

Curriculum & Scheme of Examination

LAW AND SOCIAL TRANSFORMATION IN INDIA (FOUNDATION COURSE)

Course Code: LLM 101 C

Credit Units: 08

Course Objective:

The objective of this paper is to focus on creating awareness in the students about Indian approaches to Social and economics problem in the context of law as a means of Social control and change; and to develop a Spirit of enquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make students aware of the role the law that has played and has to play in contemporary Indian society.

Course Contents:

Module I: Law and Social Change

Law as an instrument of social change, Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of the common law system and institutions in India and its impact on the development of law and legal institutions in India.

Module II: Religion, Community, Language, Regionalism and the Law

Religion and Law- Religion is a source of division. Secularism is a way to solve the problem. Reforming law on secular lines: problems. Freedom of religion and non-discrimination on the basis of religion. Religious minorities and law.

Community and law: Caste as a divisive factor, Non-discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustice, Protective Discrimination: Scheduled castes, Tribe and Backward Classes, Reservation: Statutory Commission, Statutory provisions.

Language and the Law: Language as a divisive Factor: formation of linguistic states, Constitutional guarantees to linguistic minorities, Language policy and the Constitution: Official language, Multilanguage system, Non – discrimination on the ground of law.

Regionalism and Law: Regionalism as a divisive factor, Concept of India as one unit, Right of movement, residence and business; impermissibility of state or regional barriers, Equality in matters of employment: the slogan “Sons of the soil” and its practice, Admission to educational institutions: preferences to residence of a state.

Module III: Women, Children and the Law

Woman and the Law- Crime against woman, Gender injustice and its various forms, Women’s Commission, Empowerment of woman: Constitutional and other legal provisions.

Children and the Law- Child labour, Sexual exploitation, Adoption and related problems, Children and education.

Module IV: Modernization and the Law

Modernization as a value: Constitutional perspectives reflected in the fundamental duties, Modernization of social institutions through Law, Reform of family law, Agrarian reform Industrialization of agriculture, Industrialization v. Environmental protection ,Reform of Court processes, Criminal law: Plea bargaining compounding and payment of compensation to victims, Civil law: (ADR) Confrontation v. consensus ;mediation and conciliation; Lok Adalats ,Prison Reforms ,Democratic decentralization and local self-government. The jurisprudence of Sarvodaya, concept of gram nyayalaya,

Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	05	05	70

Note: 5 marks for Attendance

Text & References:

- Marc Galanter (ed.), *Law and Society in Modern India* (1997) Oxford.
- Oliver Mendelson, *Law and Social Transformation in India* (Oxford University Press, New Delhi, 2014)
- U. Baxi, *The Crisis of Indian Legal System* (1982), Vikas, New Delhi.
- Baxi, Upendra, *Towards a Sociology of Indian Law* (Satvahan Publications, New Delhi, 1986)
- Ishwara Bhat, *Law and Social Transformation in India* (EBC, 2009)
- Duncan Derret, *The State, Religion and Law in India* (1990), Oxford University Press, New Delhi.
- H.M. Seervai, *Constitutional Law of India* (1996), Tripathy.
- Savitri Gunasekhare, *Children, Law and Justice* (1997) Sage.
- Agnes, Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India* (1999), Oxford.
- J.B. Kripalani, *Gandhi: His Life and Thought*, (1970) Ministry of Information and Broadcasting, Government of India.
-
- Tomiko Brown-Nagin, Tomika, "Elites, Social Movements, and The Law: The Case of Affirmative Action" *Columbia Law Review*, vol.105, 2005, pp. 1-80.
- David Bloomfield, David, Fischer, Martina and Schmelzle, Beatrix, (ed.) *Social Change and Conflict Transformation*, available at <<http://www.berghof-center.org/>>

INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES (FOUNDATION COURSE)

Course Code: LLM 102 A

Credit Units: 08

Course Objective:

The Constitution, a living document, is said to be always in the making. The judicial process of constitution interpretation involves a technique of adapting the law to meet changing social mores. The Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and process. Post-graduate law students who have a basic understanding of Indian constitutional law at the LL.B level should be exposed to new challenges and perspectives on constitutional development.

Course Contents:

Module I: Federalism

- Concept of Federalism – Distinction between Federalism and Confederation, types of Federalism
- Forms of Government- Unitary and Federal
- Federal features of the Indian Constitution – Is a Federal or Quasi Federal

Module II : Separation of Power: Stress and Strains

Doctrine of Separation of Powers and checks and balances,

The Executive: Constitutional status, powers and functions of the President vis-a vis form of Government.

The Legislature: Parliamentary /Legislative Privilege: Nature, Extent, Scope and Limitation on privileges.

The Judiciary: Status, Power, functions and contemporary developments, Power of judicial review.

Constitutional framework –Judicial interpretation and practice, judicial activism and judicial restraining Judicial autonomy and independence, Appointment transfer and removal of Judges, accountability of Executive, Legislature and Judiciary.

Module III

'State' –Need for widening the definition in the wake of liberalization, Right to equality: Privatization and its impact on affirmative action. Empowerment of Women, Freedom of press and Challenges of new scientific development.

Module IV

Emerging regime of new rights and remedies, Reading Directive Principles and Fundamental Duties into Fundamental Rights, Secularism: Religious freedom and right of minorities to establish and administer educational institutions of their choice, Implementation of International obligation: Human Rights, Environmental protection and International trade, PIL Implementation.

Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	05	05	70

Note: 5 marks for Attendance

P-Project/ Seminar /Viva

CT- Class Test

C- Case Study

EE- End Term Exam

Text & References:

- Basu, D.D. *Introduction to the Constitution of India* (Lexis Nexis, New Delhi, 2018)
- Granville, Austin, *The Indian Constitution: A Cornerstone of a Nation* (Oxford University Press, New Delhi, 1999)
- Granville, Austin , *Working a Democratic Constitution: A History of the Indian Experience* (Oxford University Press, Delhi, 2003)
- Jain, M.P. *Indian Constitutional Law* (Lexis Nexis, New Delhi, 2018)
- Jain, M.P., *Delegated Legislation in India* (ILI Publications, Delhi, 1964).
- Seervai, H.M., *The Emergency, Future Safeguards and the Habeas Corpus* (Bombay, Eastern Book Publications, 1978).
- Seervai, H.M, *Constitutional Law of India: A Critical Commentary* (Bombay, Eastern Book Publications, 1991), edn.4.
- Shukla, V.N. *Constitution of India* (Eastern Book Company, Lucknow, 2016), revised by M.P.Singh

COMPANY LAW

Course Code:

LLM 103 E

Credit Units: 08

Course Objective:

Industrialization plays a very vital role in the economic development of India. Companies are no doubt powerful instruments for development. Besides bringing returns and financial benefits to the capital and labour, they also help ameliorate the living conditions of masses. In a developing Society like India, a vast variety of consumer goods are manufactured or produced and different kinds of public utility services are generated both for general welfare and consumption purposes. Obviously, it is beyond the capacity of one or a few entrepreneurs to engage in such activities. Because of the problem of raising the large amounts of capital needed for such enterprises, there is a looming danger of market risks. Hence, taking recourse to the device of incorporation is the only efficacious way to surmount all such hurdles.

Course Contents:

Module I: The frame work of corporate activity

Historical Perspective of Company Legislations in India. General Principles of Company Law, Basic Concepts – Corporate personality, Memorandum and Articles of Association. Prospectus Promoters –Position, Duties and liabilities.

Module II: National Company Law Tribunal and Appellate Tribunal

Definitions, Constitution of NCLT, Qualification of President and Members of Tribunal, Powers & Functions, Term of office of President, Chairperson and other Members, Removal of Members. Orders of Tribunal, Appeal from orders of Tribunal

Module III: Corporate Liability & Majority powers and Minority Rights

Rule in Foss V Harbottle, Exceptions, Prevention of oppression and Mismanagement: Who can apply? Conditions of relief, Prevention of mismanagement, Powers of National Company Law Tribunal, Investigation Powers of investigation, Mandatory provisions, Seizure of Books, Report. Legal liability of companies –civil and criminal, Remedies: civil, criminal and tortuous.

Module IV: Winding up of Companies

Types-Winding up by Tribunal, Who can apply? Dissolution of Company. Enforcement of orders and appeals, Voluntary Winding up: Provisions applicable, Position of Liquidator: duties and Liability, Conduct of Winding up: Contributories, Payment of liabilities, Preferential payments, Winding up of unregistered company, winding up of foreign companies.

Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	05	05	70

Note: 5 marks for Attendance

P-Project/ Seminar /Viva

CT- Class Test

C- Case Study

EE- End Term Exam

Text & References:

- Palmar –Company Law
- Gower: Principles of Modern Company Law
- Avtar Singh- Company Law.
- Berle, A. A. and Means, G. C. The New Concept of the Corporation', in The modern corporation and private property.
- Dignam, A. J. and Lowry, J. P. Company law. Oxford: Oxford University Press.

- A. Ramaiya, Guide to the Companies Act,
- S.M. Shah, Lectures on Company Law
- S.K Sahary, Company Law, Universal Law Publication, Fifth Edition (2008)
- Kailash Rai, Company Law, Allahabad, Allahabad Law Publication, Eleventh Edition (2009), reprint in 2011.
- Dr. G.K Kapoor and Dr. Sanjay Dhamija, Company Law, a comparative text book on company law 2013, Taxmann Publications (P) Ltd. New Delhi, Twenty first Edition (2018).
- Avtar Singh, Company Law, Estern Book Company publication, Sixteenth Edition (2015).
- Dr. N.V Paranjape, Company Law, Central Law Publication, Allahabad,
- Seventh Edition (2015).
- M.C. Kuchhal, Modern Indian Company Law, (Shree Mahavir book depot, Delhi, 27th Edn, 2012).
- Kamal Gupta, C.R. Dutta on Company Law, (Lexis Nexis Buttertsworth Wadwa, Nagpur, 6th Edn, 2008).
- Dr. N.V. Paranjape, The New Company Law, (Central Law Agency, Allahabad, 6th Edn, 2014).
- Dr. Madan Pal Singh, Company Law as an instrument for the protection of public interest, Allahabad Law Agency, Faridabad, (2010)
- K.D. Raju, Company Directors fiduciary duties and liabilities under the Indian Company Law, (Eastern Law House, Kolkata, 2013).
- A Ramaiya, Companies Act, Wadhwa and Company N

COMPETITION LAW

Course Code: LLM 104 E

Credit Units: 08

Course Objective:

The course will focus on and will aim to develop an understanding of the law and principles of competition policy in countries and regions across the globe. The course aims to develop an understanding of and critical discourse on, *inter alia*, the following: the role of markets and competition law in relation to the poor; the relationship between aggregate efficiency, anti-competitive agreements etc. It will give the students' knowledge of Competition commission of India and its functioning.

Module 1: Competition: An Introduction

Meaning and Definition of Competition & Competition Law ;Objectives of Competition Law; History of Competition Law (USA, UK, Europe) Relevant provisions of 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.

Module 2: Anti-competitive Agreements

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

Module 3: Combination

Value of Assets, Turnover, Acquisition, Conglomeration, Joint Venture, Merger and Amalgamation, Notification

Module 4: Competition Commission of India & Competition Advocacy

Establishment and composition, Duties, Procedure for inquiry, Powers, Competition fund, Competition Policy

Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	05	05	70

Note: 5 marks for Attendance

P-Project/ Seminar /Viva

CT- Class Test

C- Case Study

EE- End Term Exam

Text & References:

1. Mittal D.P., *Taxmann's Competition Law* (2007)
2. *Universal Guide to Competition Law in India-2003*, Universal Law Publishing Company, New Delhi.
3. Ramappa. T., *Competition Law in India- Policy, Issues and Development* (2006) Oxford University Press.
4. Nahar. S. Mahala, *Law, Practice and Procedure* (2006), Commercial Law Publishers.
5. Dhall .Vinod, *Competition Law Today*, (ed.) 2007, Oxford University Press

LEGAL RESEARCH AND RESEARCH METHODOLOGY (FOUNDATION COURSE)

Course Code: LLM 201C

Credit Units: 08

Course Objective:

Growth of legal Science in India depends on the nature and career of legal research .A post graduate student of Law should get an insight into the objective of legal Research .The understanding of the law and development of the Law can be done by legal research by adopting scientific methodology .Legal research has therefore assumed an important role in education and practice of Law. The objective of the course is to educate and practice of Law. The objective of the course is to educate students in the conceptual and functional dimensions of the legal research and methodology.

Course Contents:

Module I: Meaning, Scope, objectives of Legal Research

Meaning and Rational of Legal Research, Tools of Legal Research: Library: Books, Law Reports, Legislative Reports, Reports of Law Commissions and other advisory Committees, Reports on Empirical Research, Empirical Data, Use of Modern Technology, Computer, internet etc. Evolution of legal research, significance, needs, objectives and characteristics of legal research.

Module II: Research methods

Socio legal research, Doctrinal and Non-Doctrinal Legal research ,Relevance and place of empirical research ,significance of Doctrinal Research ,Types of Doctrinal Legal Research : Analytical ,Historical ,Comparative, Statistical and critical. Methodology for Doctrinal Legal Research, Induction and Deduction.

Module III: Identification of Problem of Research

Main steps involved: Problem identification, Rational Hypothesis, Objectives, Research Questions, Formulation of research problem, Universe and sampling Design, Tools and techniques of Data collection , Analysis and Interpretation of Data ,Use of questionnaire and Interview ,Use of Case study.

Module IV: Research Material

Sources of legal research, Modern tools, Decisional materials foreign decisions, methods of discovery 'the rule of the case', judicial conflict, overruling Ratio Decidendi, Obiter Dicta, Juristic writing, Main steps involved in Report writing: Text, Footnotes, End notes, References and Suggested Readings.

Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	05	05	70

Note: 5 marks for Attendance

P-Project/ Seminar /Viva

CT- Class Test

C- Case Study

EE- End Term Exam

Text & References:

- Jain S.N, JK Mittal, Kusum, P Kalpakam Indian Law Institute (ILI) Publication, Legal Research and Methodology.
- Morris L. Cohan, Legal Research in Nutshell, West Publishing Co.
- N.R. Madhava Menon, A Hand book of Clinical Legal Education.(EBS)
- Ghosh B.N, 1982, Scientific method and Social Research, New Delhi.

JUDICIAL PROCESS (FOUNDATION COURSE)

Course Code: LLM 202C

Credit Units: 08

Course Objective:

A lawyer, whether academic or professional, is expected to be competent to analyze and evaluate the legal process from a border juristic perspective. The objective of this Module is to study the nature of judicial process as an instrument of Social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This Module further intends to expose the intricacies of judicial creativity and the judicial tools techniques employed in the process.

Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This Module, therefore, intends to familiarize the students with various theories, different aspects and alternative ways, of attaining justice.

Course Contents:

Module I: Nature of Judicial Process

Judicial Process as an instrument of Social ordering, Judicial Process and creativity in Law –common law model, Legal reasoning and growth of law – change and stability. The Tools and techniques of judicial creativity and precedent.

Module II: Judicial Process in India

Debate on the role of judges and on the notion of judicial review. The independence of Judiciary and the 'Political' nature of Judicial Process. Judicial activism and creativity of the Supreme Court. Judicial Process in pursuit of constitutional goals and values –new dimensions of judicial activism and structural challenges. Institutional liability of courts and judicial activism –scope and limits.

Module III: Special dimensions of Judicial Process in constitutional adjudications

Individual and the State Hierarchy of courts, Appointment of Judges. Interpretation of constitution and interpretation of Statutes, Doctrine of Stare decisis, ratio decidendi and obiter dicta of case, value Judgment in Law, Judicial reasoning.

Module IV: The Concepts of Justice

The concept of justice or Dharma in Indian thought, Dharma as the foundation of legal ordering in Indian thought, the concept and various theories of justice in the western thought, Various theoretical bases of justice – the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition, Equivalence Theories, Theories of justice and analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	05	05	70

Note: 5 marks for Attendance

P-Project/ Seminar /Viva

CT- Class Test

C- Case Study

EE- End Term Exam

Text & References:

- Julius Stone, The Province and Function of Law, Part II, Chs .1.8-16 (2000), Universal, New Delhi.
- Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi.
- Henry J. Abraham, The Judicial Process (1998), Oxford.
- J.Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworths
- Friedmann, Legal Theory (1960) Stevens, London.
- Bodenheimer, Jurisprudence –the Philosophy and Method of the Law (1997), Universal, Delhi.

- J. Stone, Legal System and Lawyer's Reasoning (1999), Universal, Delhi.
- U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.
- Rajeev Dhavan, The Supreme Court of India –A Socio –Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.
- John Rawls, A Theory of Justice (2000), Universal, Delhi.
- Edward H. Levi, An introduction to legal Reasoning (1970), University of Chicago.

INTERNATIONAL TRADE LAW

Course Code: LLM 203E

Credit Units: 08

Course Objective:

After Independence India has embarked upon all round efforts to modernize her economy through development ventures. Greater and greater emphasis is placed on increase of production in both industrial and agricultural sectors. Beside, there was the ever –pressing need for raising capital for investment in certain basic and key industries. All these required a considerably high rate of investment of capital. The process of modernization necessitated the adoption on newer technologies for Industry and agriculture. These technologies had to be borrowed from other developed countries. This, in turn needed foreign exchange which could be earned by the increased exports of goods and raw materials from India.

The need for accelerating the export trade of India's developing economy can hardly be over emphasized. Export earnings enable a developing country to finance its massive requirements of growth, to maintain its essential imports and thereby stimulate the process of its economic development.

Increasing exports have been necessitated to meet the growing needs of defence. India is a country rich in natural resources. One of the approaches to combat its economic backwardness could be in large –scale production and in maximization of its exports.

Import and export of goods and raw materials is a complex, complicated and intricate activity. It involves elaborate economics, fiscal, budgetary and monetary policy consideration.

The controls on export and imports are closely connected with the Foreign Trade Regulation Act 1992.

Course Contents:

Module I

Introduction to international trade law. World War II and its impact on World Economy. Genesis of Modern International Trading system: Emergence of General Agreement on Tariffs and Trade (GATT), Various Ministerial Conferences and Declarations Relating to Trade.

Module II World Trade organization (WTO)

Basic Principles: MFN, Treatment, National Treatment and Non-Discrimination, Exceptions to MFN: Tariff Bindings, Regional Trade Agreements, Escape Clause, Safeguard Measures, Quantitative Restrictions, Anti-dumping and countervailing duties. Agricultural Agreements and Food Security under WTO

Module III

Organization, Functions & Objective of WTO, Dispute Settlement system: GATT, WTO

Module IV

Agreements on Climate Change Under WTO, Foreign Trade Development and Regulation Act, 1992, Exchange Control and FEMA.

Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	05	05	70

Note: 5 marks for Attendance

P-Project/ Seminar /Viva

CT- Class Test

C- Case Study

EE- End Term Exam

Text & References:

- Matsushita Mitsuo, Thomas J Schoenbaun & Petros C Mavroidis, 2003 The World Trade Organisation: Law, Practice & Policy, Oxford.
- Gallagher Peter, Patrik Low and Andrew L Stolen, 2005, Managing the Challenges of WTO Participation: 45 Cases Studies, Cambridge.
- Hoda Anwarul, 2001, Tariff Negotiations and Renegotiations under the GATT & WTO: Procedure and Practices, Cambridge.

- Mittal J K, K D Raju, 2005, World Trade Organization & India: A Critical Study of its First Decade, New Era Law Publication, New Delhi.
- UNCTAD- ICTSD, 2005, Resource Book on TRIPS & Development, Cambridge University Press.
- Government of India, Handbook of Import Export Procedures,(Refer to the latest edition)
- Government of India Import and Export Policy (1997-2002).
- Foreign Trade Development and Regulation Act 1992 and Rules.
- Foreign Exchange Management Act 1999.

CORPORATE FINANCE

Course Code: LLM 204E

Credit Units: 08

Course Objective:

In a developing Country like India, enormous varieties of consumer goods are manufactured or produced .Obviously, the situation raises the issues of procuring, utilizing and managing the finance .For this purpose, the legal and juristic aspects of financial management techniques have been evolved. The objective of the course is to acquaint the students with the organization, functions, lending and recovery procedures, conditions of lending and accountability of international, national and state financing institutions and also the process of the flow and out flow of corporate finance.

Course Contents:

Module I

Meaning, scope and importance of Corporate finance, Capital needs –Capitalization –Working capital – Securities –borrowings –deposits debentures .Objectives of corporate finance –profit maximization and wealth maximization, Constitutional Perspectives.

Module II: Equity and Debt Finance

Share capital –meaning, alteration, pricing issue and allotment, Prospectus –Information, disclosure, transfer and transmission, reduction of share capital ,Share buy backs Redeemable shares: dividend ; Distribution to Shareholders.

Debentures: - Nature, Issue and class, Deposits and acceptance, creation of charges, fixed and floating charges, Convertible debentures.

Module III: Protection of Creditors and Investors

Need for Creditor protection, Right in making company decision affecting Creditor interests, Creditor self – protection, Right to nominate directors, Control over corporate Spending.

Protection of Investors: Individual, Shareholder right, corporate membership right, Derivative action, qualified membership right, Conversion, consolidation and re-organization of shares.

Module IV: Corporate Fund Raising

Borrowing powers and raising of funds .Inter-corporate loans and investments and giving of guarantees, Charges, Depositories -IDR (Indian depository receipts) ADR (American depositing receipts), GDR (Global depository receipts), Mutual Fund and other collective investment Schemes, Foreign Institutional Investments (IMF and world Bank) Institutional investments-LIC ,UTI and Banks .

Module V: Administrative Regulation on Corporate Finance

Regulatory Framework – Mandate of the Constitution; industrial and licensing policy in the wake of liberalization and deregulation, Inspection of Accounts, Central Government Control, Control by Registrar of Companies, RBI Control, Corporate Governance under the company Law and SEBI regulations.

Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	05	05	70

Note: 5 marks for Attendance

P-Project/ Seminar /Viva

CT- Class Test

C- Case Study

EE- End Term Exam

Text & References:

- Eili's Ferran ,Company Law and Corporate Finance (1999) Oxford
- Austen R.P, The Law of Public company Finance (1986)
- Gilbert Harold, Corporate Finance (1956)

LAW OF INTELLECTUAL PROPERTY

Course Code: LLM 301

Credit Units: 08

Course Objective:

Unlike other forms of property, intellectual property refers to regimes of legal recognition of primarily, the product of the mind or imagination. The law relating to intellectual property protects the right to mental labour. As concerns 'modernization' crucial questions arise in the fields of copyright protection in complete software and hardware, internet, electronic music and scientific research, not only in the content of national perspective but also in view of the waves of globalization already set in.

Course Contents:

Module I: Concept of intellectual Property

Meaning, Economic importance of intellectual property, Legal regimes for the protection of Intellectual Property, The main forms of intellectual property: Copyright, Trademarks, Patents, designs. Law relating to geographical Indication; Domestic as well as International Law, Traditional Knowledge.

Module II: Law of Copyright in India

Historical background, meaning of Copyright, Copyright in Literary, dramatic, musical works, sound records. Cinematography films, Computer Programme and related rights, Copy Right Act 1957, Ownership, Assignment, Author's special rights, Fair use provision, Piracy in Internet, Aspects of Copyright justice and Remedies.

Module III: Intellectual Property in Trademarks

Introduction to Trade Mark and its Relevance and need for Protection, Trademark Act, 1999, Infringement of Trademark and Passing off, Exhaustion of Right in Trademark Domain Name Dispute and Cyber-squatting.

Module IV: Concept of Patent

Introduction to patent, Historical view of the patents Law in India, Indian Patent Act, 1970 International Regime relating to patent: Convention and Treaties, Relevant provisions under TRIPS. Drug Patent vis-a-vis Public Health, Software Patent. Compulsory licensing of patent.

Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	05	05	70

Note: 5 marks for Attendance

P-Project/ Seminar /Viva

CT- Class Test

C- Case Study

EE- End Term Exam

Text & References:

- R. Narayanan, Intellectual Property Law (1999) Eastern Law House, Calcutta.
- Bibeck Debroy, Intellectual Property Right (1998) Rajeev Gandhi Foundation, Delhi
- W.R. Cornish, Intellectual Property 1996.

Mathew Thomas, UNDERSTANDING INTELLECTUAL PROPERTY, 1st ed. 2016, EBC Publishing (P) Ltd., Lucknow.

H K Saharay (ed.), IYENGAR'S COMMENTARY ON THE COPYRIGHT ACT, 9th ed. 2016, LexisNexis Publications, Gurugram, India.

V.K. Ahuja, LAW OF COPYRIGHT AND NEIGHBOURING RIGHTS-NATIONAL AND INTERNATIONAL PERSPECTIVES, 2nd ed. 2015, p.207, LexisNexis Publications, Gurugram, India.

Michael A. Epstein, EPSTEIN ON INTELLECTUAL PROPERTY, 5th ed. 2008, Wolters Kluwer India Pvt Ltd., Gurugram, India.

Annabelle Lever (ed.), NEW FRONTIERS IN THE PHILOSOPHY OF INTELLECTUAL PROPERTY, 1st ed. 2012, Cambridge University Press, United Kingdom.

J.A.L. Sterling, WORLD COPYRIGHT LAW, 3rd ed. South Asian ed. 2011, Sweet & Maxwell Ltd, Hong Kong.

Ronan Deazley et al. (eds.), PRIVILEGE AND PROPERTY-ESSAYS ON THE HISTORY OF

CYBER LAW

Course Code: LLM 104

Credit Units: 08

Course Objective:

Objective: Development of Cyber law is a recent phenomenon. It is still in an emerging stage and continuously evolving every passing day. Even the most learned legal academicians find it difficult to solve the legal problems posed by technology. The Course offered by the institute, intends to spread awareness among the students about the cyber law with the specific objectives to introduce the cyber world and cyber law in general, explain about the various facets of cybercrimes, enhance the understanding of problems arising out of online transactions and provoke them to find solutions, clarify the Intellectual Property issues in the cyber space and the growth and development of the law in this regard, educate about the regulation of cyber space at national and international level.

Module I: Introduction to the Cyber World and Cyber Law

Cyber World an Overview: Introduction about the cyber space, Regulation of cyber space – introducing cyber law, Scope of Cyber laws – e-commerce; online contracts; IPRs, Emerging challenges: Artificial Intelligence etc International legal regime: UNCITRAL Model Law on Electronics Commerce 1996; Protection of Domain Name and UDRP; (vi) OECD convention on Database protection .

Module II Cyber Law and allied issues

E-Commerce: The Consumer Protection Act, 2019 and E-commerce, Types of E-commerce, Duties of Marketplaces and Seller: Regulation Counterfeiting; Privacy: Sri Krishna Committee Report: The Digital Personal Data Protection Act 2023, Aadhar and Privacy

Module III: Cyber Crimes

Computer Crime and Cyber Crimes, Classification of Cyber Crimes. Cyber Crime and Related Concepts, Distinction between Cyber Crime and Conventional Crimes, Reasons for Commission of Cyber Crime Cyber, forensic Cyber criminals and their objectives Kinds of cybercrimes – cyber stalking; cyber pornography; forgery and fraud; Cyber terrorism; computer vandalism etc. Regulation of cybercrimes Issues relating to Investigation Issues relating to Jurisdiction Relevant provisions under Information Technology Act, 2000, Cyber Crime and evidence under the New Criminal Laws, Indecent Representation of Women (Prohibition), 1986

Module IV: Regulatory Framework under Domestic regime

Information Technology Act, 2000 – Digital Signature; E-Governance; Authorities under the Act; Regulation of Certifying Authorities; Duties of Subscribers; Intermediaries, Penalties and Adjudications; Offences under the Act; Making of Rules and Regulations etc.; Protection of Domain Name; Regulation of Artificial Intelligence

Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	05	05	70

Note: 5 marks for Attendance

P-Project/ Seminar /Viva

CT- Class Test

C- Case Study

EE- End Term Exam

Text & References:

- Nandan Kamath : Law Relating to Computer, Internet and e-Commerce (A Guide to Cyber Laws)
- Yatindra Singh Justice : Cyber Laws
- The Indian cyber law with cyber glossary/Suresh T. Vishwanathan. – New Delhi: Bharat Law House, 2000
- Information technology Law / Ian J Lloyed. – 2nd Ed. – London: Butterworths, 1997
- Jyoti Ratan: Cyber Laws and Information Technology 2012
- Diane Rowland, Elizabeth Macdonald, Information Technology Law, (1997).
- Suresh T. Viswanathan, The Indian Cyber Law, (2000).
- The International Dimensions of Cyberspace Law (2000), UNESCO Publication.