

Course title: Contracts law and management			
Course code MPL 144	No. of credits: 2	L-T-P distribution: 12-16-0	Learning hours: 28
Pre-requisite course code and title (if any): None			
Department: Centre for Postgraduate Legal Studies			
Course coordinator (s) : Dr. Sonm Nath Ghosh		Course instructor (s): Dr. Som Nath Ghosh	
Contact details: somunghosh@gmail.com			
Course type	Elective		
Course offered in	Semester 2		
Course Description			
<p>Contract gives the foundation of infrastructure projects. This course provides an advanced understanding of contract laws with respect to the infrastructure projects. Students will be exposed to foundations of contractual liability. The course will look into specific infrastructure contracts to get an understanding as to how different industries work.</p> <p>Infrastructure contracts of big projects need proper contract management. Students will be given an in depth understanding of contract management and the various processes attached with it. The course will go into professional understanding of possible conflict scenarios in project cycle and conflict resolution through case studies. The course taught through various case studies expose students to various sets of contract laws in infrastructure business.</p>			
Course objectives			
<ol style="list-style-type: none"> 1. To provide an advanced understanding of contract law and its implications. 2. To analyse specific types of infrastructure contracts and its various forms. 3. To understand contract management and dispute resolution 			
Course Content	L	T	P
Module 1: Principles of Contract Law	6		
Basic principles for Formation of Contract; - Discharge of contracts Specific Contracts: Agency, Indemnity, Guarantee, Bailment			
Module 2: Infrastructure Contracts	2	8	
Public Private Partnership Models(PPP), Joint Ventures, Management Contract, Work & Cost Contract, Leasing out, Model Concession Agreements, Fee- Sharing Agreements, State Support Contracts, Security Trust Contracts, Share Pledge Contracts, Drafting Specific Contracts – Role Play – Negotiating Contracts			
Module 3: Contract Management	2	4	
Importance of Contract management – Upstream or Pre-award activities - Creating Functional Team(s) for Risk Analysis & Contract Management Creating Templates for Contracts - Creating Contract Management Processes – Contract exit strategy - Dispute Resolution Planning and Processes - Contract Training Hypothetical Case Scenarios			

Module 4: Conflict Resolution	2	4	
Alternative dispute resolution mechanisms – Arbitration, Mediation, Conciliation and Negotiation Arbitration and Conciliation Act, 1996 – Arbitral Award – Appeal – Conciliation			
Total	12	16	
Evaluation criteria Class Participation: 10 Term Paper: 25 Presentation: 25 Test 3: 40			
Learning outcomes By the end of the course, it is expected that the students will: <ol style="list-style-type: none"> 1. Be able to understand implications of infrastructure contracts. 2. Be able to critically analyse contracts and make constructive amendments. 3. Be able to understand the management of contracts and the resolution of disputes. 			
Pedagogical approach Predominantly based on classroom teaching. It is expected that the students come prepared with the readings, thus leading to a healthy discussion.			
Materials Suggested Readings Books: <ol style="list-style-type: none"> 1. Sir Jack Beatson FBA, Andrew Burrows FBA, QC (Hon)., and John Cartwright, 30th edn <i>Anson's Law of Contract</i>, OUP, 2016. 2. Sairam bhatt ed., <i>Law of Business Contracts in India</i>, Sage, 2009. 3. Piyush Joshi, <i>Law Relating to Infrastructure Projects</i>, Butterwoths, 2003 4. Stephen Furst, Sir Vivian Ramsey, 9th edn., <i>Keating on Construction Contracts</i>, Sweet & Maxwell, 2012. Journal Articles <ol style="list-style-type: none"> 1. Marques, R. and Berg, S., “Revisiting the Strengths and Limitations of Regulatory Contracts in Infrastructure Industries”, <i>J. Infrastruct. Syst.</i>, 10(4) 2010 334-342. 2. Marques, R. and Berg, S. “Risks, Contracts, and Private-Sector Participation in Infrastructure”, <i>Journal of Construction Engineering and Management</i>, 137(11) 2011 925-932. 3. Ellen Dannin, <i>Crumbling Infrastructure</i>, “Crumbling Democracy: Infrastructure Privatization Contracts and Their Effects on State and Local Governance”, 6 <i>Nw. J. L. & Soc. Pol'y.</i> 47 (2011) 			
Additional information (if any)			
Student responsibilities Attendance, feedback, discipline etc			

Course reviewers

1. Mr. Nishant Beniwal, Counsel, Khaitan & Co
2. Dr. Bindu Ronald, Professor, SLS