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# SYLLABUS

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**LL.M. (ONE YEAR PROGRAM)**



**SEMESTER-I**

**SPECIALIZATION PAPERS**

**OCTOBER 2020 – JANUARY 2021**



**HIDAYATULLAH NATIONAL LAW  
UNIVERSITY**



(Specialization: Corporate Law)

**Law of Contract-I**

**Course Outline**

Faculty	Dr. Kiran Kori & Dr. Rana Navneet Roy	Year/Semester	LL. M.
Course Name	Law of Contract-I	Period	1 <sup>ST</sup> Semester
No of Classes	48 Hours/ 32 Classes	Session Duration	90 Minutes

**Course Overview:**

Our society depends upon free exchange in the marketplace at every stage. The interactions in the market all the times depend upon voluntary agreements between individuals or other “legal persons”. Such voluntary agreements can never become binding without a legal contract. The law of contract is a branch of law which deals with regulation of all types of promises which are meant to be enforced through law. In India, the general principles of contract laws are codified under the Indian Contract Act, 1872.

This course is designed to acquaint a student with the conceptual and operational parameters of various general principles relating to contract law. It aims to equip the students with the basics and advance knowledge of contract law to enable them to deal effectively with the various disputes related to contracts.

**Objectives:**

The objective of the course is as follows:

1. To understand the basic and advance concepts of law of contract.
2. To provide students with the critical faculties necessary in an academic environment, on the job, and in an increasingly complex and interdependent world.
3. To assist students in the development of intellectual flexibility and creativity so that they may engage in life-long learning.
4. To interpret and apply the provisions of the general principles of the Indian Contract Act, 1872 critically.
5. To Develop skills of analysing various legal provisions considering practical issues.



6. To improve the students' level of confidence and interest in engaging with laws governing physical as well as electronic contracts and drafting the same from the viewpoint of clients' interest and well as legal accuracy.

**Pedagogy:**

The course components are administered through class room teaching, PowerPoint Presentations, showing short documentaries, tutorial classes, and continuous evaluations. Every component of the course module tries to inculcate the basic principles of contract law and its application in the case laws critically. Students are not only encouraged to participate in the process of discussion but also expected to share their opinions, creative ideas and critical views thereafter in the class room which can help all the stakeholders for further improvements in teaching-learning process. interpretation. The methods used teaching will be purely based on case law studies in form of a situation and involve honing practical skills.

**Scheme of Evaluation:**

- |                             |           |
|-----------------------------|-----------|
| • Research Project          | 20 Marks  |
| • End-Semester Examination: | 80 Marks  |
| • Total                     | 100 Marks |

**Syllabus of Law of Contract-I****Module I: Introduction**

- Historical Perspective of Law of Contract
- Nature, Object and Multi-Dimensional Scope
- Freedom of Contract
- Sanctity of Contract.
- Meaning, nature and types of contract
- Scope and Significance of Law of Contract

**Cases:**

- Carlill v. Carbolic Smoke Ball Co
- Balfour v. Balfour
- Harvey v. Facey
- Pharmaceutical Society of Great Britain v. Boots Cash Chemists Ltd
- Kedarnath Bhattacharjee v Gorie Mohammed
- Tarsem Singh v Sukhminder Singh

**Module II: Formation of an Agreement**

- Offer / Proposal: Definition, Communication, Revocation, General/ Specific Offer



- Invitation to Treat
- Effect of Void, Voidable, Valid, Illegal, Unlawful Agreements
- Standard Form of Contract
- Online Contracts

**Cases:**

- Balfour v. Balfour
- Harvey v. Facey
- Lalman Shukla v. Gauri Dutt
- Felthouse v. Bindley
- Powell v. Lee
- Entores limited v. Miles far east Corporation
- Twiddole v Atkinson
- Dunlop Pneumatic Tyre Co Ltd v. Selfridge & Co
- Beswick v. Beswick
- Jamna Das v. Ram Avtar

**Module III: Consideration and Capacity**

- Consideration- Definition, Kinds, Essentials
- Privity of Contract
- Capacity to Enter into a Contract
- Capacity to enter into a contract: Minor's Position, Nature/effect of minor's agreements.
- Liability for Necessaries Supplied to the Minor or Incompetent Person

**Cases:**

- Mohiree Bibi v. Dharmodas Ghose
- Raj Rani v. Prem Adib
- Johnson v. Pye
- Khan Gul v. Lakha Singh
- Ahudia Prasad v. Chandan Lal

**Module IV: Validity, Discharge and Performance of Contract**

- Free Consent
- Coercion, Undue Influence, Misrepresentation, Fraud, Mistake
- Unlawful Consideration and Object
- Discharge of Contracts
- Performance, Impossibility of Performance and Frustration
- Breach: Anticipatory and Present



- Doctrine of Frustration

**Cases:**

- Cundy v. Lindsay
- Phillips v. Brooks
- Raffles v. Wichellhaus
- Foster v. Mackinnon
- Ambica Construction v. Union of India
- Smith v. Hughes
- Ammiraju v. Seshamma
- Mannu Singh v Umadat Pande
- Nokhia v. State of Himachal Prades

**Module V: Consequences for Breach of Contract**

- Rescission of Contract
- Damages: Types of Damages, Remoteness of Damages, Ascertainment of Damages, Liquidated Damages and Penalty
- A Decree for Specific Performance
- An Injunction
- Suit on Quantum Meruit

**Cases:**

- Hadley v. Baxendale
- Haze Ismail & Sons v. Wilson & Co.
- Pauza ltd v. Saunders
- Mahabeer Prasad v. Durga datta
- Lumley v. Wagner

**Module VI: Miscellaneous**

- Wagering Agreements
- Contingent Contracts
- Quasi Contracts
- E-Contracts

**Cases:**

- Gherulal Parakh v. Mahadeo Das
- Lothamasu Sambasiva Rao v. Thadwarthi Balakotiah
- Trimex International FZE Ltd. Dubai v. Vedanta Aluminium Ltd., India
- Tamil Nadu Organic Private Ltd v. State Bank of India

**Suggested References:**

1. J. Beatson, Anson's Law of Contract, Oxford University Press, (29<sup>th</sup> Edn. -2010).
2. Chitty on Contracts, Sweet & Maxwell, London, Vol. I & II, (30<sup>th</sup>Edn. –2008).
3. Cheshire, Fifoot and Furmstone's Law of Contract, Oxford University Press (16<sup>th</sup>Edn. - 2012)
4. Pollock & Mulla, Indian Contract Act and Specific Relief Acts, Butterworth's India, New Delhi, Vol. I & II, (14<sup>th</sup>Edn. - 2013)
5. P. C. Markandey, The Law of Contract, Lexis Nexis, (3<sup>rd</sup>Edn. -2012)
6. Dr. Avtar Singh, Law of Contract, EBC, Lucknow (11<sup>th</sup> Edn. – 2013)
7. A. C. Mitra, Law of Contract and Specific Relief, Universal Law Publishing Co. (5<sup>th</sup>Edn. -2005)
8. M. Krishnan Nair, Law of Contracts, Orient Longman, Hyderabad, (5<sup>th</sup>Edn. – 1996)
9. Zheng Sophia Tang Electronic Consumer Contracts in the Conflict of Laws Hart Publishing 2009 available at:  
<https://www.bloomsburycollections.com/book/electronic-consumer-contracts-in-the-conflict-of-laws/>

**Statutes and Reports:**

1. The Indian Contract Act, 1872
2. Indian Majority Act, 1875
3. Specific Relief Act, 1963
4. The Limitation Act 1963
5. Information Technology Act, 2000
6. Various Reports on Law Commission of India



**(Specialization: Corporate Law)**  
**General Principles of Corporate Law**  
**Course Outline**

Faculty	Dr. Dipak Das & Dr. Y. Papa Rao	Year/Semester	LL. M.
Course Name	General Principles of Corporate Law	Period	1 <sup>ST</sup> Semester
No of Classes	48 Hours/ 32 Classes	Session Duration	90 Minutes

**Course Introduction:**

The fundamental assumptions of corporate law have transformed in decades. It is a well recognized subject in the legal curriculum and the title of a voluminous literature, its exact scope is not obvious since the word company has no strict legal meaning. Legal scholars have derived from the functioning of the corporations that the corporations play limited role and persons administering the corporations have broad powers. It is the duty of the directors and the managers to protect the interest of all stakeholders, and the means to protect the interest is following the good principles of the corporate law. Corporations are distinctively able to contribute to the societal good by creating financial prosperity. A Corporation's wealth should be shared fairly among those who contribute to its creation. The ultimate purpose of corporations should be to serve the interests of society as a whole. Participatory, Democratic Corporate Governance is the best way to ensure the sustainable creation and equitable distribution of corporate wealth. This paper revolves around all the basics, core issues, eminent doctrines/principles that enhance the faith of the stakeholders towards the corporation thereby helping to understand the corporate culture within the country. Therefore the emphasis in this course is on the fundamental principles, concepts, and doctrines revolving around the subject matter of corporate law covering from pre incorporating to the establishment, management and to winding up of companies. The course content has been designed keeping in mind the Companies Act 2013 and its implications on the corporate sector.

**Objectives:**

- To understand the conceptualization of basic principles of Corporate law
- To acquaint the knowledge of Corporate Personality, theories of personality and Jurisprudential aspect



- To know the circumstance of Lifting the Corporate veil
- To understand the significance Memorandum and Articles of Association
- To strike the balance between Doctrine of Ultra-vires Constructive notice and Indoor management
- To know the procedure of Fund raising through Equity and Debt
- To examine the Principle of Oppression and Mismanagement
- To acquaint the knowledge of the role of Key material persons
- To understand the Democratic Principles of Ownership and Management
- To know the details of Corporate Governance and CSR.

### **Pedagogy/Methodology:**

This subject requires teaching to be a combination of theory with practice. So, the teaching should direct the attention from evolution to current position of the general Principles of corporate law. The methodology demands a step by step guide as to how the Principles of Corporate Law importance for economic growth of the nation. In this Endeavour teaching will be by discussion of provisions relating to the Corporate law including Companies Act, 2013, SEBI Act, 1992, SCR Act, 1956 and Depositories Act, 1996. The Course would be covered mainly through online lecture mode. Reference reading material would be provided as per the modules given below by the respective faculty members.

### **Scheme of Evaluation:**

- |                             |           |
|-----------------------------|-----------|
| • Research Project          | 20 Marks  |
| • End-Semester Examination: | 80 Marks  |
| • Total                     | 100 Marks |

## **Syllabus of General Principles of Corporate Law**

### **Module I. Company Form and Structure**

- Corporate Personality, personification – Concept
- Theories of Corporate Personality –Jurisprudential aspects
- Company – Definition, Nature, Characteristics
- Classification of companies
- Doctrine of piercing the corporate veil – Statutory exceptions and Judicial interpretations
- Promotion of companies – Legal position of Promoters, Duties and Liabilities
- Pre-incorporation Contracts





## **Module II. Company - Registration and Incorporation**

- Memorandum of Association – Importance and Contents
- Articles of Association – Significance and interrelationship
- Doctrine of Ultra Vires – Applicability, consequences
- Doctrine of Constructive Notice – Rule of presumption
- Doctrine of Indoor Management – Concept & exceptions
- Prospectus (meaning, issue and kinds)

## **Module III. Corporate Fund Raising**

- Share/Equity Capital – Meaning and Nature of Shares, Kinds of Shares
- Rights issue, Bonus Issue - Rationale, mechanism
- Allotment –Principles & procedure
- Debenture/Debt Capital –Concept, Meaning and Kinds
- Debenture Trustee, Debenture Trust Deed
- Shareholder vis-à-vis Debenture holder

## **Module IV. Corporate Management**

- Directors – Meaning, Types, Qualifications, Disqualifications
- Legal Position of Directors
- Shadow, De-facto and De-jure Director
- Powers and Duties of Directors
- Meetings – Kinds and Requisites of valid meeting

## **Module V. Corporate Abuse and Remedies**

- Shareholders Democracy
- Majority Powers and Minority Rights
- Principle of Non-Interference (Rule established in Foss v Harbottle)
- Protection against Oppression
- Protection against Mismanagement

## **Module VI. Corporate Governance and Corporate social responsibility**

- Meaning and evolution
- Principal of Corporate Governance
- CSR and its importance including statutory provisions
- Interrelationship between CG & CSR

### **Books to be referred:**

- Ramaiyya, Guide to Companies Act, 2013
- Charlesworth & Morse, Company Law
- Gower & Davies, Principles of Modern Company Law
- K. Majumdar, Dr. G. K. Kapoor Company Law & Practice, Taxman
- Sekhar K., SEBI Capital Issues, Debentures and Listing, Wadhwa and Company, Nagpur



- C.R.Dutta on The Company Law, 6<sup>th</sup> Edn. 2008 by Kamal Gupta
- Pennington, Company Law
- Agrawal & Baby on SEBI Act, Taxman Publications
- Palmer, Company Law
- K. Majumdar, Dr. G. K. Kapoor Company Law & Practice, Taxman
- Nicholas Bourne, Principles of Company Law
- H.L.J. Ford and A.P.Austen, Ford's Principles of Corporations Law, (1999) Butterworths
- Jonathan Charkham, Fair Share: The Future of Shareholders Power and Responsibility, Oxford.
- Corporate Governance OECD Principles.

#### **Statutes & SEBI Regulations to be referred:**

- The Companies Act, 2013
- Securities and Exchange Board of India Act, 1992
- (Issue of Capital and Disclosure Requirements) Regulations, 2018
- Depositories Act, 1996
- Securities Contract Regulation Act, 1956

#### **Cases to be Referred**

- Saloman v. Saloman & Co. Ltd. (1895-99) All ER Rep.33
- Lee v. Lee's Air Farming Ltd.(1960)3 AllER 420
- Dhulia – Amalner Motor Transport Ltd v. R.R. Dharamsi AIR 1952 Bom. 337:
- Daimler Co. Ltd. v. Continental Tyre & Rubber Co. Ltd. (1916-17) AllER Rep. 191
- Bacha F. Guzadar v. CIT Bombay AIR 1955 SC 74
- Gilford Motor Co. Ltd. v. Horne (1933) AllER 109
- Workman v. Associates Rubber Industry Ltd. (1985) 4 SCC 114
- Pratap Singh v. Bank of America (1976)46 Com. Cases 532
- Babulal Chaukhani v. Caltex (India) Ltd. AIR 1967 Cal 205
- Macaura v. Northern Assurance Co. Ltd, 1925 AC 619 HL
- Minerva Mills Ltd. v. Govt. of Maharashtra (1975) 45 Com. Cases 1
- Orient Paper Mills Ltd. v. State of Orissa AIR 1957 Orissa 232
- Rank Film Distributors v. ROC AIR 1967 Cal 32
- In re, Machinon Macknize & Co. (1967) Com L J 200
- Bell Houses Ltd. v. Citywall Properties Ltd. (1966) 2 AllER 674
- A.L. Mudaliar v. LIC AIR 1963 SC 1185
- Royal British Bank v. Turquand (1943-60) AllER Rep.435
- Freeman v. Buckhurst Park Properties (1964)1AllER 630
- Regal (Hasting) Ltd. v. Gulliver (1942) 1 AllER 378
- Percival v. Wright (1902) 2 CH 421
- Industrial Development Consultants Ltd. v. Cooley (1972) 2 AllER 162
- SEBI vs SAHARA (2012)
- Cyrus Mistry v. Tata Sons (2016)

**(Specialization: Corporate Law)****Modern law of Banking and Insurance****Course Outline**

Faculty	Dr. Y. Papa Rao & Ms. Navita Aggarwal	Year/Semester	LL. M.
Course Name	Modern law of Banking and Insurance	Period	1 <sup>ST</sup> Semester
No of Classes	48 Hours/ 32 Classes	Session Duration	90 Minutes

**Course Overview:**

The course is designed to explain the students with conceptual and operational parameters of banking & insurance law. This course is an attempt towards imparting knowledge of various aspects of Banking regime and analyze the interdisciplinary study of Banking with other Laws. In the last three decades, there has been substantial liberalization of the banking sector and financial innovation. These changes have been facilitated by regulation of banks, which continue to lie at the heart of all financial systems, and have themselves driven changes in prudential, and monetary, regulation policy.

The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques of rules of interpretation as propounded by the judiciary.

**Didactics:**

This subject requires teaching to be a combination of theory with practice. So, the teaching should direct the attention from evolution to current position of this Industry. The methodology demands a step by step guide as to how Banking forms a part of macro economy of country, what is the meaning of certain terms like CRR, SLR, consortium lending, either or survivor clause in an account and how this all should be of interest for a post graduate student. In this endeavour teaching will be by discussion of provisions relating to the said law which directly or substantively govern Banks along with interdisciplinary study of other laws with illustrations. As promulgation of new laws has happened in the last decade including new entrant Insolvency and Bankruptcy Law, Banking paradigm has seen a shift.



These changes demand researchers to interpret and analyse given laws with changing circumstances of Banking Industry and explore the facets and effect of Banking in Financial Industry.

### **Scheme of Evaluation:**

- |                             |           |
|-----------------------------|-----------|
| • Research Project          | 20 Marks  |
| • End-Semester Examination: | 80 Marks  |
| • Total                     | 100 Marks |

## **Syllabus of Modern Law of Banking and Insurance**

### **Module – I: Structure of Indian Banking**

- Origin of currency and Banking Industry
- Reserve Bank of India: Role of RBI in stability of Indian Macro economy
- Different Bank accounts and legal relation of Banker and customer

### **Module – II: Recovery Process of Banking Industry**

- Various laws governing Recovery actions: RDDBFI Act 1992, SARFAESI 2002, Insolvency and Bankruptcy Code 2016
- Bank Guarantees and letter of credit: laws governing and UCP guidelines
- Issues in recovery laws and Bank Guarantees with respect to recent frauds in Banking Industry
- FEMA in Banking Industry and issues involved in FEMA

### **Module – III: Insurance Laws**

- Nature-, History of Insurance in India
- Insurance Regulatory & Development Authority Act, 1999: Its role and functions.
- Contract of Insurance: Classification of contract of Insurance- Nature of various Insurance
- Insurance Contract, Insurable Interest, Premium: Definition, method of payment, days of grace, forfeiture, return of premium, Meaning and scope of risk, Causa Proxima.

### **Module –IV Law of Insurance: Life Insurance, Fire Insurance, Marine Insurance**

- Nature and scope of Life Insurance- Kinds of Life Insurance.
- The policy and formation of a life insurance contract, Event insured against Life Insurance contract, Circumstance affecting the risk, Amount recoverable under the Life Policy, Persons entitles to payment, Settlement of claim and payment of money, Life Insurance Act, 1956
- Insurance against third party rights, General Insurance Act, 1972, The Motor Vehicles Act, 1988



- Nature and scope- Absolute or no-fault liabilities, third party or compulsory insurance of motor vehicles, Claims Tribunal, Public Liability Insurance, Legal aspects of Motor Insurance, Claims Own Damages Claims, Third Party Liability Claims.
- Fire Insurance: Nature and scope of Fire Insurance, Basic Principles, Conditions & Warranties Right & Duties of Parties, Claims, Some Legal Aspects.
- Marine Insurance: Nature and Scope, Classification of Marine policies, Insurable interest
- Insurable values, Marine insurance, and policy, Conditions and express warranties, Voyage deviation-, Perils of sea.

### Reference Books:

- Tannan's Banking Law and Practice in India, 23rd edition, by M.L. Tannan, Publisher: Lexis Nexis, Butterworths Wadhwa, Nagpur (2010).
- Insurance Law and Regulation: Cases and Materials, by Kenneth S. Abraham, Publisher: Foundation Press (2010).
- Insurance Law: Cases and Materials, by John Lowry, Philip Rawlings, Publisher: Hart Publishing (UK) (2004).
- Insurance Law: Doctrines and Principles, by Philip Rawlings, John P. Lowry, Publisher: Hart Publishing (UK) (2005).
- Reforming Maritime and Commercial Insurance Law, by Dr Baris Soyer, Publisher: Lloyd's List (2012).
- Tackling Insurance Fraud - Law and Practice, by Dexter Morse, Publisher: Lloyd's List (2004).
- Insurance Law: An Introduction illustrated edition, by Lord Justice Mance Iain Goldrein, Qc, Publisher: Lloyd's List (2012).
- The Law of Banking and Financial Institutions by Richard Scott Carnell, Jonathan R. Macey, Geoffrey P. Miller, Publisher: Aspen Publishers (2008).
- Ellinger's Modern Banking Law 0005 Edition by C. V. M. Hare, E. P. Ellinger, E. Lomnicka, Publisher: Oxford University Press (2009).
- Principles of Banking Law 0002 Edition by Ross Cranston, Publisher: Oxford University Press (2002).
- Policies and Perceptions of Insurance Law in the Twenty-First Century New Ed Edition by Malcolm Clarke, Publisher: Oxford University Press, USA (2007).
- Insurance and the Law of Obligations, by Jenny Steele, Rob Merkin, Publisher: Oxford University Press, USA (2013).
- Principles of Payment Systems by Robert S. Summers, James J. White Publisher: Thomson West (2008).
- Cases and Materials on Insurance Law by Leo P. Martinez, Publisher: West (2010).
- Marine Insurance: Law and Practice by F. D. Rose, Publisher: Lloyd's List (2012).
- RBI's Instructions for Banks and Banking Operations 7th Edition by Taxmann, Publisher: Taxmann Publications Pvt. Ltd. (2010).
- Supreme Court of Banking Law 4th Edition by S. N. Gupta, Publisher: Universal Law Publishing Co Ltd (2007).



- Law & Practices Relating to Banking 1st Edition by IIBF, Publisher: Macmillan Publishers India Ltd (2003).
- Insurance by Sean Connolly, Publisher: W.B. Saunders Company (2012).
- Why Are There So Many Banking Crises? The Politics and Policy of Bank Regulation, by Jean-Charles Rochet, ISBN Number: 0691131465, 9780691131467, 978-0691131467, Publisher: Princeton University Press (2008).
- Rethinking Bank Regulation 1 Pap/Cdr Edition by James R. Barth Gerard Caprio Ross Levine, ISBN Number: 052170930X, 9780521709309, 978-0521709309, Publisher: Cambridge University Press (2008).
- Marine Insurance: Law and Practice, by F. D. Rose, ISBN Number: 1843112477, 9781843112471, 978-1843112471, Publisher: Lloyd's List (2012).
- Insurance Industry in India: Features, Reforms and Outlook 1st Edition by, Uma Narang, ISBN Number: 817708352X, 9788177083521, 978-8177083521, Publisher: New Century Publications (2013).
- A Selection of Cases on the Law of Insurance by Edwin H. Woodruff, ISBN Number: 1407777610, 9781407777610, 978-1407777610, Publisher: Hardpress Publishing (2012).
- The Financial System and The Economy Principles of Money and Banking 5th Edition by Burton Maureen, Brown Bruce, ISBN Number: 8120339584, 9788120339583, 978-8120339583, Publisher: M.E. Sharpe (2009).

#### **Legislations:**

- Banking Regulation Act 1949
- Reserve Bank of India Act 1934
- Recovery of Debts due to Banks and other Financial Institutions 1993
- Securitization asset Recon construction and Enforcement of Security Intere3st 2002
- Insolvency and Bankruptcy Code 2016
- Foreign Exchange Management Act 1999
- Indian Contract Act and other substantive laws

#### **Cases:**

- Asian resurfacing of Road agency Pvt. Ltd v. Central bureau of Investigation (2018)
- UCO Bank v. Deepak Debbarama (2016)
- Sampelly Satyanarayana Rao v. Indian Renewable Energy Development Agency (2016)
- Manu Mathew v. Catholic Syrian Bank Ltd (2017)
- Shyampati Devi v. Nandlal Prasad And Others (2008)
- State Bank of India v. United Breweries Holdings Limited (2017)
- State Bank of Hyderabad v. Rabo Bank (2015)
- Iris Computers Ltd. v. State Bank of India (2019)
- Hindustan Construction Co. Ltd. v. State of Bihar & Ors (1996)
- National Thermal Power Corporation Ltd. v. Flowmore Pvt. Ltd. & Anr. (1995)
- ONGC v. SBI 2000 S



**(Specialization: Intellectual Property Rights)**

**Introduction to Intellectual Property Rights**

**Course Outline**

Faculty	Dr. Muhammed Aamir Khan	Year/Semester	LL. M.
Course Name	Introduction to Intellectual Property Rights	Period	1 <sup>ST</sup> Semester
No of Classes	48 Hours/ 32 Classes	Session Duration	90 Minutes

**Course overview:**

With rapid proliferation of science and technology, the world has taken a sharp turn towards knowledge based economy. The concept of Intellectual Property has evolved through time and the very nature of these intangible properties had made it necessary to develop new laws to protect such property. But do these outputs of intellect come under the traditional notion of property or is there at all a justification to protect all creative, innovative, aesthetic or distinctive IPs generated is a question that calls for attention.

This course is providing the basic knowledge of the subject. The course is an overview of the basic nature and concept of IP and its role in economy, the various kinds of IP and when they are protectable under law, the debates and discussions that are on-going in field of IPR.

**Course objectives:**

This course is an attempt towards imparting knowledge of various aspects of IPR Law.

- Building the foundation of IPR.
- Providing an understanding of various concepts of IPR Law. Justification of IPR as a property.
- Evolution of IPR Law with various treaties and conventions. Providing an understanding of IPR in diverse IP conventions through the legal perspective.
- Developing skills of analyzing of various IPR Laws.
- Improving the students' level of comprehension and interest in engaging with IPR laws and debating the same from the viewpoint of rights and as well as public interest.

**Pedagogy:**



Use of visual methods (Cisco Webex meetings). Visual lectures with power point presentation which would include learning by case studies and various conventions. Participatory and reflective learning through discussions which includes critical reflections on articles. Project work. Finally, the effort through this course is to inspire the student and build their skills, perspectives, capability and confidence in engaging with IPR Law and legal processes involved in it. This should contribute towards making not only a better student of IP law with an in depth understanding, but also to well verse in the recent amendments in the various Acts related to IPR to enhance the students vision and understanding encapsulated in the various provisions of the Constitution of India.

**Scheme of Evaluation:**

- |                             |           |
|-----------------------------|-----------|
| • Research Project          | 20 Marks  |
| • End-Semester Examination: | 80 Marks  |
| • Total                     | 100 Marks |

**Syllabus of Introduction to Intellectual Property Rights****Module I: Building the foundation of IPRs**

- Concept of property
- Various forms of property
- Nature of Intellectual Property Rights
- Justifications and rationale for IPRs – jurisprudential aspect.
- Role of Intellectual Property Rights in economic development

**Module II: International IP Regime**

- Historical Development of IPRs
- Paris Convention
- Berne Convention
- WIPO and agreements under it: WCT, PCT, Madrid, Hague.
- Budapest Treaty
- Trade Related Aspects of Intellectual Property Rights
- Convention on Biodiversity

**Module III: Basics of Patent, Trademark and Copyright**

- Subject Matter and Criteria for Patent protection
- Subject Matter and Criteria for Trademark protection
- Subject Matter and Criteria for Copyright protection

**Module IV: GI and Appellation of Origin**

- Defining GI and Appellation of Origin
- International Treaties on GI





- Registration and Protection of GI
- Case-laws and Controversies.

#### **Module V: Protection of Trade-secret**

- Why to Trade-secret information?
- Fundamentals of Trade-secret
- Misappropriation and remedies
- Role of Non-compete agreements in Trade-secret
- Case-laws

#### **Module VI: Biodiversity and IPR: Interface**

- Patent and Plants: TRIPs perspective
- Evolution of Sui Generis Model of Protection
- International Sui Generis Model Law: UPOV
- PPVFR Act : Varieties protected, Farmer's Rights and procedural details.

#### **Module VII: Law relating to Semiconductor Integrated Circuit**

- Definition clause.
- Salient Features of SICLD Act, 2000
- Procedural details

**(Specialization: Intellectual Property Rights)****Copyright Law****Course Outline**

Faculty	Ms. Debmita Mondal	Year/Semester	LL. M.
Course Name	Copyright Law	Period	1 <sup>ST</sup> Semester
No of Classes	48 Hours/ 32 Classes	Session Duration	90 Minutes

**Course objectives:**

- To understand the concept and evaluation of copyright law.
- To study the international legal instruments and the norm/rules set governing Copyright.
- To examine the concept of originality and its application on copyrightable subject matter.
- To study rights of copyright owner and analyze the commercialization of copyrighted work.
- To recognize the grounds of infringement of copyright its remedies and its exceptions.

**Scheme of Evaluation:**

- Research Project 20 Marks
- End-Semester Examination: 80 Marks
- Total 100 Marks

**Syllabus of Copyright Law****Module 1: Introduction**

- Concept of copyright
- Justification of copyright as an intellectual property.
- Historical development of copyright law
- Before advent of printing press
- After advent of printing press
  - Birth of Stationer's Co. 1556
  - Statute of Anne and its salient features.
  - The British Copyright Act 1911
- Indian History of Copyright Law:
  - Phase 1: Indian Copyright Act 1847
  - Phase 2: Copyright Act, 1914.
  - Copyright Act 1957
  - Copyright Amendment Act 2012.



## **Module II: International Legal Instruments Relating to Copyright law**

- The Berne Convention for the Protection of Literary and Artistic Works, 1886.
- Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961).
- Universal Copyright Convention, 1952
- Trade Related Aspects of Intellectual Property Rights, 1995. (TRIPs)
- WIPO Performances and Phonograms Treaty, 1996 (WPPT)
- WIPO Copyright Treaty, 1996 (WCT)
- The Beijing Treaty on Audiovisual Performances
- Marrakesh Treaty to Facilitate Access to Published Works for Persons, Who Are Blind, Visually Impaired or Otherwise Print Disabled, 2013

## **Module III: Subject and Criteria of Protection under Copyright law**

- Concept of Originality
- Idea Expression dichotomy and Merger Doctrine
- Fixation as a requirement
  - Works Protected
  - Literary, musical, artistic, dramatic works
  - Sound recording
  - Computer Programs and database
  - Cinematograph films

## **Module IV: Exclusive rights and related rights relating to Copyrighted work**

- Economic Rights of Owner
- Moral Rights of Author
- Related Rights
  - Performer's Right
  - Broadcasting Organization's Right

## **Module V: Commercial dealing with Copyrighted Work**

- Who is an owner?
- Duration of copyright
- Assignment of Copyright
- Licensing of copyright
  - Voluntary
  - Compulsory
  - Statutory

## **Module VI: Infringement of Copyright, Remedies and Exceptions**

- Elements of infringement of copyright
  - Who can sue? Burden of Proof?
  - Secondary liability for infringement
  - Exceptions: Purpose and usage of fair dealing – fair use.
- Remedies for infringement



- Civil remedies
- Criminal Remedies
- Administrative remedies

### **Module VII: Contemporary Issues in Copyright Law**

- Copyright: A human right and Free Speech implications
- First Sale Doctrine and Exhaustion of Copyright
- Copyleft and software licensing
- Copyright and AI
- Blockchain and Copyright Management



**(Specialization: Intellectual Property Rights)**

**Introduction to Trade Marks Law**

**Course Outline**

Faculty	Mrs. Debmita Mondal & Mr. Atul Jaybhaye	Year/ Semester	LL. M.
Course Name	Introduction to Trade Marks Law	Period	1 <sup>ST</sup> Semester
No of Classes	48 Hours/ 32 Classes	Session Duration	90 Minutes

**Course overview:**

A trademark mark is a word, name, symbol, or device used to indicate the source, quality and ownership of a product or service. A trademark used in the marketing is recognizable sign, design or expression which identifies products or service of a particular source from those of others. The trademark owner can be an individual, business organization, or any legal entity. A trademark may be located on a package, a label, a voucher or on the product itself. A trademark provides protection to the owner of the mark by ensuring the exclusive right to use it, or to authorize another to use the same in return for payment. The period of protection varies, but a trademark can be renewed indefinitely beyond the time limit on payment of additional fees. In a larger sense, trademarks promote initiative and enterprise worldwide by rewarding the owners of trademarks with recognition and financial profit. Trademark protection also hinders the efforts of unfair competitors, such as counterfeiters, to use similar distinctive signs to market inferior or different products or services. The system enables people with skill and enterprise to produce and market goods and services in the fairest possible conditions, thereby facilitating international trade.

With the advent of WTO, the law of trade marks is now modernized under the Trade Marks Act of 1999 along with the Rules thereunder and is in harmony with two major international treaties on the subject, namely, The Paris Convention for Protection of Industrial Property and TRIPS (Trade Related Aspects of Intellectual Property Rights) Agreement. Trademarks being an important aspect of the intellectual property, students need to be well versed with the conceptual and legal framework, and procedural requirements relating to trade marks. Therefore, the course curriculum is designed in such a way wherein students will be able to

grasp theoretical and practical aspects of trademark law.

### Course objectives:

- To introduce the students to the concept of ‘trademark’ and ‘trademark law’ in comprehensive manner as envisaged under the Trademark Act,1999.
- To familiarize the students with the International regime for the protection of Trademarks and its due observance in national legislations.
- To reflect upon new jurisprudence evolved by Indian judiciary in relation to Trademarks Law.
- To enable the students to critically appreciate the emerging issues in trademark law.

### Learning outcomes:

After the successful completion of Course Curriculum, a student will be able to:

- Identify and describe the basic requirement of trademarks protection.
- List out the rights enjoyed by trademarks owners.
- Apply the principles of trademarks protection to legal problems correctly.
- Analyse the principles related to infringement of trademarks and passing off.
- To know and understand the emerging issues and challenges involved under trademark law.

### Pedagogy:

The teaching methods will include Lectures, Power Point Presentations, documentaries, discussion and debate on various topics under the Trademark Law and allied issues.

### Scheme of Evaluation:

- |                             |           |
|-----------------------------|-----------|
| • Research Project          | 20 Marks  |
| • End-Semester Examination: | 80 Marks  |
| • Total                     | 100 Marks |

## Syllabus of Introduction to Trade Marks Law

### Module I- Introduction

- Meaning, Characteristics & functions of Trademarks
- Evolution of Trademark law in India.
- International Developments & Dimensions of Trademark Protection:
  - Paris Convention for the Protection of Industrial Property, 1883.
  - Trade Related Aspects of Intellectual Property Rights (TRIPS), 1995.
  - Madrid System for International Registration of Marks.



- Trademark Law Treaty, 1994.
- Nice Agreement, 1957 (Nice classification of classes of goods and services).
- Vienna Agreement, 1973 (Vienna Classification).
- Categories of trademarks
  - Conventional trademarks: Well-known marks, certification marks, collective trademarks, series trademark and associated trademarks.
  - Non-Conventional trademarks: Sound marks, taste marks, olfactory marks.

### **Module II- Creation of Trademark and Bars to Protection**

- Creation of trademarks:
  - The distinctiveness spectrum
  - Concept of Acquired distinctiveness and Generic marks
- Bars to Protection:
  - Absolute grounds for refusal
  - Relative grounds for refusal

### **Module III - Registration of Trademarks and Procedure**

- Procedure of registration
- Honest & concurrent use
- Effects of registration
- Licensing of trademark
- Assignment of trademark

### **Module IV - Scope & Enforcement of Registered Trademark**

- Infringement of trademarks
- Protection of well-known trademarks
- Defenses against trademark infringement

### **Module V - Enforcement of Unregistered Trademarks: Passing Off**

- General principles
- Evidences in passing off action
- Difference between infringement and passing off

### **Module VI - Remedies Against the Infringement and Passing Off**

- Civil
- Criminal
- Administrative

### **Module VII- Contemporary Issues in Trademark Law**

- Parallel importation and its legality under the Act
- Disparagement & Comparative advertisement



- Character and celebrity merchandising
- TM and Pharmaceutical industry
- TM and Blockchain Technology
- Plain packaging and impact of trademark law

### References:

#### Books:

- Ashwani Kumar Bansal, Law of Trademarks in India, 1st ed., Commercial Law Publishers Pvt. Ltd. (2003).
- Cornish and Llewelyn, Intellectual Property: Patents, Copyrights, Trademarks and Allied Rights, 1st ed., Sweet and Maxwell (2007).
- Correa M. Carlos, Oxford Commentaries on the GATT/WTO agreements: Trade Related Aspect of Intellectual Property Rights, 1st ed., Oxford Press (2007).
- Dana Shilling, Essentials of Trademarks and Unfair Competition, 1st ed., Wiley (2006).
- Deborah E. Bouchoux, Intellectual Property, 1st ed., Thomson Legal Studies (2005).
- Jeremy Phillip, Trademarks Law: A Practical Anatomy, 1st ed., Oxford Press (2003).
- K. C. Kailasam and Ramvedaraman, Law of Trade Marks and Geographical Indications: Law, Practice and Procedure, Second Edition (Reprint), Wadhava Nagpur (2007).
- Narayanan P.S., Law and Trademarks and Passing Off, 5th Ed. Eastern Law House (2000).
- Rodney D Ryder, Trademarks Advertising and Brand Protection, 1st ed., MACMILLAN India Ltd. (2006).
- V. K. Ahuja, Intellectual Property Rights in India, 1st ed., Volume 1, Lexis Nexis Butterworths Wadhva (2009).

#### Cases:

- Amritdhara Pharmacy vs Satyadeo Gupta 1963 AIR 449
- Atlas Cycle Industries Ltd. v. Hind Cycles Limited ILR 1973 Delhi 393
- Cadbury India Limited and Ors. v. Neeraj Food Products 2007 (35) PTC 95 Del
- Cadila Healthcare Ltd. v. Cadila Pharmaceutical Ltd. 2007 (35) PTC 95 Del
- Colgate Palmolive Company and Anr. v. Anchor Health and Beauty Care Pvt. Ltd.
- Corn Products Refining Co. v. Shangrila Food Products Ltd. (1929) 4 RPC 11 (2)





- Erwen Warnink BV v. J.Townend & Sons 1979 (2) AER 927
- ITC Ltd. v. Britannia Industries CS (COMM) 1128/2016
- James Chadwick & Bros. Ltd. v. The National Sewing Thread Co. Ltd 1953 SCR 1028
- Kaviraj Pandit Durga Dutt Sharma v. Navratna Pharmaceutical Laboratories 1997 PTC (17)(DB) 779
- Listen Ltd. V. Harley (1929) 4 RPC 11 (2)
- Mattel, Inc. & Anr. v. MS. Aman Bijal Mehta & Ors. CS(COMM) 803/2017
- Milmet Oftho Industries and Others vs. Allergan Inc. (2004) 12 SCC 624
- N. R. Dongre v. Whirlpool Corporation 1996 PTC (16) 583 SC
- Nirma Ltd. v. Nimma International and another 2010 (42) PTC 307 (Del)
- Reckitt & Colman Products Ltd. v. Borden Inc. (1940) 42 BOMLR 734
- S. Syed Mohideen v. P. Sulochana Bai 2016 (66) PTC 1
- Shoppers Stop Ltd. V. Vinod Shopper's Stop CS No. 458 of 2015 Delhi HC
- Sunil Mittal v. Darzi on Call CS (Comm) No. 1381/2016.
- Yahoo! Inc. vs Akash Arora (1999) [78 (1999) DLT 285]

**(Specialization: Technology and Law)****Information Technology and Law****Course Outline**

Faculty	Mrs. Priyanka Dhar	Year/Semester	LL. M.
Course Name	Information Technology and Law	Period	1 <sup>ST</sup> Semester
No of Classes	48 Hours/ 32 Classes	Session Duration	90 Minutes

**Course overview:**

Information and Communication Technology (ICT) as developed tremendously over the last two decades. This is visible from the fact that individuals, institutions, organizations as well as nations largely depend upon ICT for day to day dealings. Today, individuals, groups, countries, and international organizations actively promote the use of and controlling of the flow of information across national boundaries. Conflicts over control of information flows help characterize who possesses the power in the global information economy. Internet has proved to be the biggest enabler of globalization. It is the single handedly responsible for facilitating global information flow and has become a profound transformative force that puts in picture day's commerce, culture, education, politics, and war. And this necessities enforcing of legal sanctions considering the damages it can unleash if left unbridled for the nations to use at their whims and fancies. New laws are being enacted and existing laws are being amended to suit the new technological world. Technology which has tremendous use has also equal potential to be misused. To a person unaware of these areas where and the ways in which technology can be and is being misused, life becomes difficult. Therefore, it is very much necessary to know whether an act done using latest technology is legally recognized.

The present course is designed specially to address these to important requirements without being technical and to educate the students about the practical aspects of information technology, while emphasis on legal intricacies.

**Course objective:**

Information technology regulation operates across jurisdictions, and a inter mingling of regulatory responses occurs at the interface between domestic, regional and international law. Given the fast-paced nature of IT law, it is expected that the students will be able to understand current and historic regulatory approaches, to better engage with emerging and future issues too.

Also through this course, the students will understand legal ramifications of cyberspace and the digitization and virtualization of everyday activities, including regulation by law and code, intellectual property in cyberspace, illegal file sharing, content liability, cybercrime, online privacy and cloud computing. Sources will be drawn from the legal systems of UK, the US, the EU, and Indian jurisdictions.

**Learning outcomes:**

On completion of this course, the students will be able to:

- Exhibit comprehensive and accurate knowledge and understanding of those areas of information technology law identified in the indicative syllabus above and form a reasoned critical judgment on areas of difficulty and uncertainty in IT Law;
- Demonstrate a sound knowledge and critical understanding of social and economic policy considerations arising in this area.
- Critically analyze complex problems in relation to the use of information technology, apply the legal principles studied to these problems, evaluate the merits of alternative solutions to the same problem and present well supported conclusions both orally and in writing;

**Pedagogy:**

Considering that the classes will be conducted through online mode the mode of teaching will as of now essentially consist of:

- Lectures with power point presentations;
- Guided reading and critical reflection of case laws;
- Class discussion
- A dedicated time slot for Q&A session.

**Scheme of Evaluation:**



- Research Project 20 Marks
- End-Semester Examination: 80 Marks
- Total 100 Marks

## **Syllabus of Information Technology and Law**

### **Module I - Introduction of Information Technology**

- Introduction to Information technology and I. T. Law
- Introduction digitization
- Legal challenges of the information society
- Cyber libertarianism & cyber paternalism
- Lessig's model of regulation
- Regulators in cyberspace – state and private entities
- Harmful content in Internet and Regulation of Internet
- Jurisdictional Issues in Cyber Space and International Law
- Interface of information technology and law; current challenges – mobiles, cyber security, cloud computing
- Information Technology Act
  - Enactment of Information Technology Act, 2000
  - Overview of the I.T. (Amendment) Act, 2008
  - Act Authorities under the Act
  - Intermediary Liability under the Act

### **Module II - Cyber Crime Challenge**

- Challenges to Criminal Justice System
- Essential Ingredients of Crime
- Convention on Cybercrime
- Censorship – Indecency – Pornography – Determination of Standards
- Obscenity, Child Abuse, Child Pornography
- Computer Misuse – Identity Theft, Grooming and Harassment
- Against any individual – by grooming, cyber stalking (harassment etc.), phishing, dissemination of obscene material, defamation, hacking/cracking, morphing etc.
- Against individual property – by transmitting virus, net trespass, mail bombing, hacking/cracking etc.



- Against Organization – hacking/cracking, possession of unauthorized information, DOS, distribution of pirated software, web jacking, Bandwidth theft etc.
- Against Society at large – Pornography specially child pornography, Cyber terrorism etc.
- Denial of Service Attack, Cyber Crime related with Finance

### **Module III - Applicability of Other Laws On E-Commerce**

- UNCITRAL Model Law on Electronic Commerce, and e-signatures (1996 and 2001);
- Kinds of Contracts -email, web contracts, Standard form contracts Formation of E-contracts - application of The Contract Act, 1872 viz a viz ss.10A,11-13 IT Act
- United Nations Convention on the Use of Electronic Communications in International Contract 2005

### **Module IV - Regulation of The Internet and Legal Issues**

- Internet regulation and the rise, fall, and rise of .com
- Contractual liability for defective software
- Non-contractual liability
- Defamation and the Internet

#### **Reference Books:**

- Internet Law and Practice by International Contributors, West Thomson Reuters, South Asian Edition (2013)
- Kamlesh K Bajaj, Debjani Nag, E-commerce: the cutting edge of business, 2nd Ed. (2005)
- L Lessig, Code 2.0 (Basic Books, 2006, available as a free e-book) C Reed, Making Laws for Cyberspace (OUP, 2012) and I Brown and C Marsden, Regulating Code (MIT Press, 2013).
- Murray A. (2016) Information Technology Law: The law and society, 3rd ed., OUP, Lloyd I Information Technology Law (8th edn, 2017), OUP
- Savin A (2017), EU Internet Law, 2nd ed., Edward Elgar.

#### **Articles:**



- Reading the Constitution in Cyberspace," Lawrence Lessig, Emory Law Journal, volume 45, number 3, Summer, 1996, pages 869-910.
- "China's New Internet Regulations: Two Steps Forward, One Step Back," Zixiang (Alex) Tan, Milton Mueller, and Will Foster, Communications of the ACM, volume 40, number 12, December, 1997, pages 11-16.
- Nishith Desai, E-commerce in India – Legal, tax and regulatory analysis available at [http://www.nishithdesai.com/fileadmin/user\\_upload/pdfs/Research%20Papers/E-Commerce\\_in\\_India.pdf](http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research%20Papers/E-Commerce_in_India.pdf)
- Cyber Laws of India, [www.iibf.org.in/documents/Cyber-Laws-chapter-in-Legal-Aspects-Book.pdf](http://www.iibf.org.in/documents/Cyber-Laws-chapter-in-Legal-Aspects-Book.pdf) (Book on IT security of IIBF published by Taxmann Publishers)
- Michael Gisler et. Al., "Legal Aspects of Electronic Contracts", available at <http://kavehh.com/my%20Document/Essex/Digital%20signature/legal%20aspect%20of%20Electronic%20Contracts.pdf>
- László Z. Karvalics, "Information Society – what is it exactly? (The meaning, history and conceptual framework of an expression)" available at [http://www.ittk.hu/netis/doc/ISCB\\_eng/02\\_ZKL\\_final.pdf](http://www.ittk.hu/netis/doc/ISCB_eng/02_ZKL_final.pdf)
- T.B Rajasekhar, "Introduction to Internet", available at <http://ncsi-net.ncsi.iisc.ernet.in/gsdl/collect/drtbrara/index/assoc/HASH01db.dir/doc.pdf>
- "The History of Information Super Highway" available at <http://www.hoboes.com/NetLife/Children/history.html>
- Lawrence Lessig, "The Laws of Cyberspace" available at [http://www.lessig.org/content/articles/works/laws\\_cyberspace.pdf](http://www.lessig.org/content/articles/works/laws_cyberspace.pdf)
- Code and Other Laws of Cyberspace by Lawrence Lessig, available at <http://www.accesswave.ca/~hgunn/special/papers/lessig/>

### List of Cases:

- Syed Asifuddin v. State of Andhra Pradesh, 2005 CriLJ 4314
- Diebold Systems Pvt. Ltd. vs The Commissioner, ILR 2005 KAR 2210
- ACLU v Reno II US Ct App (3rd Cir 2000)
- Yahoo v. LICRA
- Shreya Singhal v U.O.I, SC decided on 24/03/2015
- Zippo Manufacturing v. Zippo. Com
- Banyan Tree Holding Pvt. Ltd v. A. Murali Krishna Reddy and An



- ProCD Inc v Mathew Zeidenberg and Silken Mountain Web Services Inc No 96–1139 US Ct App (7th Cir)
- My Space Inc. v. Super Cassettes Industries Ltd., Delhi (DB), FAO(OS) 540/2011, C.M. APPL.20174/2011
- Amit Dilip Patwardhan v. Rud India Chains Pvt. Ltd., Adjudicating Officer, decided on 15/04/2013
- US v. Morris
- Avnish Bajaj v. State, Delhi HC decided on 29/05/2008
- United States v Thomas 74 F 3d 701 (6th Cir 1995)
- Sanjay Kumar v State of Haryana P &H CRR No. 66 of 2013
- Viacom v. Google
- State of A.P. through Inspector of Police, Cyber Crimes P.S., CID, Hyderabad v. Prabhakar Sampath, Add. CMM Hyderabad, decided on 31/03/2015
- Aveek Sarkar v. State of West Bengal (SC) Criminal Appeal no. 902 of 2004 decided on 3/2/2014
- NAASCOM v. Ajay Sood, 119 (2005) DLT 596
- Maqbool Fida Husain v. Raj Kumar Pandey, Delhi HC decided on 8/5/2008
- Trimex International Fze ... v. Vedanta Aluminium Limited, India decided on 22 January, 2010 (SC)
- World Wrestling entertainment v. Reshma Collections, FAO (OS) 506/2013 in CM Nos. 17627/2013.
- P.R. Transport Agency v. Union of India, AIR 2006 All 23.



(Specialization: Technology and Law)

## Privacy Law and Data Protection

### Course Outline

Faculty	Mr. V. Suryanarayan Raju	Year/Semester	LL. M.
Course Name	Privacy Law and Data Protection	Period	1 <sup>ST</sup> Semester
No of Classes	48 Hours/ 32 Classes	Session Duration	90 Minutes

#### Course overview and objectives:

In this course we will see the conceptual & practical understanding of the laws relating to Privacy and data protection. The understanding of privacy laws and data protection will enable us to gain knowledge on personal information, its protection, remedies for unauthorized access and informational privacy. By running this course, we will be able to see the background and historical aspects of this Law. Next, we will thoroughly examine the Indian and global perspective on the privacy and data protection law. Finally, the learners will be able to understand the basic notions of this law and it will give the capability to do further research on aspects of law & Policy relating to Privacy Law and Data Protection.

#### Learning outcomes:

- Enhance the knowledge on Privacy Laws and Data Protection.
- To make familiar with world data protection and privacy laws.
- To make competent in understanding of various concepts of Data Protection Laws and privacy Law.
- To identify the Laws & Regulations relating to data protection & privacy
- Identification of the privacy obligation & managing compliance issues relating to privacy laws and data protection

#### Scheme of Evaluation:

- Research Project 20 Marks
- End-Semester Examination: 80 Marks
- Total 100 Marks

### Syllabus of Privacy Law and Data Protection





## **Module I - Introduction of the Privacy Laws & Data protection**

- Introduction to the Privacy laws
- Overview of the Privacy laws: It's aim, scope, Objectives
- Introduction to the Data Protection
- Overview of the Data Protection Laws: It's aim, scope, Objectives
- Indian Constitutional Obligation Vs Privacy Laws Vs Data Protection.
- Global constitutional obligations Vs Privacy Laws Vs Data Protection
- Cases:
  - M P Sharma v. Satish Chandra
  - Kharak Singh v. State of UP.
  - Justice K S Puttaswamy v. Union of India.

## **Module II – Privacy Law in Context**

- History of the Privacy Law: An Indian & Global perspective.
- Protection of Personal Information: It's importance.
- Laws relating to regulation & Upregulation of Privacy laws in India.
- The European Union Global Data Protection Regulation: It's impact on Privacy.
- The present stand on privacy laws in India.

## **Module III – Data Protection Law in Context**

- History of Data Protection Law: An Indian & Global perspective.
- Data Privacy Vs Informational privacy.
- Interrelationship of Data Protection Law:
  - Human Rights.
  - Labour Law
  - Administrative Law
  - Corporate Law
  - Other Legal Fields.
- Regulatory Logic of Data Protection Law.
- Enforcement of Data Protection Law.
- Inter-Legal aspects of Data Protection Law.
- Cyber security: It's challenges.

## **Module IV - Indian perspective on privacy Law and Data Protection**

- Privacy Law in India: Legislative action & Judicial reaction
- Data protection Law in India: Legislative action & Judicial reaction.



- Data security.
- Processing of the personal data.
- Rights of the Individuals & Entities on processing of personal data.
- Remedies for unauthorized processing.

**Reference materials :**

- Privacy and Freedom by Alan F westin.
- Understanding privacy by Daniel J Solove (2008)
- The Right to Privacy in India: Concept and Evolution by Ravinder Kumar & Gaurav Goyal.
- The European General Data Protection Regulation
- The American federal legislations.
- The Indian data protection bill, 2019.
- Information Technology Act, 2000.

**(Specialization: Technology and Law)****Artificial Intelligence and Law****Course Outline**

Faculty	Mr. V. Suryanarayan Raju	Year/Semester	LL. M.
Course Name	Artificial Intelligence and Law	Period	1 <sup>ST</sup> Semester
No of Classes	48 Hours/ 32 Classes	Session Duration	90 Minutes

**Course overview and objectives:**

This course will provide a remarkable experience on facets of Artificial Intelligence law and will sensitize the students over the legal complexities surrounding the Artificial Intelligence Law. Further it will provide a broad understanding on ethical, legal, policy, and compliance regulatory measures. However, this course will try to examine practical challenges in the Artificial Intelligence Law and will analyze the paradigm shift over its growth.

Further this course will sensitize pragmatic analysis of the legal perspectives of Artificial Intelligence and will encourage to do legal research in the field of Artificial Intelligence Law & Policy.

**Learning outcomes:**

- This course will give enhance knowledge on Artificial Intelligence Law and its related aspects like block chain, Big Data, online platforms etc.
- The students will be well versed with the Indian and global perspective on this law.
- The students will understand the facets of various compliance regulatory measures in the Artificial Intelligence Law.
- The students will be ready to do research in the field of law & policy relating to Artificial Intelligence.

**Scheme of Evaluation:**

- Research Project 20 Marks
- End-Semester Examination: 80 Marks
- Total 100 Marks



## Syllabus of Artificial Intelligence and Law

### Module I - Introduction of the Artificial Intelligence and Law

- Introduction to Artificial Intelligence.
- Introduction to machine learning, Algorithms.
- Introduction to algorithmic discrimination.
- History of Artificial Intelligence
- Proposing and evaluating AI applications
- Case study: Google Duplex

### Module II – Search and planning of AI

- Artificial Intelligence Vs Consumer protection
- National Security and artificial intelligence
- Heuristic search strategies
- Rationale, planning and scheduling of Artificial Intelligence

### Module III – AI Law Vs Other Laws

- Legal trends in the AI industry
- Artificial Intelligence Vs IP transactions
- Artificial Intelligence Vs Anti-Trust aspects.
- AI system vs financial service regulations

### Module IV - Artificial Intelligence: National and International perspective

- Need for the Model Law on Artificial Intelligence
- Artificial Intelligence Law and its development in India.
- Artificial Intelligence Law and its development in United stated of America.
- Artificial Intelligence Law and its development in other jurisdictions.