marketing Plan; Marketing Audit, (Analysing Industry Attractiveness, BCG Model, Strategic Planning & Control, Review of Marketing Mix Strategies).

### **MGT 2084Y (3) - PROCESS MANAGEMENT**

Quality definitions and history. Business Excellence Model – MBNQA. Total Quality Management. Quality Leadership. Quality Standards: ISO 9000. Organising for TQM. Quality Planning and Error Prevention. Team building and quality. Training for quality. Quality improvement and communication. Quality tools and techniques. Cost of Quality. Benchmarking.

Operations Systems and the firm. Importance of Operations management. Types and characteristics of manufacturing and service systems. Production planning and control. Inventory Management. Production Routing and Scheduling. Quality Control.

### **MGT 3059Y(5) - INTERNATIONAL BUSINESS AND MANAGEMENT**

The International Business Environment - Introduction to International Business, The Emerging Global Economy, The Role of Technological Forces in the Globalisation Process, Differences in Political Economies The Concept of National Competitiveness, Emerging Markets in the Global Economy.

Cross-Border Management - The International Marketing environment as influenced by Political, Legal and Cultural dimensions. Foreign Market Analysis, Selecting and Managing Entry Modes to Foreign Markets, Assessing the Impact of Exporting, Importing and Counter-Trade. International Market Research and Multinational Marketing Information Systems. International Marketing Mix decisions Managing Diversity and Cross Cultural Differences. Current Issues in International Business and Management.

### **MGT 3131(5) - KNOWLEDGE MANAGEMENT**

Intellectual capital, benefits of KM, KM models and approaches, Business and KM strategy, KM process, Culture, People, Enabling technologies, KM pra

### **MGT 2217(3) - RESEARCH METHODOLOGY IN MANAGEMENT**

Nature of research-literature review and secondary sources-observation and diaries-development hypotheses and variables focus groups-content analysis surveys and sampling methods-descriptive and inferential statistics-questionnaire design-data analysis and presentation using SPSS-presentation and writing of report.

### **STAT 1010(1) - STATISTICS 1**

Introduction to problems involved in the handling of data; Collection of data including Sample Design; Organisation and Presentation of Data; Measures of Central Tendency; Measures of Dispersion; Measures of Skewness; Introduction to Probability Theory.

### **MGT 2067Y(3) - BUSINESS ETHICS AND GOOD GOVERNANCE**

Compatibility between business and ethics – why moral questions arise (communitarians versus individualists) – morality and human nature – the moral law of duty – philosophies of ethics (teleology, deontology, justice theories) – Socratic ethics – Aristotle and commonsense ethics – the social contract – Marx and economic determinism – notions of absolutism versus relativism – moral relativism – cultural relativism – individual ethics versus corporate ethics – dimensions to social responsibility (economic, legal, ethical, philanthropic) – codes of ethics – ethical decision-making – stakeholder and stockholder theory – the social duty of business – profit maximisation v/s other corporate objectives – implications of Friedman’s theory – personal v/s corporate ethics – whistle blowing – impact of poor governance on business – bribery in the context of business.

### **LAWS 3220 (5) - CORPORATE GOVERNANCE**

Introduction to Corporate Governance: Definitions and Objectives of Corporate Governance, Separation of ownership and operation, Decision making in a company. Historical Background and Evolution of Corporate Governance: Main Reports and Codes, OECD Principles, Corporate Social Responsibility. The Regulatory Framework: The role of legislation and regulation incorporate governance, The nature and importance of compliance, Implementation of sound governance: The concept of best practice in governance, Understanding the distinct and separate roles, duties and responsibilities of corporate officers and stakeholders, Board composition and control: Role and powers of the Board, Unitary (one-tier) and two-tier Boards, Corporate Governance and the Chief Executive Officers (CEOs): Appointment and removal of the CEO, Role and Powers of the CEO, Responsibilities of the CEO, Corporate Governance and the Auditors: Responsibilities of Auditors, Contribution of Auditors in sound governance, Corporate Governance and the Company Secretary: The importance and special position of the secretary; the role in sound and effective governance, International Governance: Corporate governance and Globalisation, Corporate governance in developed, developing and under developed countries, Corporate Governance Codes: Importance, relevance and limitations of Codes of Corporate Governance, Corporate Governance in Mauritius: Emergence of Corporate Governance in Mauritius, Corporate Governance in Mauritius: Application of Corporate Governance principles, The Mauritian Code of Corporate Governance: Binding/Non Binding character and limitations of the Code.

### **LAWS 1110 Y (1): MAURITIAN LEGAL SYSTEM & COMMUNICATION SKILLS FOR LAWYERS**

Mauritian Legal System: Historical background; Sources of Law; The Litigation process: Civil & Criminal Processes; The doctrine of Precedents; Statutory Interpretation.

Communication Skills: La méthodologie juridique ; la fiche d'arrêt ; les commentaires d'arrêts ; résoudre un cas pratique ; Legal research skills; Oral Presentation Skills; Technical Writing & Drafting Skills.

### **LAWS 1112 Y (1) - CONSTITUTIONAL AND ADMINISTRATIVE LAW**

Concept of constitution and constitutionalism; Evolution of the Constitution; Theories underlying the Constitutions; Supremacy of the Constitutions v/s Supremacy of Parliament; Constitutional review of legislation; Basic Human Rights Principles: civil and political rights, economic, social and cultural rights, enforceability; Separation of powers: The Executive, The Judiciary; The Legislative; Constitutionally guaranteed principles and posts, Constitutional courts (functions and powers), main issues; Comparison of the Mauritian Constitution with other Constitutions.

Nature, Availability and Scope of Judicial Review; Review for Errors of Law and Jurisdictional Defects; Exercise of Discretion; Procedural Impropriety; Validity of Unlawful Administrative Action; Remedies; Decisions of the Service Commissions; Liability of Public Authorities and Public Officers; Redress for the Citizen; Administrative Law and Principles of Good Administration, related mauritian caselaw.

### **LAWS 1113 Y (1) - DROIT DES OBLIGATIONS**

Introduction à la notion d'obligation: obligation naturelle, obligation juridique, nautre, type et effets des obligations, obligations contractuelles et obligations extra-contractuelles; La théorie générale du contrat; La notion d'acte juridique conventionnel ; Principes fondateurs du contrat et classifications des contrats; Conditions de formation du contrat; Sanction des conditions de formation du contrat: la notion de nullité, nullité relative et nullité absolue et leurs effets; Exécution du contrat et ses effets: dans le temps (la condition, le terme et leurs régimes) et dans l'espace (l'interprétation et la révision du contrat); La simulation: notion et effets; Fin normale et anormale du contrat; Inexécution des obligations contractuelles et ses effets: obligations de moyens/obligations de résultat, la mise en demeure et ses effets, la responsabilité contractuelle, les injonctions, dommages-intérêts compensatoires, dommages-intérêts moratoires, les groupes de contrats et la responsabilité contractuelle; les obligations plurales, la transmission et l'extinction des obligations; les droits du créancier non-payé sur le patrimoine de son débiteur;

Introduction à la notion de faits juridiques; les obligations ayant pour origine, les délits, les quasi-délits et les quasi-contrats, les faits dommageables à autrui, les faits avantageables à autrui; La notion de quasi-contrats: la gestion d'affaire, le paiement de l'indu, l'enrichissement sans cause et leurs régimes; La notion de responsabilité civile; La notion de préjudices (catégories et caractéristiques): préjudices matériels, préjudices corporels, préjudices moraux, préjudices par ricochet, le quantum du dommage, les dommages-intérêts; La notion de causalité et ses principes; Les délits et quasi-délits: la responsabilité du fait personnel (Articles 1382 et 1383 CCM), la responsabilité du fait des choses dont on a la garde (choses inanimées:1384 al 1 CCM, choses animées:1385 CCM, bâtiment en ruine: 1386 CCM), la responsabilité du fait des personnes dont on a la garde (Articles 1384 al 2, 3, 4) et leurs régimes, la responsabilité en matière d'incendies;; les causes d'exonération: la force majeure, le fait du tiers, le fait/la faute de la victime; les faits justificatifs; L'imputabilité de l'auteur; La subrogation; Les relations entre les différents types de responsabilité.

### **LAWS 2212 Y (3) - CORPORATE LAW**

The Company as a medium to conduct business; Different types of companies; Registration of Companies; Consequences of Incorporation: Corporate Personality and lifting the veil. Groups of Companies. Constitution of Companies: names, companies without constitutions and those with constitutions. Effects of constitution. Alteration, adoption and revocation. Enforcement of Constitutional provisions. Capacity, ultra vires and constructive notice . Solvency Test. Corporate Finance. Shares and Share Capital. Types of Shares. Distributions and Dividends. Repurchase and Redemption. Financial assistance for purchase of shares. Transfer, transmission. Rights of pre-emption. Loan capital and Debentures; types, reissue, debenture holders' representative. Fixed and

Floating Charges. Reservation of title. Management of Companies; Board of Directors, Delegation. Major Transactions. Directors: qualification, appointment, removal. Duties and Liabilities. Transactions involving self interest. Shareholders' remedies without and with court's involvement. Derivative action and oppression remedies. Company Meetings, Insider Dealing; Sources and Objectives of Insolvency Law; Causes of Corporate Failure; General Principles of Winding Up. The Appointment, Control, Powers, Duties and Release of the Liquidator; Contributories; The Special Manager; Powers of the Court, Voluntary Winding Up; Members' and Creditors' Winding Up; Declaration of Solvency; Meetings of Members and Creditors; Dissolution; Defunct Companies; Outstanding Assets; The Official Receiver; Receivers and Managers. Arrangement and Reconstruction; Compromise; Amalgamation; Take Over Schemes; Protection of Rights; Acquisition of Shares of Dissenting Members.

#### **LAWS 2215 (3) - CONTRATS SPECIAUX**

La notion de contrat spécial; Les sources et le domaine des contrats spéciaux; Le contrat de vente: évolution, sources et caractères, différents formes de contrats de vente (avant-contrat, vente à terme, vente à distance, the Hire Purchase and Credit Sale Act, Sale by Levy Act...), éléments de la vente, le prix (détermination, réalité et sérieux du prix, sanctions), la chose (choses existantes, choses futures), effets de la vente sur le vendeur et sur l'acheteur, le transfert de propriété et des risques, la délivrance de la chose vendue (exécution et étendue de la délivrance) et les sanctions du défaut de délivrance, les accessoires, les garanties d'éviction (garantie légale, garantie conventionnelle) et leurs effets; la garantie de vices cachés (vices apparents et vices cachés et qualités, vices rédhibitoires), actions récursoires, les lois mauriciennes en matière de ventes; Le contrat de mandat; les contrats complexes et accessoires, mandat tacite, mandat solennel, la représentation et les actes juridiques, le prête-nom, la déclaration de command, la fiducie, la commission et courtage, la gratuité, la preuve du mandat, caractère et durée du mandat, intuitus personae, effets du mandat, révocation et renonciation; Le contrat de louage de chose; Le contrat de bail: définition, Landlord and Tenant Act; Le Contrat d'entreprise: définition, nature, effets; Le contrat de franchise: les obligations du franchiseur et du franchisé; Le contrat de rente-viagère; Les contrats ludiques: définition et effets, les paris et le jeu, Mauritius National Lotteries Act; Le contrat de prêt: définition et effets, Loans Act.

#### **LAWS 2220Y(3) - REVENUE LAW & LAW OF TRUSTS**

Revenue law: Definition of Notion of Taxation – Types of Taxes: Income Tax – Business Tax – Customs Tax, VAT – Types of Payment Systems – Institutional Aspect of Tax: The Mauritius Revenue Authority, Powers and Duties of the Director General, Recovery of Tax – Tax Avoidance and Tax Evasion.

Historical Background. Maxims of Equity. Creation, Nature and Classification of Trusts; Statutory Requirements of the Trust Instrument; Discretionary and Protective Trusts; Appointment of Trustees; Charitable Trusts; Purpose Trusts: Non-Charitable and Charitable: Legal Definition and Scope of Charities. Enforcers and Protectors. Appointment of Trustees and Termination of Trusteeship. Powers of Trustees: Maintenance, Advancement. Duties of Trustees: Fiduciary Nature of Trusteeship. Remuneration of Trustees; Breach of Trust: Liabilities, Indemnities and Defences; Jurisdiction of Court to make Orders; Failure, Lapse and Termination of Trusts. Variation of Trusts. Constructive Trusts and Remedies for Breach of Trust.

#### **LAWS 3214 Y(5) - LABOUR AND INDUSTRIAL RELATIONS LAW**

Introduction au droit du travail: développement historique du droit du travail, sources du droit du travail, Labour Act, Remuneration Orders, les juridictions du travail et l'administration du travail, l'accès au travail; les finalités du droit du travail; les institutions du travail; la définition du contrat de travail; la conclusion du contrat de travail; les obligations de l'employé et les obligations de l'employeur; le salarié et le temps de travail, l'évolution de la relation de travail, les pouvoirs du chef d'entreprise; la suspension du contrat de travail; la modification du contrat de travail; la rupture du contrat de travail, l'extinction du contrat de travail; National Remuneration Board; Permanent Arbitration Tribunal; The Industrial Court: powers and functions, relevant caselaw; History of Industrial Relations Law in Mauritius; The Industrial Relations Act; Right to join Union; Collective Bargaining; Collective Agreement; Industrial Disputes, Industrial Relations Commission.



### **LAWS 2219 (3) - HUMAN RIGHTS**

Basic concepts of Human rights and broad understanding of human rights substantive issues and the human rights system.: origins of rights, freedoms, duties, equality, discrimination, cultural relativism and universalism, different generations of rights, enforceability of rights, International Bill of rights, Human rights declarations, conventions and protocols: States' obligations, domestic caselaw; Overview of International Human Rights conventions (International Covenant on Civil and Political Rights, International Covenant on Economic and Social Rights, Convention Against Torture, main institutions and recourse mechanisms in the field of Human Rights; Civil and political rights: right to life, right to fair treatment, right to fair trial, freedom of speech, freedom religion, freedom of movement, freedom of conscience, basic concepts of Human Rights in the mauritian constitution and related legislation, The Protection of Human rights Act, Human Rights and the role of the police (Investigation of violations of rights, "Bavures et brutalités policières", torture, Human rights and prisons (detainees' rights), Human rights and civil disorder, state of emergencies, armed conflicts, human rights and residents, foreigners, migrant workers and refugees in Mauritius. Economic and socio-cultural rights: right to education, right to health, right to work, to just and favorable conditions of work, to form and join trade unions, to family life, to an adequate standard of living, to the highest attainable standard of health, to education, and to take part in cultural life, prohibition of all forms of discrimination in the enjoyment of these rights; Protection of women's rights: Understanding women's rights, the Convention on the Elimination of Discrimination Against Women: States' obligations, importance of States' reports, general recommendations of the CEDAW Committee, the CEDAW optional Protocol and recourse mechanism; The Protection against Domestic Violence Act, The Sex Discrimination Act, Sexual harassment. Main institutions protecting women's rights and existing recourse mechanism; Protection of children's rights: Overview of children's rights in Mauritius, main institutions protecting children's rights and recourse mechanisms available in case of violation of children's rights, The Protection against Domestic Violence Act, The Child protection Act, The Ombudsperson for Children Act, The United Nations Convention on the rights of the child: States' obligations, importance of States' reports, general recommendations of the Committee on Children's rights; Protection of other vulnerable groups: Regional instruments of Human Rights: the contents of the African Charter on human and peoples' rights, the African Women's protocol and the protocol on the African Court of Human Rights, the African Charter on Children's rights, Function and powers of the African Commission of Human rights and the African Court of Human rights and their impact on Human rights in Africa.

### **LAWS 2218 (3) - INTELLECTUAL PROPERTY LAW**

Introduction to Intellectual Property Law: general concepts and historical background, classification of Intellectual Property; Marks: Conditions and restrictions for registration under the Patents, Industrial Designs and Trademarks Act 2002; Effects of registration: duration, licensing and assignment; Infringement of marks: civil remedies and criminal sanctions; Geographical Indications, Protection Against Unfair Practices Act, Passing off, Unfair competition (Article 1382 Mauritian Civil Code), Competition Act; Industrial Designs and Topography of Integrated Circuits: conditions for registration, registration process, ownership, rights conferred, infringement; Patents: Nature, scope and object of protection; patentable subject-matter and excluded categories, rationale for exclusion, Conditions for registration (patentability in fact and inherent patentability); Acquisition of patents; Duration of patents, Exploitation of patents, Infringement and remedies, International protection of patents, role and functions of the World Intellectual Property Office (WIPO), the TRIPS Agreement; Copyright: authorship and ownership, other related/ neighbouring rights: economic rights, moral rights, duration of copyright, right to privacy, consequences of infringement: civil and criminal remedies, sanctions; role and function of the MASA; Breach of Confidence: legal basis ; Confidentiality of Information and Obligation of Confidence, Unauthorised Use, Remedies, relevant caselaw.

### **LAWS 3110 Y (5) - LAW OF INTERNATIONAL TRADE**

Origines du droit international public, sa nature et son élaboration; les sources du droit international public: les traités et conventions internationales et régionales (notions générales, conditions de validité, effets et extinction des traités), les coutumes, les principes généraux du droit, les décisions de la jurisprudence, l'équité, les actes juridiques internationaux; The historical background of International Economic Relations, globalisation,

sustainable development and trade; GATT; WTO; Organisation resolution of Disputes; LOME/COTONOU Convention; Regional dimension of trade: The preferential trade area, The free trade area, The customs Union, The single market, The economic and monetary union, their organisations, main bodies, implications in the context of globalisation, European Union, NAFTA, COMESA, SADC, SACU, EPA.

Regulation of Imports and Exports; International Economic Organisation; BIRD; World Bank; IMF; International Contracts; Financing of International Trade; Letters of Credit and other mode of payment; Transport; Carriage of goods, Insurance and Bill of Lading;

The World Trade Organisation agreements: understanding its framework, substantive aspects (antidumping, countervailing duties, import licensing, preshipment inspection, rules of origins, Sanitary and Phyto-sanitary, Measures of Safeguard, Standards) and interpretation of agreements, main issues, main bodies and disputes resolution, amicus curiae, burden of proof, caselaw regarding the dispute settlement bodies. Mauritius between regionalisation and globalisation: the Sugar Protocol, mitigation of erosion of preferences, special and differential treatment, as a Small Island Developing States.

### **LAWS 3111 (5) - COMMERCIAL AND BANKING LAW**

Introduction au droit commercial: Actes de commerce; statut de commerçant; le commissionnaire; le gage commercial; le droit des sociétés à Maurice: la constitution d'une société, les critères de la société, types de société, les sociétés commerciales de personnes (société en nom collectif et en commandite simple); le droit de la faillite.

Law relating to Banking, Insurance and Trade Finance. Legal Aspects of e-Banking. Legal Framework of Banking Transactions: Definition of Bank and Customer, Banker-Customer relationship, The Scope of Confidentiality; Data Protection Act. Bills of Exchange: Definition, Characteristics, Types and Use. Parties to a Bill. Elements of the statutory definition. Negotiation. Indorsement. Holder. Acceptance, Qualified Acceptance and non-Acceptance. Discharge, Dishonour, Liabilities of Parties to a Bill. Rights of Holder of a Dishonoured bill. Forgery. Lost or Stolen bills. Promissory Notes: Statutory definition; History and Uses of Notes. Cheques: Definition, Crossing, Presentment, Dishonour, Rights of Holder; Liabilities and Statutory Protection of Collecting Bank and Paying Bank Payment by Transfer of Funds. Recovery of Money mistakenly paid. E-payments and Electronic Settlement Systems: ATM Cards: Charge Cards, Credit Cards; Electronic Fund Transfers, Smart Cards, Electronic Cash.

### **LAWS 3216 (5) - LEGAL ASPECTS OF FINANCE**

The Regulatory Framework: Financial Services Development Act, Legal Aspects of Financing International Transactions: Documentary Credit: Uniform Customs and Practice, Types of Credits, Contractual Relationship of the parties; Fundamental Doctrines of Autonomy and Strict Compliance. Presentation of Documents: Bank's Duty, Forgery; Electronic Transactions Act. Computer Misuse and Cyber crime Act 2003; Securities, Mortgages and Charges: Land, Shares & Debentures, Life Policies, Liens over Plant & Equipment; Guarantees: Capacity, Consent, Disclosure. Main Features of Bank Guarantees; The Legal Dimensions of Insurance Relationships (Contrat D'assurance): Introduction, Principles of insurance, General conditions for the validity of contracts (Articles 1101 and 1108 Civil Code), "Contrat d'assurance" as a special contract (Characteristics of contrat d'assurance), Types de contrat d'assurance –life assurance and non-life insurance, la formation du contrat d'assurance, les éléments du contrat d'assurance ( le risque, la prime, le sinistre), Basic Principles of Motor Insurance and Marine Insurance; The Hire Purchase and Credit Sale Act; Offshore business: Challenges facing offshore business FSDA: GBL 1 and GBL 2; Financial Aspects of Corporate Governance; Legislative Control of Money Laundering: Financial Intelligence and Anti-Money Laundering Act: Independent Commission Against Corruption (powers, functions), POCA.

### **DFA 3021Y(5) - FINANCIAL MANAGEMENT AND CONTROL**

Financial Management Objectives; Nature, Purpose and Scope of Financial Management in profit and non-profit making organisations; Financial Management Environment; Sources of finance (equity, debt, near-debt and financing of SMEs) and relative costs; Requirements; Capital Structure Planning and Policy including application

of Modigliani and Miller propositions; Cost-Volume Profit Analysis & Operating Leverage; Analysis of Capital Budgeting Decisions - Identifying Free Cash Flows and Appraisal of capital investment opportunities (DCF and Non-DCF Techniques) inclusive of effects of taxation, inflation, risk and uncertainty; leasing v/s buying with borrowed funds decisions; Financial & Profit Planning; Nature & Scope of Working Capital Management; Management of Stock, Debtors, Short Term Funds, Cash, Overdrafts, and Creditors; Techniques of Working Capital Management.

Management Control in Decentralised Organisations - Divisional Performance, Transfer Pricing; Quantitative Aids to Budgeting; Performance Measurement Models – Balanced Scorecard, Financial v/s Non Financial Business measures, Benchmarking; Non Profit Organisations; Public Sector; Impact on Reward Schemes; Planning & Control – Strategic Management Accounting; Management Accounting Framework; Management Accounting Systems – Design, Objectives, Recording and Format of Reports; Management Accounting Theory – Behavioural Implications of Management Accounting Practices.

#### **LAWS [2121] - INTERNATIONAL DISPUTE [RESOLUTION / SETTLEMENT]**

Introduction: development of international adjudication and arbitration; Basic methods: negotiation, good offices, mediation, conciliation, commissions of inquiry, inter-state arbitration, mixed arbitration (including investment arbitration), commercial arbitration, adjudication; Survey of select principal actors: PCA, ICSID, ICC, WTO, ICJ; Arbitration: arbitration agreement, arbitral tribunal, jurisdiction, arbitrability, arbitral procedure (including evidence and interim measures), applicable law, remedies, award, recognition and enforcement of awards; Special forms of arbitration: sports, intellectual property. Critical reflections: proliferation, overlapping jurisdictions, fragmentation, future.

#### **LAWS 3201(5) – JURISPRUDENCE**

Meaning of Jurisprudence; Scope of Jurisprudence and General Philosophy; Logic and Legal Reasoning; Law and Morality Natural Law; Analytical Positivism; Pure Theory of Law; Historical School; Sociological School; Sociology of Law; American Realism; Scandinavian Realism; Contemporary Issues in Law; Feminism and Ethnicity & Pluralism.

#### **LAWS 3001Y (5) - DISSERTATION**

At the end of the third year of the programme, the students will be required to submit a dissertation or choose 2 elective modules. The title of the dissertation has to be approved by the Department of Law and a project supervisor identified. The final copy should be submitted by end of April and the dissertation length should be in the range of 8,000 -10,000 words. Refer to General Rules & Regulations for further details.

*September 2010*