

**CONSOLIDATED CURRICULUM FOR  
SEMESTER – I | LL.M.  
(JULY-DEC. 2023)**

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**RESEARCH METHODS AND LEGAL WRITING (COMPULSORY)**  
**(SESSION: JULY-DECEMBER 2023)**  
**SEMESTER 1 | LL.M**

<b>Faculty</b>	Dr. Kaumudhi Challa	<b>Year/ Semester</b>	Year-I/Semester-I
<b>Course Name</b>	Research Methods and Legal Writing	<b>No. of Credits</b>	4
<b>Pre-requisite</b>	None	<b>No. of Sessions</b>	60
<b>No of Contact Hours (Week)</b>	05	<b>Each Session Duration</b>	60 Minutes

**Course Outline:**

Research is a desire to search or to find out or to explore an unknown area in order to find an answer. It is a quest for acquiring knowledge. Research is a careful investigation or inquiry especially through search for new facts in any branch of knowledge. Legal Research means research in law which deals with the principles of law and legal institutions. The objective may be to discover new facts or to verify the existing facts, to propound a new legal concept or to analyze existing law and give suggestions for a new law. In order to carry out a research to completion successfully a researcher must be aware of the research methods i.e. the method of doing research. A research method is a systematized investigation to gain new knowledge about the phenomena or problems. It is the technique of conducting research and study of the technique of doing research is research methodology. In a broader sense the research methodology includes the research methods as well as the philosophy and practice of the whole research process. A good research method is crucial for conducting proper research and getting useful results. This course is designed to give an insight into the meaning and significance of research methods for legal research to the law students in contemporary times. It aims to provide an understanding of various types of research methods and the different techniques of legal research and legal writing with a view to equip the students for further research in law.

**Objectives**

**CO1-** To enable the students to understand and appreciate the significance of research in legal studies.

**CO2-** To enable the students to understand the importance of interdisciplinary research involving other disciplines such as sociology, political science, other sciences and law.

**CO3-** To make the students aware of the different types of research methods and their importance, not only in legal studies but also for the society, economy and polity as whole.

**CO4-** To help the students to know the significance of doctrinal method in law.

**CO5-** To enable the students to know the importance of non-doctrinal research and its relevance in contemporary times

**CO6-** To develop an understanding of the technique of legal research writing and research proposal.

To make the students understand the practical applications of the theoretical aspects and principles of research and to make the subject interesting the course will be taught through examples, lectures, debates, and discussion on issues of national and international importance.

### **Learning Outcomes:**

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

**LO1-** comprehend the importance of research in creation and dissemination of knowledge in law and other allied subjects;

**LO2-** recognize the significance of interdisciplinary research in promoting social values

**LO3-** understand and learn various methods and techniques of doing research in law and other social sciences following appropriate methods and approaches;

**LO4-** identify major problems affecting our society, economy and polity and apply the methods, tools and techniques learnt to come out with relevant research studies and solutions to resolve those problems;

**LO5-** understand the ethical norms of research and underlying moral principles of publication of research works

**LO6-** follow the rules of uniform citation, form and content of different types of research works

**Scheme of Evaluation:**

	<b>Component</b>	<b>Marks</b>	<b>Total</b>
	Written Project (Written + viva)	15 + 5	20
	End-term Examination	80	80
			<b>100 Marks</b>

**COURSE PLAN:**

<b>S.No./MODULE</b>	<b>TOPICS</b>	<b>LECTURE SESSIONS</b>
<b>1.</b>	Research & Legal Research: An Introduction	07
<b>2.</b>	Interdisciplinary Research	03
<b>3.</b>	Research Methods and Application in Law	08
<b>4.</b>	Major Steps in Legal Research	15
<b>5.</b>	Data Collection and Analysis of Data	15
<b>6.</b>	Legal Research Report Writing	04
<b>7.</b>	Developing a Good Research Proposal	03

**Detailed Syllabus of Research Methods and Legal Writing**

<b>Module</b>	<b>Course Description</b>	<b>No. of Hours</b>
<b>Module 1</b> <b>RESEARCH &amp; LEGAL RESEARCH: AN INTRODUCTION</b>	1.1 Definition and Meaning of Research, Objectives, Motivation and Significance of Research 1.2 Types of Research – Theoretical vs. Empirical, Descriptive vs. Analytical, Fundamental vs. Applied, Quantitative vs. Qualitative and other	7

	<p>types like Historical and Action Research</p> <p>1.3 Scientific Method and Research- Characteristics, Induction and Deduction Approaches, Research and Logic</p> <p>1.4 Definition and Meaning of Legal Research, Objectives, Motivation, and Significance of Legal Research</p> <p>1.5 Research Values and Publication Ethics</p>	
<p><b>Module 2</b></p> <p><b>INTERDISCIPLINARY RESEARCH</b></p>	<p>1.6 Interdisciplinary Research- Meaning and Significance</p> <p>1.7 Interdisciplinary Research in Law- Some examples</p> <p>1.8 Interdisciplinary Research and Challenges</p>	3
<p><b>Module 3</b></p> <p><b>RESEARCH METHODS &amp; APPLICATION IN LAW</b></p>	<p>3.1 Doctrinal or Traditional Research Methods - Meaning of Doctrinal Research, Features of Doctrinal Research, Merits and Demerits of Doctrinal Research in Law</p> <p>3.2 Non-Doctrinal or Empirical Legal Research - Meaning of Non-Doctrinal Research, Features of Non-Doctrinal Research, Merits and Demerits of Non-Doctrinal Research in Law</p> <p>3.3 Other Methods- Survey Method: Census and Sample Survey, Case Study Method, Historical and Ethnographic Methods</p>	8
<p><b>Module 4</b></p> <p><b>MAJOR STEPS IN RESEARCH</b></p>	<p>4.1 Research Problem: Identifying and defining the Research Problem, Steps in Problem Formulation, Significance of Research Problem, Rationale of Study</p> <p>4.2 Review of Literature and Identification of Research Gaps, Significance of Review of Literature, Steps involved in Review of Literature</p> <p>4.3 Formulation of Objectives</p> <p>4.4 Hypothesis: Meaning, Importance, Formulation of Hypothesis, Types of Hypothesis in Legal Research( only overview), Sources of Hypothesis, Characteristics of a Good Hypothesis</p> <p>4.5 Research Design: Meaning and Significance of Research Design, Working out a Research Design, Types of Research Design</p>	15

<b>Module 5</b> <b>DATA COLLECTION AND ANALYSIS &amp; INTERPRETATION OF DATA</b>	5.1 Data Collection in Doctrinal Research: Meaning of Data, Types of Data, Primary and Secondary Sources of Data; Data Analysis, Interpretation and Drawing of inferences 5.2 Data Collection in Non-Doctrinal Research: Primary and Secondary Sources of Data, Meaning of Universe, Population and Sample, Importance of Sampling, Types of Sampling (as more than 50 types are there, only some important types will be dealt in class), Difference between sampling method and census method 5.3 Methods and Tools of Data Collection in Non-Doctrinal Research: Interview Method and Interview Schedules; Questionnaire Method and Questionnaire; Observation Method and Observation Schedule 5.4 Analysis and Interpretation of Data in Non-Doctrinal Research 5.5 Importance of SPSS ( Statistical Package for Social Sciences) in Research	15
<b>Module 6</b> <b>LEGAL RESEARCH REPORT WRITING</b>	5.1 Research Report Writing- Meaning and Significance 6.1 Steps in Research Report Writing, Contents and Criteria of Good Legal Research Report 6.2 The Problem of Plagiarism 6.3 Citation Methods: Footnotes, End Notes, References and Bibliography 6.4 Citation Styles: MLA, Blue Book Citations 6.5 Various Library Reference Tools- Mendeley, Zotero etc.	04
<b>Module 7</b> <b>DEVELOPING A GOOD RESEARCH PROPOSAL</b>	7.1 The Layout of a Research Proposal 7.2 The Feasibility of the Project Proposal	03
	Tutorials Total	55 05 60

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5. Kumar, Ashok. *Legal Method, Legal Systems and Legal Research*, 1<sup>st</sup> Edition, New Delhi: K.K. Publications, 2014.
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15. Wilkinson, T. S. And P. L. Bhandarkar. *Methodology and Techniques of Social Research*, New Delhi: Himalaya Publishing House, 2010.

**Suggested Readings:**

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2. Anwarul, Yaqin. *Legal Research and Writing Methods*, Lexis- Nexis, 2008.
3. Brayne, H., N. Duncan and R. Grimes. *Clinical Legal Education Active Learning in Your Law School*, Oxford University Press, 1998.
4. Donna M. Mertens, Pauline E. Ginsberg. *The Handbook of Social Research Ethics*, SAGE, 2009.

5. Durstan, Anderson J and B. H. Pooli. *An Introduction to Ethical, Safety and Intellectual Property Rights Issues*, Padma Nambisan, Elsevier, 2017.
6. Frans L. Leeuw, Hans Schmeets. *Empirical Legal Research*, Cheltenham, U.K.: Edwards Elgar Publishing, 2016.
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8. Goode, W. J. and Hatt P. K. *Methods of Social Research*, New York, McGraw Hill, 1962.
9. Knowles John. *Effective Legal Research*, 4<sup>th</sup> Edition, Sweet & Maxwell, 2016.
10. Nadia, E. Nedzal. *Legal Reasoning, Research and Writing for International Graduate Students*, 2<sup>nd</sup> Edition, New York: Wolters Kluwer, Aspen Publishers, 2008.
11. Rohila Pradeep, *Research Methodology*, New Delhi: APH Publishing Corporation, 2010.
12. Saha, Tushar Kanti. *Textbook on Legal Methods, Legal Systems and Research*, new Delhi: Universal Law Publishing Co., 2010.





**LAW AND JUSTICE IN A GLOBALISING WORLD (COMPULSORY)**

**SEMESTER 1 | LL.M  
SYLLABUS  
(SESSION: JULY-DECEMBER 2023)**

<b>Faculty Name</b>	Prof. (Dr)Vishnu Konoorayar	<b>Year/ Semester</b>	1
<b>Course Name</b>	Law and Justice in a Globalising World	<b>No. of Credits</b>	4
<b>Course Code</b>	NA	<b>Session Duration</b>	60 Minutes
<b>No of Contact Hours</b>	40 Lectures + 10 Tutorials =50 hours	<b>Pre-requisite</b>	None
<b>Introduction, Course Objective &amp; Pedagogy</b>	<p>This course builds on various branches of law and the ideas of justice and fairness acquired by students at the undergraduate level. It examines the impact of globalisation, along with its institutional, normative, and processual characteristics, on ‘what is justice’ at transnational, regional, national, sub-national and individual levels. This course will cover the debates surrounding globalisation, its shifting definitions and interpretations, and its effects on the concept of sovereignty, community and individual rights. It will enable students to understand how the Indian legal system and other national institutions must evolve in order to protect the constitutional allocation of rights and duties in the context of globalisation. The course aims to equip students with a nuanced understanding of the complexities of the subject and enable them to develop innovative solutions to contemporary problems. In this regard, this course has the following goals:</p> <ul style="list-style-type: none"> <li>• <b>CO1-</b> To understand the process of globalization and its impact on law and justice from a historical to contemporary perspective.</li> <li>• <b>CO2</b> - To critically analyse the concept of justice and the mechanisms designed to achieve it.</li> <li>• <b>CO3-</b> To evaluate the demands for change in the contemporary globalised legal order.</li> </ul>		

	This subject requires teaching to be a combination of theoretical foundation with practical application. The contact hours will be utilized in catering a blend of lectures, discussion, and brainstorming sessions. Students will be encouraged to read scholarly works from law and other disciplines.

**LEARNING OUTCOMES:** At the end of the course, students will be able to:

- **LO1-** Acquire an understanding of the concept and theoretical background of globalization, and justice.
- **LO2** – Develop critical thinking on the process of globalization and its impact on international and municipal law and institutions.

### EVALUATION COMPONENTS

Evaluation Components	Distribution of Marks
Research Project	20
End-Semester Examination:	80
Total	100

\*Note: Pass marks 50% of the final grade.

### COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Globalization: Meaning, Reach and Form	01-12
2	Concepts of Law and Justice in a Globalizing World	13-24
3	Globalization of Law and Transnational Legal Order	25-36
4	Globalization, Transnational Legal Order and Fairness to the State, Groups and Individuals.	37 -54
5	Introduction to Alternative Perspectives to contemporary notions of globalization.	55 -60

### DETAILED SYLLABUS

UNIT	CONTENT
<b>Module 1:</b> Globalization: Meaning, Reach and Form	<ul style="list-style-type: none"> <li>• Defining and interpreting globalization.</li> <li>• Evaluating globalizations: Historical to contemporary forms of globalization.</li> </ul>

	<ul style="list-style-type: none"> <li>• Different dimensions of Globalization: <ul style="list-style-type: none"> <li>○ Economic globalization</li> <li>○ Social globalization</li> <li>○ Cultural globalization.</li> <li>○ Political globalization.</li> <li>○ Technological globalization.</li> </ul> </li> </ul>
<b>Module 2:</b> Concepts of Law and Justice in a Globalizing World	<ul style="list-style-type: none"> <li>• Traditional to contemporary notions of justice.</li> <li>• Different stages of growth of law in a globalising world</li> <li>• Introduction to ‘Transnational Legal Order’.</li> </ul>
<b>Module 3:</b> Globalization of Law and Transnational Legal Order	<ul style="list-style-type: none"> <li>• International Trade Regime</li> <li>• Environmental and Climate Change Regime</li> <li>• Human Rights Regime</li> </ul>
<b>Module 4:</b> Globalization, Transnational Legal Order and Fairness to the State, Groups and Individuals	<ul style="list-style-type: none"> <li>• Globalizations, Transnational Legal Order and their impact on the following areas: <ul style="list-style-type: none"> <li>○ Sovereignty of the State.</li> <li>○ Welfare State.</li> <li>○ Constitutional allocation of rights and duties.</li> <li>○ Judicial Process and administration of Justice.</li> <li>○ Rights of Tribal, Indigenous and Rural people.</li> <li>○ Environment, Development and Society.</li> </ul> </li> </ul>
<b>Module 5:</b> Introduction to Alternative Perspectives to contemporary notions of globalization.	<ul style="list-style-type: none"> <li>• Alternative perspectives: <ul style="list-style-type: none"> <li>○ Nationalism.</li> <li>○ Third World Approach to International Law (TWAIL) &amp; Global Administrative Law.</li> <li>○ Feminist and Marxist Perspectives on Globalization.</li> <li>○ Global Justice, Global Democracy and Cosmopolitanism.</li> <li>○ International Distributive Justice.</li> <li>○ Sustainable Development.</li> </ul> </li> </ul>

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## COMPARATIVE PUBLIC LAW/ SYSTEM OF GOVERNANCE

### SEMESTER I | LL.M.

#### SYLLABUS (JULY-DECEMBER 2023)

<b>Faculty Name</b>	Prof. (Dr.) Uday Shankar & Dr. Deepak Kumar Srivastava	<b>Year</b>	One
		<b>Semester</b>	I
<b>Course Name</b>	Comparative Public Law/ System of Governance	<b>No. of Credits</b>	4
<b>Course Code</b>	NA	<b>Session Duration</b>	60 Minutes
<b>No of Contact Hours</b>	60 hours	<b>Pre-requisite</b>	Basic understanding of Constitution of India.
<b>Introduction, Course Objective &amp; Pedagogy</b>	<p>A living Constitution is one that evolves, changes over time, and adapts to new circumstances. The judicial process of constitutional interpretation engrosses a technique of adapting the law to meet changing social mores. Constitution, being the fundamental law, an insight into its novel trends is indispensable for a meaningful and evocative understanding of the legal system and processes.</p> <p>‘Comparative Public Law or Systems of Governance’ course is designed to study from a comparative perspective—legal structure and concepts (such as, basic rights, rule of law, systems of governance, judicial review, so on and so forth) that are found in public law across the important jurisdictions in the world,</p> <p>This course is intended to acquaint students with the constitutional systems of governance of a few countries, in particular, the United States of America, the UK, Australia, Canada and few other emerging constitutions along with the Indian Constitution.</p> <p>Students will be benefitted from deeper understanding of the doctrines and values underlying the provisions and principles from various constitutional systems.</p>		

**Learning Outcome:**

The students will have necessary legal skill to understand different Constitutions and it will help to bring change in their approach towards dealing with different issues and they will acquire analytical ability to give interpretation to the constitutional issues in contemporary times.

**Evaluation Components:**

<b>Evaluation Components</b>	<b>Distribution of Marks</b>
Internal Assessment	20
End Term	80
Total	100

**COURSE PLAN:**

<b>S.No.</b>	<b>Topics</b>	<b>Lecture Sessions</b>
1	Fundamentals of Comparative Law	1-5
2	Public Law	6-10
3	Concept of Constitution	11-15
4	Constitutionalism	16-19
5	Constitutional foundations of powers	20-30
6	Classification of Constitution	31-35
7	Courts	36-42
8	Judicial Review	43-52
9	Constitutional Amendments	53-60

<b>UNIT</b>	<b>CONTENT</b>
<b>Module-I Fundamentals of Comparative Law</b>	<ul style="list-style-type: none"> <li>• Necessity</li> <li>• Impact of Globalisation</li> </ul>
<b>Module 2 Public Law</b>	<ul style="list-style-type: none"> <li>• Meaning and definition of Public Law</li> <li>• Concept of Public Law</li> <li>• Public Law – International Law, Constitutional Law and Administrative Law</li> <li>• Distinction between Public Law and Private Law</li> </ul>
	<ul style="list-style-type: none"> <li>• Judicial Review- A Comparative Study</li> </ul>

<b>Module 3</b> <b>Concept of Constitution</b>	<ul style="list-style-type: none"> <li>• Meaning and Idea of Constitution, Nature and objectives</li> <li>• Living Constitution</li> <li>• Organic Constitution</li> <li>• Constitution as Fundamental Law</li> </ul>
<b>Module 4</b> <b>Constitutionalism</b>	<ul style="list-style-type: none"> <li>• Concept, Distinction between Constitution and Constitutionalism</li> <li>• Essential features of Constitutionalism -Written Constitution, Separation of Powers, Fundamental Rights, Independence of Judiciary and Judicial Review</li> </ul>
<b>Module 5</b> <b>Constitutional foundations of powers</b>	<ul style="list-style-type: none"> <li>• Supremacy of Legislature in Law Making</li> <li>• Rule of law</li> <li>• Dicey's Concept of Rule of Law</li> <li>• Modern Concept of Rule of Law</li> <li>• Social and economic rights as part of rule of law</li> <li>• Separation of powers</li> <li>• Concept of Separation of Powers</li> <li>• Checks and Balances</li> <li>• Separation of Powers or Separation of Functions</li> </ul>
<b>Module 6</b> <b>Classification of Constitution</b>	<ul style="list-style-type: none"> <li>• Federal and Unitary Forms</li> <li>• Features, Advantages and Disadvantages</li> <li>• Models of Federalism and Concept of Quasi-federalism</li> <li>• Role of Courts in Preserving Federalism</li> <li>• Parliamentary and Presidential Forms of Government</li> </ul>
<b>Module 7</b> <b>Courts</b>	<ul style="list-style-type: none"> <li>• Writ Jurisdiction</li> <li>• Protecting public interests through litigation.</li> <li>• Locus standi and the nature of the judicial power</li> </ul>
<b>Module 8</b> <b>Judicial Review</b>	<ul style="list-style-type: none"> <li>• Independence of Judiciary</li> <li>• Concept and Origin of Judicial Review</li> <li>• Theories of Judicial Review</li> <li>• Limitations on Judicial Review</li> <li>• Judicial Accountability</li> </ul>
<b>Module 9</b> <b>Constitutional Amendments</b>	<ul style="list-style-type: none"> <li>• Various Methods of Amendment</li> <li>• Limitations on Amending Power: Comparative Perspective</li> <li>• Theory of Basic Structure</li> </ul>

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2. Basu DD, Comparative Federalism, LexisNexis, 2019
3. Jain MP, Indian Constitutional Law, 8th ed., LexisNexis, 2018
4. Michel Rosenfeld, Andras Sajó, The Oxford Handbook of Comparative Constitutional Law, Oxford University Press, 2012
5. Singh M P, Comparative Constitutional Law, 2<sup>nd</sup> Ed. Eastern Book Company 2011)

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1. Christopher Forsyth, Mark Elliott, Swati Javari, Effective Judicial Review: A Cornerstone of Good Governance, Oxford University Press, 2010.
2. David Strauss, The Living Constitution (Oxford University Press, 2010).
3. Sudhir Krishna Swamy, Democracy and Constitutionalism in India – A study of the Basic Structure Doctrine, Oxford University Press, 2009)
4. H.M. Seervai, Constitutional Law of India: A Critical Commentary, Universal Law Publishing Co. Ltd. 1994
5. Lakshminath A, Basic Structure and Constitutional Amendments: Limitations and Justiciability, Deep and Deep publication, 2002.
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7. Granville Austin: Working a Democratic Constitution, the Indian Experience, Oxford University Press.
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9. Pier Giuseppe Monateri, Methods of Comparative Law, Edward Elgar Publishing, 2012.
10. Vicki C. Jackson, Mark V. Tushnet, Comparative Constitutional Law, 2<sup>nd</sup> ed. Foundation Press, 2006).

## ARTICLES

1. Agarwal C, 'Rule of Law: Reflection upon we the People and Beyond' 252 (1) Madras Law Journal 8-16 (2010).
2. Ackerman B, 'The New Separation of Powers' 113 (3) Harv. L. Rev. 634-729 (2000).
3. Bhat I, 'Why and how Federalism matters in Elimination of Disparities and Promotion of Equal Opportunities for Positive Rights', 54(3) Journal of the Indian Law Institute 324-363 (July-Sept 2012).
4. Bosniak L, 'Persons and Citizens in Constitutional Thought' 8 (1) International Journal of Constitutional Law 9-29 (January 2010).

5. Bulman J, 'Federalism as a safeguard of the Separation of Powers', 112(3) Columbia Law Review 459-506 (2012 April).
6. Chapman N, 'Due Process as Separation of Powers' 121(7) Yale Law Journal 1672-1807 (2012 May).
7. Clark B & Amanda Leiter, 'Regulatory Hide and Seek: What Agencies Can (And Can't) do to Limit Judicial Review' 52(5) Boston College Law Review 1687-1732 (2011 November).
8. King D, 'Formalizing Local Constitutional Standards of Review and the Implications for Federalism' 97 (7) Virginia Law Review 1685-1726 (November 2011).
9. Levinson D & Richard H Pildes, 'Separation of Parties, Not Powers' 119(8) Harvard Law Review 2311-2386 (2006).
10. Schapiro, 'Judicial Federalism and the Challenges of State Constitutional Contestation', 115(4) Penn State Law Review 983-1006 (2011 Spring).
11. Sharma R, 'Judiciary as Change Agent: Some insights into the Changing role of Judiciary in India' 58(2) Indian Journal of Public Administration 264-286 (2012 April-June).
12. Siegel J, 'Institutional case for Judicial Review' 97(4) Iowa Law Review 1147-1200 (2012 May).
13. Singh DP, 'Sovereignty, Judicial Review and Separation of Power', 7(5) Supreme Court Cases 1-13 (2012 September).
14. Strauss D, 'Do we Have a Living Constitution' 59 (4) Drake Law Review 973-984 (2011 Summer).
15. Tushnet M, 'The Possibilities of Comparative Constitutional Law', 108 Yale L J 1225 (1999).
16. 'Constitutional Status of Fundamental Rights', Vol. 26 (2) South Asian Studies 299-309 (July December 2011).

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## GENERAL PRINCIPLES OF CORPORATE LAW (CORPORATE OPTIONAL)

### SEMESTER I | LL.M.

#### SYLLABUS (SESSION: JULY-DECEMBER 2023)

<b>Faculty Name</b>	Dr. Dipak Das Dr. Anindhya Tiwari	<b>Year/ Semester</b>	1 <sup>st</sup> Semester
<b>Course Name</b>	General Principles of Corporate Law	<b>No. of Credits</b>	6
<b>Course Code</b>	NA	<b>Session Duration</b>	60 Minutes
<b>No of Contact Hours</b>	50 Lectures + 10 Tutorials =60 hours	<b>Pre-requisite</b>	
<b>Introduction, Course Objective &amp; Pedagogy</b>	<p>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</p>		



	<p>its implications on the corporate sector.</p> <p>Course Objective is to develop an understanding about:</p> <p><b>CO1-</b> To understand the conceptualization of basic principles of corporate law</p> <p><b>CO2 -</b> To acquaint the knowledge of Corporate Personality, theories of personality and Jurisprudential aspect</p> <p><b>CO3 -</b> To know the circumstance of Lifting the Corporate veil</p> <p><b>CO4 -</b> To understand the significance Memorandum and Articles of Association</p> <p><b>CO5 -</b> To strike the balance between Doctrine of Ultra-vires Constructive notice and Indoor management</p> <p><b>CO6 -</b> To know the procedure of Fund raising through Equity and Debt</p> <p><b>CO7 -</b> To examine the Principle of Oppression and Mismanagement</p> <p><b>CO8 -</b> To acquaint the knowledge of the role of Key managerial persons</p> <p><b>CO9 -</b> To understand the Democratic Principles of Ownership and Management</p> <p><b>CO10 -</b> To know the details of Corporate Governance and CSR.</p> <p>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 member.</p>

**LEARNING OUTCOMES:** At the end of the course, students will be able to: acquaint themselves with the provisions and application of the Companies Act, 2013 along with various allied laws.

## EVALUATION COMPONENTS:

<b>Evaluation Components</b>	<b>Distribution of Marks</b>
Continuous Internal Assessment	25
Mid Term examination	25
End Term	50
Total	100

\*Note: Pass marks 50% of the final grade.

## COURSE PLAN

<b>S.No.</b>	<b>Topics</b>	<b>Lecture Sessions</b>
1	<b>Company Form and Structure</b>	8
2	<b>Company - Registration and Incorporation</b>	10
3	<b>Corporate Fund Raising</b>	10
4	<b>Corporate Management</b>	12
5	<b>Corporate Abuse and Remedies</b>	10
6	<b>Corporate Governance and Corporate social responsibility</b>	10

## DETAILED SYLLABUS

<b>UNIT</b>	<b>CONTENT</b>
<b>Module 1 Company Form and Structure</b>	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
<b>Module 2 Company - Registration and Incorporation</b>	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)
<b>Module 3</b>	Share/Equity Capital – Meaning and Nature of Shares, Kinds of Shares

<b>Corporate Fund Raising</b>	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
<b>Module 4 Corporate Management</b>	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
<b>Module 5 Corporate Abuse and Remedies</b>	Shareholders Democracy Majority Powers and Minority Rights Principle of Non-Interference (Rule established in Foss v Harbottle) Protection against Oppression Protection against Mismanagement
<b>Module 6 Corporate Governance and Corporate social responsibility</b>	Meaning and evolution Principal of Corporate Governance CSR and its importance including statutory provisions Interrelationship between CG & CSR

#### **READINGS:**

##### **STATUTES, RULES AND REGULATIONS:**

1. The Companies Act, 2013
2. Securities and Exchange Board of India Act, 1992
3. (Issue of Capital and Disclosure Requirements) Regulations, 2018
4. Depositories Act, 1996
5. Securities Contract Regulation Act, 1956

##### **CASE LAWS:**

- 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 v. SAHARA (2012)
- Cyrus Mistry v. Tata Sons (2016)

### **BOOKS AND ARTICLES**

1. A Ramaiya, Guide to Companies Act, LexisNexis, 19<sup>th</sup> ed. (2020).
2. Charlesworth and Morse, Company Law, Sweet and Maxwell, 16<sup>th</sup> ed. (1999).
3. Paul Davis and Sarah Washington, Gower & Davis – Principles of Modern Company Law, Sweet & Maxwell (2012).
4. Dr. G.K.Kapoor and Sanjay Dhamija, Company Law and Practice, Taxmann, 25<sup>th</sup> ed. (2021)
5. K. Shekhar, Guide to SEBI - Capital Issues, Debentures & Listing, LexisNexis, 4<sup>th</sup> ed. (2016).
6. Kamal Gupta, C.R.Dutta on The Company Law, 6<sup>th</sup> Edn. (2008).
7. [Robert R. Pennington](#), Pennington's Company Law, Oxford University Publications (2001)
8. Agrawal and Baby on SEBI Act, Taxmann (2011).
9. [Nicholas Bourne](#), Bourne on Company Law, Routledge, 7th ed. (2016).
10. H.L.J. Ford and A.P.Austen, Ford's Principles of Corporations Law, Butterworths (1999).
11. Jonathan Charkham and Anne Simpson, Fair Shares: The Future of Shareholder Power and Responsibility, Oxford (1999).

### **ONLINE AVAILABLE BOOKS (In HNLU Digital Library)**

1. Taxmann, Everything you need to know about Company Law, available at <https://www.taxmann.com.elibraryhnluremotexs.in/research/company-and-sebi/all-about/all-about-companies-act>
2. Avtar Singh, Company Law, Eastern Book Company, 17th Edition (2022) available at [https://www.ebcwebstore.com.elibraryhnluremotexs.in/product\\_info.php?products\\_id=99102362](https://www.ebcwebstore.com.elibraryhnluremotexs.in/product_info.php?products_id=99102362)



**LAW OF BANKING AND INSURANCE (CORPORATE OPTIONAL)**

**LL.M. - SEMESTER I**

**SYLLABUS (SESSION: JULY-DECEMBER 2023)**

<b>Faculty</b>	Dr. Y. Papa Rao	<b>Year/ Semester</b>	LLM
<b>Course Name</b>	Law of Banking and Insurance	<b>No. of Credits</b>	6
<b>No of Classes</b>	50-Classes	<b>Session Duration</b>	60 Minutes
<b>INTRODUCTION, OBJECTIVES AND PEDAGOGY</b>	<p><b><u>INTRODUCTION</u></b></p> <p>The course is designed to explain the students with conceptual and operational parameters of Law of Banking &amp; Insurance. This course is an attempt towards imparting knowledge of various aspects of Banking regime and analyses 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.</p> <p>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.</p> <p><b>Course Objective:</b> The objective of the Course is to enable the students to understand the Law of Banking and Insurance:</p> <ul style="list-style-type: none"> <li>• To make the students understand the Origin and Development of Banking</li> <li>• To know the Business aspect of Banking</li> <li>• To acquire the knowledge of recovery procedure</li> <li>• To know the provisions of various legislations such as RBI Act, BR Act, DRT Act, SARFAESI Act, IBC and N.I. Act.</li> <li>• To make the students understand the various dimensions of N.I. Act including Dishonour of Cheque and Consequences for Dishonour.</li> </ul>		

	<ul style="list-style-type: none"> <li>• To know the Origin and Development of Insurance Industry</li> <li>• To acquaint the knowledge of the Insurance Regulator, IRDA</li> <li>• To make the students understand the various Basic principles of Insurance</li> <li>• To give students input regarding Life, Fire, Marine and Motor Vehicles Insurances.</li> </ul>
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### **PEDAGOGY**

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 macroeconomy 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 endeavor 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 analyze given laws with changing circumstances of Banking Industry and Insurance Industry, also explore the facets effecting the Banking in Financial Industry as well as the Insurance in Stock Market.

### **SCHEME OF EVALUATION**

➤ Research Project	20 Marks
➤ End-Semester Examination	80 Marks
➤ Total	100 Marks.

### **COURSE PLAN:**

<b><u>SN</u></b>	<b><u>TITLE</u></b>	<b><u>LECTURES</u></b>
1	Business aspect of Banking and Recovery Process	13
2	Negotiable Instruments	12
3	Insurance Laws	10
4	Law of Insurance: Life Insurance, Fire Insurance, Marine Insurance	15

### **COURSE CONTENTS:**

<b>TITLE</b>	<b>CONTENTS</b>
<b>MODULE 1</b> <b>Business aspect of Banking and Recovery Process</b>	<ul style="list-style-type: none"> <li>• Origin of currency and Banking Industry</li> <li>• Reserve Bank of India: Role of RBI in stability of Indian Macroeconomy</li> <li>• Different Bank accounts and legal relation of Banker and customer</li> <li>• Various laws governing Recovery actions: RDDBFI Act</li> </ul>

	<p>1993, SARFAESI 2002, Insolvency and Bankruptcy Code 2016</p> <ul style="list-style-type: none"> <li>• Bank Guarantees and letter of credit</li> <li>• Challenges in banking industry</li> </ul>
<b>MODULE 2 Negotiable Instruments</b>	<ul style="list-style-type: none"> <li>• Legal aspects of Negotiable Instruments</li> <li>• Special features of Promissory Note, Bill of Exchange, Cheque, Drawer, Drawee, Payee, Holder, Holder-in-due course, Inland Instrument, Foreign Instrument, Negotiable Instruments, Negotiation, Indorsement</li> <li>• Crossing of Cheque-Criminal liability on dishonour of Cheque (Section 138-142) the law relating to payment of customers cheque-rights and duties of paying banker and a collecting banker.</li> </ul>
<b>MODULE 3 Insurance Laws</b>	<ul style="list-style-type: none"> <li>• Nature-, History of Insurance in India</li> <li>• Insurance Regulatory &amp; Development Authority Act, 1999: Its role and functions.</li> <li>• Contract of Insurance: Classification of contract of Insurance- Nature and Principles.</li> <li>• Insurance Contract, Meaning and Definition, Insurable Interest, Premium, Method of payment, Days of grace, Forfeiture, Return of premium, Meaning and scope of risk, Causa Proxima.</li> </ul>
<b>MODULE 4 Law of Insurance: Life Insurance, Fire Insurance, Marine Insurance</b>	<ul style="list-style-type: none"> <li>• Nature and scope of Life Insurance- Kinds of Life Insurance Policies.</li> <li>• 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.</li> <li>• Fire Insurance: Nature and scope of Fire Insurance, Basic Principles, Conditions &amp; Warranties.</li> <li>• Marine Insurance: Nature and Scope, Classification of Marine policies, Insurable interest. Conditions and express warranties, Voyage-deviation-, Perils of sea.</li> <li>• Nature and scope- Absolute or no-fault liabilities, third party or compulsory insurance of motors vehicles, Claims Tribunal, Public Liability Insurance, Legal aspects of Motor Insurance,</li> </ul>

**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 Interest Act, 2002
- ✓ Insolvency and Bankruptcy Code 2016
- ✓ Foreign Exchange Management Act 1999
- ✓ Indian Contract Act and other substantive laws
- ✓ Insurance Act, 1938
- ✓ Life Insurance Act, 1956
- ✓ Marine Insurance Act, 1963
- ✓ General Insurance Act, 1972
- ✓ Motor Vehicle Insurance Act, 1988 (As amended 2019)
- ✓ Central Motor Vehicles Act Rules, 1989(As amended 2022)
- ✓ Insurance Regulatory and Development Authority (IRDA) Act, 1999.

**Books Recommended:**

1. Tannan's Banking Law and Practice in India, 29th edition, by M.L. Tannan (2022).  
Publisher: Lexis Nexis, Butterworths Wadhwa, Nagpur.
2. Banking Law and Practice by P.N. Varshney (Sultan Chand & Sons-2020).
3. Banking and Negotiable Instruments Law and Practice by P. Vasantha Kumar (EBC-2022)
4. Law of Banking and Negotiable Insurtuments by Dr. S.R Myneni Asia Law House-2022
5. Principles of Insurance Law by M.N.Srinivasan & K. Khanna, Lexis Nexis (11<sup>th</sup> Edition-2021)
6. Modern Law of Insurance in India By K.S.N. Murthy & K.V.S. Sarma (Sixth Edition-Lexis Nexis-2019).
7. Law of Insurance by Dr. S.R. Myneni Asia Law House 3<sup>rd</sup> edition-2022.

**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 Interest Act, 2002
- Insolvency and Bankruptcy Code 2016
- Foreign Exchange Management Act 1999
- Indian Contract Act and other substantive laws
- Insurance Act, 1938
- Life Insurance Act, 1956
- Marine Insurance Act, 1963
- General Insurance Act, 1972
- Motor Vehicle Insurance Act, 1988 (As amended 2019)
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**Books Recommended:**

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Publisher: Lexis Nexis, Butterworths Wadhwa, Nagpur.
2. Banking Law and Practice by P.N. Varshney (Sultan Chand & Sons-2020).
3. Banking and Negotiable Instruments Law and Practice by P. Vasantha Kumar (EBC-2022)
4. Principles of Insurance Law by M.N. Srinivasan & K. Khanna, Lexis Nexis (2017)
5. Modern Law of Insurance in India By K.S.N. Murthy & K.V.S. Sarma (Sixth Edition-Lexis Nexis-2019).
6. Book: Reforming Maritime and Commercial Insurance Law, by Dr Baris Soyer, Publisher: Lloyd's List (2012).
7. Book: Insurance Law: An Introduction illustrated edition, by Lord Justice Mance  
Iain Goldrein, Qc, Publisher: Lloyd's List (2012).
8. Book: Marine Insurance: Law and Practice by F. D. Rose, Publisher: Lloyd's List (2012).



## SPECIAL CONTRACTS (CORPORATE OPTIONAL)

### SEMESTER 1 | LL.M

#### SYLLABUS (SESSION: JULY-DECEMBER 2023)

<b>Faculty Name</b>	Dr. Rana Navneet Roy	<b>Year/ Semester</b>	LLM Sem-I
<b>Course Name</b>	Special Contracts	<b>No. of Credits</b>	6
<b>Course Code</b>	NA	<b>Session Duration</b>	60 Minutes
<b>No of Contact Hours</b>	50 Lectures + 10 Tutorials =60 hours	<b>Pre-requisite</b>	Law of Contract – I Law of Contract – II Corporate Law
<b>Introduction, Course Objective, Pedagogy and Learning Outcome</b>	<p>The law of contract is of fundamental importance in regulating commercial and other transactions. 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”. As the economy picks up, many more contracts are being written with a myriad of complex terms and conditions. These, often extremely critical terms and conditions get glossed over and sometimes overlooked, resulting in losses, project hold ups and legal fees to establish fault and compensation.</p> <p>Special Contracts focuses upon understanding the nuances of reading and reviewing contracts in the beginning and thereafter dwells upon developing a critical perspective required to draft an effective contract. The primary aim of this module is to build on some of the concepts and principles that were introduced in the first-year module of contract law in order that students gain a more in-depth and critical understanding of the nature and purpose of various broad categories of contracts. These and other important aspects of the law of contract will be addressed from a practical, commercial, and critical perspective.</p> <p><b>Course Objective</b></p> <p><b>CO 01-</b> To understand the basic elements and the structure of typical contracts.</p> <p><b>CO 02-</b> To identify, explain and demonstrate a deep understanding and</p>		

	<p>knowledge of principles and issues of the law relating to special contractual obligations.</p> <p><b>CO 03-</b> To understand the operative clauses, boilerplate clauses and other drafting clauses to mitigate the risk that ensures maximum enforceability.</p> <p><b>CO 04-</b> To plan, design and individually execute a substantial research-based project that identifies and critically examines aspects of contracts and contractual relationships and demonstrates relevant research principles and techniques.</p> <p><b>Pedagogy:</b> The course components are administered through classroom teaching, Power-Point Presentations, tutorial classes, and continuous evaluations. Every component of the course module tries to inculcate a habit of critical thinking and understanding the interface of contract law with other laws.</p> <p>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 classroom 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.</p>
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<b>Learning Outcome</b>	<p>After the successful completion of the Course a student will be able to:</p> <p><b>LO 01-</b> understand the basic elements of typical contract.</p> <p><b>LO 02-</b> identify, explain, and demonstrate a deep understanding and knowledge of principles and issues of the law relating to special contractual obligations. They will also learn to analyse principles related to infringement of agreement of Special Contract.</p> <p><b>LO 03-</b> understand the operative clauses, boilerplate clauses and other drafting clauses to mitigate the risk that ensures maximum enforceability.</p> <p><b>LO 04-</b> plan, design and individually execute a substantial research-based project that identifies and critically examines aspects of contracts and contractual relationships.</p>
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### **EVALUATION COMPONENTS**

<b>Evaluation Components</b>	<b>Marks Distribution</b>
Continuous Internal Assessment	20
End Term	80
Total	100

\*Note: Pass marks 50% of the final grade.

**BRIEF COURSE OUTLINE:**

<b>Modules</b>	<b>Topics</b>	<b>Sessions</b>
1	GENERAL PRINCIPLES	15
2	CONTRACT DRAFTING, ITS EXECUTION AND BREACH	15
3	E-COMMERCE CONTRACTS	10
4	COMMERCIAL CONTRACTS	10
5	GOVERNMENT CONTRACTS	10

**DETAILED COURSE OUTLINE:**

<b>Modules</b>	<b>Particulars</b>	<b>Sessions</b>
<b>Module 1</b>	<p><b>GENERAL PRINCIPLES</b>            Understanding the genesis of various specific contracts under Indian Contracts Act, 1872 vis:            – Indemnity and Guarantee            – Bailment and Pledge            – Agency            – Sale of Goods</p>	<b>15</b>
<b>Module 2</b>	<p><b>CONTRACT DRAFTING, ITS EXECUTION AND BREACH</b>  <b>Elements of Contract Drafting</b>  <b>Phase of Contract Execution:</b>            Preparing or Drafting a Contract            Registration, Attestation and Notarization of Contract            Performance of Contract: Overview of General Principles            Challenges in Contract Execution  <b>Breach of Contract</b>            Overview of General Principles            Actual &amp; Anticipatory Breach            Remedies for Breach of Contract            Damages for Breach            Indemnity and Insurance Breach</p>	<b>15</b>

	<p>Breach of covenants  Breach of any other obligations by a party  Breach of payment  Defenses for Breach of Contract</p>	
<b>Module 3</b>	<p><b>E-COMMERCE CONTRACTS</b></p> <ul style="list-style-type: none"> <li>• <b>Fundamentals of E-Contracts</b> <ul style="list-style-type: none"> <li>○ Basic Elements</li> <li>○ Admissibility &amp; Enforcement of E-Contracts</li> <li>○ Governing Law</li> <li>○ Conventional Contracts v. E-Contracts</li> </ul> </li> <li>• <b>Types of E-Contracts:</b> <ul style="list-style-type: none"> <li>○ Click Wrap Contract</li> <li>○ Source Code Escrow Agreement</li> <li>○ Software Development and Licensing Agreements</li> <li>○ Shrink Wrap Agreements</li> <li>○ Subscription Services Agreement</li> <li>○ Services Agreement</li> </ul> </li> <li>• <b>Legal Issues and Jurisdiction</b></li> </ul>	<b>10</b>
<b>Module 4</b>	<p><b>COMMERCIAL CONTRACTS</b></p> <ul style="list-style-type: none"> <li>• <b>Principles of Commercial Contracts</b></li> <li>• <b>Pre-Contract Negotiations</b></li> <li>• <b>Standard Terms of Commercial Contracts</b></li> <li>• <b>Types of Commercial Contracts:</b> <ul style="list-style-type: none"> <li>○ Manufacturing Agreement</li> <li>○ Venue Hire Agreement</li> <li>○ Terms and Conditions Agreement</li> <li>○ Representation/Agency Agreement</li> <li>○ Marketing Agreement</li> <li>○ Services Agreement</li> </ul> </li> </ul>	<b>10</b>
<b>Module 5</b>	<p><b>GOVERNMENT CONTRACTS</b></p> <ul style="list-style-type: none"> <li>• Governments Capacity to Enter into Contracts</li> <li>• Doctrines of Government Contract</li> <li>• Constitutional Provisions – Procedural Requirements</li> <li>• Kinds of Government Contracts – Their Usual Clauses</li> <li>• Performance of such Contracts</li> </ul>	<b>10</b>

**RECOMMENDED TEXTBOOKS:**

1. Dr Richard Lawson, ‘Commercial Contracts: A Practical Guide to Standard Terms’ 3<sup>rd</sup> Edition

2. Bryan A Garner, 'Course Book on Drafting and Editing Contracts' 1st Edition 2020, West Academic Press
3. Catherine Mitchell, Contract Law and Contract Practice – Bridging the Gap Between Legal Reasoning and Commercial Expectation, Hart Publishing, 2013
4. Ravi Singhania, 'Drafting of Contracts', 2nd Edition, 2020 Bloomsbury Publication
5. Sachin Rastogi, 'Insights into E-Contracts in India', 1st Edition 2003, Lexis Nexus
6. RK Singh, 'Law relating to Electronic Contracts', 2nd Edition, 2015, Lexis Nexus

**REFERENCES:**

1. Rodney Ryder, 'Drafting Corporate and Commercial Agreements', 1st Edition 2014, Lexis Nexus
2. R Kumar, 'Commercial Contracts', 2nd Edition, 2020, Bharat Publication
3. Bhumes Verma, 'Practical Guide to Drafting Commercial Contracts' 1st Edition 2018, Oakridge Publication.
4. Willam Fox, 'International Commercial Agreements and Electronic Commerce', Wolters Kluwer.

**WEBSITES:**

1. Basics to Contract Drafting and Contract Review, available at:  
<https://www.legalserviceindia.com/legal/article-3044-basics-to-contract-drafting-and-contract-review.html>
2. Readiness and Willingness for Specific Performance of Contract, available at:  
<https://ssrana.in/uFAQs/readiness-willingness-specific-performance-contract/>
3. Basic Principles of Contract, available at:  
<https://www.ulapland.fi/loader.aspx?id=60a15dd5-ebc6-4d06-a730-c363a4cf4327>
4. The law governing international International Commercial Contracts and the Actual Role of the Unidroit Principles, available at:  
<https://watermark.silverchair.com/uny001.pdf?token>
5. The Corporate Contract, available at:  
[https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2163&context=journal\\_article\\_s](https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2163&context=journal_article_s)
6. The Corporate Contract, available at:  
<file:///C:/Users/Rana%20Sir/Downloads/TheCorporateContractFinal.pdf>
7. E-Contract in India, available at:  
[https://agamalaw.in/2015/06/03/e-contracts-in-india/?utm\\_source=Mondaq&utm\\_medium=syndication&utm\\_campaign=LinkedIn-integration](https://agamalaw.in/2015/06/03/e-contracts-in-india/?utm_source=Mondaq&utm_medium=syndication&utm_campaign=LinkedIn-integration)
8. E-Contract in India, available at:  
<https://www.mondaq.com/india/contracts-and-commercial-law/1104590/e-contracts-in-india>



**JURISPRUDENCE OF INTELLECTUAL PROPERTY RIGHTS (IPR  
SPECIALIZATION)**

**SEMESTER 1 | LL.M**

**SYLLABUS (SESSION: JULY-DECEMBER 2023)**

<b>Faculty</b>	Prof. (Dr.) V. C. Vivekanandan & Ms. Garima Panwar	<b>Year/ Term</b>	I semester
<b>Course Name</b>	Jurisprudence of Intellectual Property Rights	<b>Each Session Duration</b>	1 Hrs
<b>No of Classes/Week</b>	05	<b>No. of Credits</b>	06
<b>No of Contact Hours</b>	60 (50 Lectures + 10 Tutorial Classes)		
<b>Introduction, Course Objective &amp; Pedagogy</b>	<p>Intellectual Property Rights in general refers to the set of intangible assets including invention, creation, and contribution to the contemporaneous field of knowledge which is owned and legally protected by an individual or company. The economic growth, financial incentive and motivation for advanced innovations imbedded in the balanced legal protection of Intellectual Property Rights entails proficient, directed and timely updated guidance in the field of Intellectual Property Rights. Intellectual property has increasingly assumed a vital role with the rapid pace of technological, scientific and medical innovation that we are witnessing today. Moreover, changes in the global economic environment have influenced the development of business models where intellectual property is a central element establishing value and potential growth. In India</p>		

several new legislations for the protection of intellectual property rights (IPRs) have been passed to meet the international obligations under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

Intellectual property has therefore grown into one of the world's biggest and fastest-growing fields of law thereby necessitating the demand for IP professionals well versed in this area to deal with (IPRs) across the national and international borders. Therefore, this syllabus has been prepared to provide the students with a wide perspective and in-depth knowledge in intellectual property to enable them to get solid grounding in the legislative framework, practice and procedure of the intellectual property protected through patents, trademarks, copyrights, designs and geographical indications. The course contents have been so designed as to develop specialized skills in the corpus and complexities of the different aspects of the subject besides meeting the requirements of a future career in this area.

**COURSE OBJECTIVES:**

**CO1** To teach and elicit the views of the learners on the Justification of IPR from its European origins to the contemporary times.

**CO2** To track the evolution of international perspectives of IPR and its impact on National Legal Regimes.

**CO3** To revisit the segments of IPR and understand the theory and practice perspective through case law development

**CO4** To critically examine the public policy perspective of various IP segments and their impact on multi stakeholders



	<p><b><u>PEDAGOGY:</u></b></p> <p>The pedagogy of the course is designed as:</p> <p><b>P1.</b> The class hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions</p> <p><b>P2.</b> Critical analysis by lecture and interaction deploying analysis of concepts/ justifications/ contra views and policy formulation</p> <p><b>P3.</b> The Interactive method to deploy case presentations in the class for assessing the impact of the discourse in the class</p> <p><b>P4.</b> To attempt for mapping the outcome-based learning through critical endterm evaluation.</p> <p><b>P5.</b> To use simulation exercise for participative outcome in the classroom</p>
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**LEARNING OUTCOMES:** Through the curriculum, the students will be able to comprehend the basic fundamentals and principles of intellectual property rights. In addition, after successful completion of the course, the students will be able to:

**LO1-** To explain the origins, theories of property and foundations of IP Jurisprudence

**LO2-** To discuss various International Perspectives pertaining to various theories

**LO3 –** To explain various types of Intellectual Property i.e., Copyright, Patent, Trademark, and other emerging segments.

**LO4 -** To critically analyse various transactional issues under the Intellectual Property Law.

**LO5-** Know and understand the importance of the recent amendments and emerging issues under Intellectual Property Law.

### **EVALUATION COMPONENTS**

Evaluation Components	Distribution of Marks
End term Examination	80
Continuous Internal Assessments/Project	20
Total	100

**COURSE PLAN:**

<b>Module No</b>	<b>Title of the Module</b>	<b>Lecture Sessions</b>
I	<b>Jurisprudential foundation for IP</b>	<b>10</b>
II	<b>International Perspective of IP</b>	<b>10</b>
III	<b>Basics of IP legal regime in India</b>	<b>10</b>
IV	<b>Transactional issues in IP</b>	<b>10</b>
V	<b>Public Policy and IP</b>	<b>10</b>

**DETAILED SYLLABUS**

<b>Unit</b>	<b>Content</b>
<b>Module 1 Jurisprudential foundation for IP</b>	<ul style="list-style-type: none"> <li>a. Origins of Intellectual Property</li> <li>b. Theories of property and foundations of IP Jurisprudence</li> <li>c. Segments of IP and their evolution</li> <li>d. Contemporary Developments of segmented approach to IPR</li> </ul>
<b>Module 2 International Perspective of IP</b>	<ul style="list-style-type: none"> <li>a. Paris Convention</li> <li>b. Berne Convention</li> <li>c. WIPO and WTO - TRIPS</li> <li>d. Contemporary agreements of IP – WCT/Madrid/PCT/Budapest Treaty/UPOV</li> </ul>
<b>Module 3 Basics of IP legal regime in India</b>	<ul style="list-style-type: none"> <li>a. Law of Copyright</li> <li>b. Law of Trademarks</li> <li>c. Law of Patents</li> <li>d. Emerging IP Segments – GI/PPVFR/Designs/ICs</li> </ul>
<b>Module 4 Transactional issues in IP</b>	<ul style="list-style-type: none"> <li>a. Legal foundation of Trade Secrets</li> <li>b. Confidentiality Agreements &amp; Non-Compete agreements</li> <li>c. IP Licensing/ Evaluation</li> <li>d. FRAND and IP audit</li> </ul>
<b>Module 5 Public Policy and IP</b>	<ul style="list-style-type: none"> <li>a. Economic and Social analysis of IP</li> <li>b. SMEs and Start UP interface of IP</li> <li>c. Academic Institutions</li> </ul>

**RECOMMENDED READINGS:**

**STATUTES:**

1. The Copyright Act, 1957
2. The Patent Act, 1970
3. The Trade Marks Act, 1999
4. The Designs Act, 2000
5. The Geographical Indication of Goods Act, 1999
6. The Protection of Plant Varieties and Farmers' Rights Act, 2001

**CASES:**

**TRADEMARKS: -**

1. Bigtree Entertainment Pvt. Ltd. v. Brain Seed Sportainment Pvt. Ltd. &Anr.
2. Cadbury India Limited and Ors. v. Neeraj Food Products
3. Cadila Healthcare Ltd. v. Cadila Pharmaceutical Ltd.
4. Carlsberg Breweries v. Som Distilleries and Breweries Limited
5. Christian Louboutin SAS v. Abubaker &Ors.
6. Christian Louboutin SAS v. Mr. Pawan Kumar &Ors.
7. Corn Products Refining Co. v. Shangrila Food Products Ltd.
8. Crocs Inc Usa v. Bata India Ltd &Ors
9. ErwenWarnink BV v. J.Townend& Sons
10. Glenmark Pharmaceuticals Ltd. v. Curetech Skincare and Galpha Laboratories Ltd.
11. Godfrey Phillips India Ltd. V. P.T.I. Pvt. Ltd.
12. ITC Ltd. v. Britannia Industries
13. James Chadwick & Bros. Ltd. v. The National Sewing Thread Co. Ltd
14. Kaviraj Pandit Durga Dutt Sharma v. Navratna Pharmaceutical Laboratories
15. M/s. Castrol Limited &Anr. v. Iqbal Singh Chawla &Anr.
16. M/s. Nandini Deluxe v. M/s. Karnataka Co-Operative Milk Producers FederationLtd.

17. N.R. Dongre . Whirlpool Corporation Inc.
18. Pidilite Industries Limited v. Poma-Ex Products &Ors.
19. Puma Se &Anr. V. Nikhil Thermoplast Ltd. &Ors.
20. Royal Orchid Hotels Ltd. v. Kamat Hotels (India) Ltd
21. S. Syed Mohideen v. P. Sulochana Bai
22. Sun Pharma Laboratories Ltd. v. Lupin Ltd. &Anr.
23. Yahoo Inc. v. MrRinshadRinu&Ors.

**PATENTS: -**

1. Bajaj Auto Limited Vs. TVS Motor Company Limited
2. Bayer Corporation vs Union Of India
3. Dr Snehlata C. Gupte v. Union of India &Ors
4. F. Hoffmann-La Roche Ltd vs Cipla Ltd., Mumbai Central
5. Guangxi liugong Machinery Co. Ltd. Vs J.C. Bamford excavators
6. Koninklijke Philips Electronics N.V. v Rajesh Bansal &Ors.
7. M/S. Iritech Inc. vs The Controller Of Patents
8. Merck Sharp & Dohme Corporation &Anr. v. Aprica Pharmaceuticals Private Limited
9. Monsanto Technology LLC &Ors Vs. Nuziveedu Seeds Ltd &Ors
10. Novartis v. Union of India
11. Nuziveedu Seeds Ltd. And Ors. Vs Monsanto Technology LLC and Ors.
12. Shammad Basheer vs Union of India &Ors.

**DESIGNS: -**

1. Carlsberg Breweries A/S v. Som Distilleries and Breweries.
2. Cello Household Products v. M/S Modware India and Anr.
3. Holland Company LP and Anr. v. S.P. Industries
4. Kent RO Systems Ltd &Anr. v. Amit Kotak &Ors.
5. Krishna Plastic Industries v. Controller of Patents and Designs
6. M/S Crocs Inc. USA v. Liberty Shoes Ltd. &Ors.

7. Vega Auto Accessories (P) Ltd. v SK Jain Bros Helmet (I) Pvt. Ltd.

**COPYRIGHTS: -**

1. B.K. Dani v/s State of M.P
2. Brooke Bond India Limited vs Balaji Tea (India) Pvt. Ltd
3. Fermat Education v. M/S Sorting Hat Technologies Ltd.
4. India TV Independent News Services Pvt. Ltd. vs Yashraj Films Pvt. Ltd
5. Indian Performing Right Society Ltd v/s. Eastern India Motion Picture Association
6. My Space Inc. v. Super Cassettes Industries Limited
7. Neetu Singh v. Rajiv Saumitra&Ors.
8. R.G Anand vs M/S. Delux Films &Ors
9. Sanjay Kumar Gupta &Anr. v.Sony Pictures Networks India Pvt. Ltd. &Ors.
10. The Chancellor, Masters and Scholars of the University of Oxford v Rameshwari Photocopy Services
11. Universal Music (India) Pvt. Ltd. vs Trimurti Films Pvt. Ltd.

**BOOKS :**

1. V.K. Ahuja, Law relating to Intellectual Property Rights (Latest Edn.), LexisNexis
2. Alka Chawala, Law of Copyright
3. Mellville B Nimmer & David Nimmer, NIMMER ON COPYRIGHT
4. Ananth Padmanabhan, *Intellectual Property Rights Infringement and Remedies*, Lexis Nexis, 2012
5. Elizabeth Verkey, *Law of Plant Varieties Protection*, Eastern Book Company, 2007
6. Feroz Ali Khader, *The Law of Patents-With a Special Focus on Pharmaceuticals in India*, LexisNexis, 2nd Edition, 2011
7. Gopalakrishnan and Agitha, *Principles of Intellectual Property*, Eastern Book Co., 2006
8. K C Kailasam and RamuVedaraman, *Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications*, Lexis Nexis, 2013
9. Lionel Bently& Brad Sherman, *Intellectual Property Law*, Oxford University Press, 3rd Edition, 2008
10. P. Narayanan, *Copyright and Industrial Designs*, Third Edition, Eastern Law House, New Delhi, 2007

11. Rama Sharma, *Commentary on Intellectual Property Laws*, Wadhwaand Co., Nagpur, Vol. 1, 2007 19.
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13. W R Cornish, *Intellectual Property: Patents Copyright Trademarks and allied rights*, Sweet & Maxwell, London, 2010.
14. Wadehra B.L., *Law Relating to Intellectual Property*, 5th Edition (Reprint), Universal Law Publishing, 2016

**ONLINE AVAILABLE BOOKS (In HNLU Digital Library/Open Access Platform):**

- [https://www.google.co.in/books/edition/The\\_Copyright\\_Book/DZSoAwAAQBAJ?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover](https://www.google.co.in/books/edition/The_Copyright_Book/DZSoAwAAQBAJ?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover)
- [https://www.google.co.in/books/edition/Patent\\_IPR\\_Licensing\\_Technology\\_Commerci/fN E1DwAAQBAJ?hl=en&gbpv=0](https://www.google.co.in/books/edition/Patent_IPR_Licensing_Technology_Commerci/fN E1DwAAQBAJ?hl=en&gbpv=0)

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- DU BOIS M "Justificatory Theories for Intellectual Property Viewed through the Constitutional Prism" PER / PELJ 2018(21) - DOI <http://dx.doi.org/10.17159/1727-3781/2018/v21i0a2004>
- Copyright – Economic and Moral Rights, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- Originality Requirements in Copyright Law, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- LexOrbis, India: Revisiting The Doctrines In Copyright: The Oxford Dispute available at <https://www.mondaq.com/india/copyright/70858/revisiting-the-doctrines-in-copyright-the-oxford-dispute>
- Ishan Sambhar, India: Assignment And Licensing Of Copyright available at <https://www.mondaq.com/india/copyright/854828/assignment-and-licensing-of-copyright>
- Subject-matter Requirement in Indian Copyright Law, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- Lok Sabha Debates, <http://loksabhaph.nic.in/Debates/Result15.aspx?dbsl=7562>
- [https://ipindia.gov.in/writereaddata/Portal/Images/pdf/Manual\\_for\\_Patent\\_Office\\_Practice\\_and\\_Procedure\\_.pdf](https://ipindia.gov.in/writereaddata/Portal/Images/pdf/Manual_for_Patent_Office_Practice_and_Procedure_.pdf)

**BLOGS/CHANNELS/PODCASTS:**

1. E-PG Pathshala available at <https://www.youtube.com/channel/UCgNgdBmRmUFG2SPTyQ5WRUg>
2. World Intellectual Property Organisation available at <https://www.youtube.com/user/wipo/videos>



**COPYRIGHT LAW (IPR SPECIALIZATION)**

**SEMESTER I | LL.M.**

**SYLLABUS (SESSION: JUL-DECEMBER 2023)**

<b>Faculty Name</b>	Dr. Ankit Singh	<b>Year/ Semester</b>	I/LLM
<b>Course Name</b>	Copyright Law	<b>No. of Credits</b>	6
<b>Course Code</b>	NA	<b>Session Duration</b>	60 Minutes
<b>No of Contact Hours</b>	50 Lectures + 10 Tutorials =60 hours	<b>Pre-requisite</b>	Basics of Intellectual Property Rights
<b>Introduction, Course Objective &amp; Pedagogy</b>	<p>Copyright is a type of intellectual property that gives its owner the exclusive right to make copies of a creative work, usually for a limited time. The creative work may be in a literary, artistic, educational, or musical form. Copyright is intended to protect the original expression of an idea in the form of a creative work, but not the idea itself. When people create original works, they are protected by copyright law. This law lasts for a limited time, and it provides the work's creator with certain exclusive rights. The goal of copyright law is to protect created works from misappropriation or unauthorized use/monetization. In turn, this protection is meant to encourage creativity and the continued creation of new works that will ideally be made available to the public. A copyright is subject to limitations based on public interest considerations, such as the fair use doctrine across the globe.</p> <p>Some jurisdictions require "fixing" copyrighted works in a tangible form. It is often shared among multiple authors, each of whom holds a set of rights to use or license the work, and who are commonly referred to as rights holders. These rights frequently include reproduction, control over derivative works, distribution, public performance, and moral rights such as attribution.</p> <p>Copyrights can be granted by public law and are in that case considered "territorial rights". This means that copyrights granted by the law of a certain state, do not extend beyond the territory of that specific jurisdiction. Copyrights of this type vary by country; many countries, and sometimes a large group of countries, have made agreements with other countries on procedures applicable when works "cross" national borders or national rights are inconsistent.</p> <p>This course is an attempt towards imparting knowledge of</p>		

	<p>various aspects of Copyright Law:</p> <p><b>CO1-</b> To provide students with a deep and comprehensive understanding of the fundamental principles and concepts of copyright law;</p> <p><b>CO2</b> - Developing analytical and research skills of the learners and to equip them with tools to delve deeper into copyright law;</p> <p><b>CO3-</b> To explore international copyright treaties, agreements, and harmonization efforts, as well as the challenges and opportunities posed by the digital age and the internet</p> <p><b>CO4-</b> To expose the learners to emerging issues and future directions in copyright law</p> <p>This subject requires teaching to be a combination of theoretical foundation with practical application. The contact hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions. The enrolled students will be encouraged to participate in classes via minor assignments in the form of quiz, MCQs or addressing an issue based on facts.</p>
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**LEARNING OUTCOMES:** Through the curriculum, the students will be able to comprehend the fundamentals and principles of copyright. In addition, after successful completion of the course, the students will be able to:

**LO1-** Learners would be able to articulate and apply the core principles of copyright law, including originality, fixation, authorship, ownership, and the rights and limitations associated with copyrighted works.

**LO2** – Get equipped with the acumen to implement the law to various issues relating to copyright and related aspects

**LO3-** Examine and analyze emerging concepts of copyright in the digital era and come up with viable and pragmatic solutions to various problems

**LO4** – Develop analytical and research skills and produce quality research work in the domain of copyright law

**EVALUATION COMPONENTS**

<b>Evaluation Components</b>	<b>Distribution of Marks</b>
Continuous Internal Assessment	20
End Term	80
Total	100

\*Note: Pass marks 50% of the final grade.



## COURSE PLAN

S.No.	Topics	Lecture Sessions
1	INTRODUCTION	1-12
2	SUBJECT MATTER OF COPYRIGHT	13-21
3	AUTHORSHIP AND RIGHTS OF COPYRIGHT OWNERS	22-35
4	COMMERCIAL DEALING IN COPYRIGHT	36-44
5	INFRINGEMENT AND REMEDIES	45-52
6	CONTEMPORARY ISSUES IN COPYRIGHT LAW	53-60

## DETAILED SYLLABUS

UNIT	CONTENT
Module 1 Introduction	<p>Concept of copyright</p> <p>Justification of copyright as an intellectual property. Historical development of copyright law</p> <p>Before advent of printing press After advent of printing press Birth of Stationer's Co. 1556</p> <p>Statute of Anne and its salient features The British Copyright Act 1911</p> <p>Indian History of Copyright Law:</p> <p>Phase 1: Indian Copyright Act 1847</p> <p>Phase 2: Copyright Act, 1914.</p> <p>Copyright Act 1957</p> <p>Copyright Amendment Act 2012.</p>
Module 2: International Legal Instruments Relating to Copyright law	<p>The Berne Convention for the Protection of Literary and Artistic Works, 1886.</p> <p>Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961).</p> <p>Universal Copyright Convention, 1952</p> <p>Trade Related Aspects of Intellectual Property Rights, 1995. (TRIPs)</p> <p>WIPO Performances and Phonograms Treaty, 1996 (WPPT)</p> <p>WIPO Copyright Treaty, 1996 (WCT)</p> <p>The Beijing Treaty on Audiovisual Performances</p> <p>Marrakesh Treaty to Facilitate Access to Published Works for Persons, Who Are Blind, Visually Impaired or Otherwise Print Disabled, 2013</p>
Module 3: SUBJECT MATTER OF COPYRIGHT	<p>Concept of Originality Idea/Expression Dichotomy Merger Doctrine</p> <p>Works Protected</p> <p>Artistic, Musical, Literary and Dramatic Sound Recording</p> <p>Computer Programs</p> <p>Cinematograph Films</p>
Module 4 AUTHORSHIP AND RIGHTS OF COPYRIGHT OWNERS	<p>Authorship of Copyright: Author as the First Owner Joint Authorship</p> <p>Economic Rights of Authors Moral Rights of Authors Neighboring Rights</p> <p>Performer's Rights</p>
	Broadcasting Rights

<b>Module 5 COMMERCIAL DEALING IN COPYRIGHT</b>	Duration of Copyright Assignment of Copyright Licensing of Copyright Voluntary Statutory Compulsory International Copyright
<b>Module 6 INFRINGEMENT AND REMEDIES</b>	Infringement of Copyright Jurisdiction Defenses: Fair Use in Copyright Remedies for Infringement: Civil, Criminal and Administrative
<b>Module 7 CONTEMPORARY ISSUES IN COPYRIGHT LAW</b>	Copyright: A human right and Free Speech implications First Sale Doctrine and Exhaustion of Copyright Copyleft and software licensing Copyright in Digital Era: Intersection with the IT Act, 2000 Copyright and AI Blockchain and Copyright Management

## READINGS:

## CASE LAWS:

- *Bleistein v. Donaldson Lithographing Co. (1903)-*
- *University London Press v. University Tutorial Press , (1916) 2 Ch601*
- *Feist Publication v. Rural telephone Service 499 US 340(1991)*
- *Mannion v. Coors Brewing Co. (2005)*
- *Govindan v. Gopal krishnan AIR 1955 Mad 391*
- *V.Errabhadrarao v. B.N.Sharma 1958*
- *CCH V. Law Society of Upper Canada 2004 SCC 13*
- *EBC V. D B Modak (2008) 1 SCC 1*
- *Baker v. Selden (1879)*
- *Nichols v. Universal Pictures Corp. (1930)*
- *Alexander v. Haley (1978) -Walter v. Lane (1900) Ac 539*
- *R. G. Anand v. M/s Delux Films AIR 1978 SC 1613*
- *Escort Equipments v. Action Equipments. 1999 PTC 36*
- *Anil Gupta V. Kunal Dasgupta Air 2002 Delhi 379*
- *Barbara Taylor Bradford v. Sahara Media and Ent. Ltd, 2004 (28) PTC 474*
- *Star India v. Leo Burnett 2003 PTC 81*
- *Mattel v. Jayant Agarwalla 2008 (38) PTC 416*
- *Agarwala Publishing House, Khurja v. Board of High School and Intermediate Education U.P.Allahabad*
- *Burlington Home Shopping Pvt. Ltd v. Rajnish Chibber*

- *Ananda Expanded Italics., In re.*
- *Fortune Films International v. Dev Anand and another*
- *Gramophone Company of India Ltd. v. Super Cassette Industries Ltd.*
- *Ram Sampath v. Rajesh Roshan - Associated Publishers (Madras) Ltd. v. K. Bashyam*
- *J. B. Khanna and Co. v. A Asad*
- *FE Engineering and Consultancy Pvt. Ltd. v. LG Cable Ltd.*
- *Indian Performing Rights Society v. Eastern India Motion picture*
- *Music Broadcast private Ltd. V. IPRS*
- *Manu Bhandari v. Kala Vikas Pictures*
- *Amarnath Sehgal v. Union of India*
- *Anand Patwardhan v. Director General Doordarshan*
- *Arun Chadha v. Oca Productions Ltd*
- *Najma Heptulla v. Orient Longman Ltd. and others*
- *Community for Creative Non-Violence v. Reid (1989)*
- *Shrinagar Cinemas Ltd v. Bharat Bala Productions Pvt Ltd*
- *Video Master v. Nishi Productions*
- *Deshmukh & co (Publishers) Pvt Ltd v. Avinash Vishnu Khandekar*
- *Gramophone Company of India v. Shanti Films Corporation*
- *Super Cassettes Industries Limited v. Nirualas Corner house Pvt Ltd*
- *Super Cassettes Industries Limited v. MySpace, Delhi HC December 2016*
- *The Chancellor Masters and Scholars of the University of Oxford v. Narendra Publishing House*
- *ESPN Star Sports v. Global Broadcast News Ltd.*
- *India TV Independent News service Pvt Ltd v. Yashraj Films Pvt Ltd*
- *Syndicate of the Press of University of Cambridge v. B D Bhandari*
- *Super cassettes Industries Ltd v. Chintamani Rao*
- *Warner Bros v. Santosh V.G.*
- *John Wiley v. Prabhat Chander Kumar*
- *Sundeman v. The Seajay Soc’y, Inc., 142 F.3d 194 (4th Cir. 1998)*

## **BOOKS & JOURNAL ARTICLES:**

- Mellvile B Nimmer & David Nimmer, NIMMER ON COPYRIGHT
- Alka Chawala, Law of Copyright
- P. Narayanan, COPYRIGHT and Industrial Designs (A commentary on the The Copyright Act)
- Ben Depoorter, Depoorter on Copyright
- Stephen Fishman J.D., Copyright Handbook, The What Every Writer Needs to Know
- Craig Joyce, Tyler T. Ochoa, Michael Carroll, Marshall Leaffer., Copyright Law, Tenth Edition
- Meaghan H. Kent, Joshua J. Kaufman., An Associate's Guide to the Practice of Copyright Law 2017th Edition
- Lee Wilson., The Copyright Guide: How You Can Protect and Profit from Copyrights (Fourth Edition)(Allworth Intellectual Property Made Easy), 2018

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- V.K. Ahuja, Law relating to Intellectual Property Rights (Latest Edn.), LexisNexis
- Elizabeth Verky, Intellectual Property Law and Practice, EBC Reader
- Mathew Thomas, Understanding Intellectual Property, EBC Reader
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- Arathi Ashok, Economic Rights of Authors under Copyright Law: Some Emerging Judicial Trends, Journal of Intellectual Property Rights Vol 15, January 2010, pp 46-54
- RANGISETTI NAGA SUMALIKA, Prof. (Dr) T. Ramakrishna, "REMEDIES AGAINST COPYRIGHT INFRINGEMENT", DPIIT, MCI Chair on Intellectual Property Rights & Centre for Intellectual Property Rights Research and Advocacy National Law School of India University, Bangalore
- S. Sivakumar and Lisa P. Lukose, Journal of the Indian Law Institute , April-June 2013, Vol. 55, No. 2 (April June 2013), pp. 149-174

#### ONLINE AVAILABLE BOOKS (In HNLU Digital Library/Open Access Platform):

- [https://www.google.co.in/books/edition/The\\_Copyright\\_Book/DZSoAwAAQBAJ?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover](https://www.google.co.in/books/edition/The_Copyright_Book/DZSoAwAAQBAJ?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover)
- [https://www.google.co.in/books/edition/Copyrights\\_and\\_Copywrongs/sGjSY0rRC\\_wC?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover](https://www.google.co.in/books/edition/Copyrights_and_Copywrongs/sGjSY0rRC_wC?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover)
- [https://www.google.co.in/books/edition/Reclaiming\\_Fair\\_Use/VWroer9-si8C?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover](https://www.google.co.in/books/edition/Reclaiming_Fair_Use/VWroer9-si8C?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover)
- [https://www.google.co.in/books/edition/Drafting\\_Copyright\\_Exceptions/g23IDwAAQBAJ?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover](https://www.google.co.in/books/edition/Drafting_Copyright_Exceptions/g23IDwAAQBAJ?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover)

#### ONLINE ARTICLES/BLOGS/REPORTS:

- Copyright – Economic and Moral Rights, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- India: Moral Rights Under Copyright Law, available at <https://www.lawctopus.com/academike/moral-rights-author/>
- The Moral Rights of an Author, by Nidhi Kumari, CNLU, available at <https://www.lawctopus.com/academike/moral-rights-author/>
- Ideas, Concepts, Scripts & Stories – Protecting Ideas in the Entertainment Industry Part V, available at [Ideas, Concepts, Scripts & Stories - Protecting Ideas in the Entertainment Industry Part V | BananaIP](https://www.lawctopus.com/academike/moral-rights-author/)
- Copyright – Neighbouring/Related Rights, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>

- Madhu Noonaa, India: Doctrine Of Originality In Copyright available at <https://www.mondaq.com/india/copyright/802134/doctrine-of-originality-in-copyright#:~:text=This%20doctrine%20stipulates%20that%20originality,be%20there%20for%20copyright%20protection.>
- R.G. ANAND VS. DELUX FILMS AND ORS., AIR 1978 SC 1613 available at [R.G. Anand – Appellants vs. Delux Films and Ors. - BananaIP Counsels](#)
- Copyright – Statutory and Compulsory Licensing, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- Copyright – Civil and Criminal Remedies, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- KYUNKI SAAS BHI KABHI BAHU THI VS. TIDE- RIGHTS IN A CINEMATOGRAPHIC WORK, available at [KYUNKI SAAS BHI KABHI BAHU THI Vs. TIDE- Rights in a Cinematographic Work | BananaIP](#)
- Originality Requirements in Copyright Law, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- LexOrbis, India: Revisiting The Doctrines In Copyright: The Oxford Dispute available at <https://www.mondaq.com/india/copyright/70858/revisiting-the-doctrines-in-copyright-the-oxford-dispute>
- Ishan Sambhar, India: Assignment And Licensing Of Copyright available at <https://www.mondaq.com/india/copyright/854828/assignment-and-licensing-of-copyright>
- Subject-matter Requirement in Indian Copyright Law, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- SUPER CASSETTES INDUSTRIES V. MYSPACE INC AND ANR., available at [SuperCassettes Industries v. Myspace Inc and Anr. | BananaIP](#)
- DU BOIS M "Justificatory Theories for Intellectual Property Viewed through the Constitutional Prism" PER / PELJ 2018(21) - DOI <http://dx.doi.org/10.17159/1727-3781/2018/v21i0a2004>
- Fair Dealing in Copyrights: Is the Indian Law Competent Enough to Meet the Current Challenges?Mondaq, <http://www.mondaq.com/india/x/299252/Copyright/Fair+Dealing+In+Copyrights+Is+The+India+n+Law+Competent+Enough+To+Meet+The+Current+Challenges>
- Lok Sabha Debates, <http://loksabhaph.nic.in/Debates/Result15.aspx?dbsl=7562>

#### **BLOGS/CHANNELS/PODCASTS:**

1. E-PG Pathshala available at <https://www.youtube.com/channel/UCgNgdBmRmUFG2SPTyQ5WRUg>
2. World Intellectual Property Organisation available at <https://www.youtube.com/user/wipo/videos>
3. WIPOD – Arbitration and Mediation matters available at Spotify, Apple Podcasts, GooglePodcasts



## LAW OF TRADEMARK (IPR SPECIALIZATION)

### SEMESTER I | LL.M.

#### SYLLABUS (SESSION: JUL-DECEMBER 2023)

<b>Faculty Name</b>	Dr. Atul Jaybhaye & Ms. Urvi Shrivastava	<b>Year/ Semester</b>	I/I
<b>Course Name</b>	Law of Trademark	<b>No. of Credits</b>	4
<b>Course Code</b>	NA	<b>Session Duration</b>	60 Minutes
<b>No of Contact Hours</b>	50 lectures + 10 Tutorials = 60	<b>Pre-requisite</b>	Basic understanding of IPR
<b>Introduction, Course Objective &amp; Pedagogy</b>	<p>A trademark is a word, name, symbol, or device used to indicate the source, quality and ownership of a product or service. A trademark used in marketing is a recognizable sign or design that identifies the products or services 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.</p> <p>With the advent of WTO, the law of trademarks is now</p>		

	<p>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 intellectual property, students need to be well versed with the conceptual and legal framework, and procedural requirements relating to trademarks. Therefore, the course curriculum is designed in such a way that students can grasp theoretical and practical aspects of trademark law.</p> <p><b>CO1-</b> To introduce the students to the concept of ‘trademark’ and ‘trademark law’ in a comprehensive manner as envisaged under the Trademark Act,1999.</p> <p><b>CO2 -</b> To familiarize the students with the national and international regimes for the protection of Trademarks.</p> <p><b>CO3-</b> To reflect upon new jurisprudence evolved by the Indian judiciary in relation to Trademark Law.</p> <p><b>CO4-</b> To enable the students to critically appreciate the emerging issues in trademark law.</p>
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**LEARNING OUTCOMES:** After the successful completion of the Course Curriculum, a student will be able to:

- LO1-** Identify and describe the basic requirement of trademark protection.
- LO2 –** List out the rights enjoyed by trademark owners.
- LO3 -** Apply the principles of trademark protection to legal problems correctly.
- LO4-** Analyze the principles related to the infringement of trademarks and passing off.
- LO5 -** To know and understand the emerging issues and challenges involved under trademark law.

**EVALUATION PARAMETERS**

<b>Components of Course Evaluation</b>	<b>% of distribution</b>
Project	20
End Term Exam	80
Total	100

**COURSE PLAN**

<b>S.No.</b>	<b>Topics</b>	<b>Lecture Sessions</b>
1	INTRODUCTION TO TRADEMARK	1-12

2	REGISTRATION OF TRADEMARKS	13-20
3	INFRINGEMENT OF TRADEMARKS AND DEFENSES	21-29
4	SCOPE AND ENFORCEMENT OF UNREGISTERED TRADEMARKS	30- 36
5	ASSIGNMENT AND LICENSING OF TRADEMARK	37- 41
6	REMEDIES FOR INFRINGEMENT AND PASSING OFF	42-46
7	CONTEMPORARY ISSUES IN TRADEMARK LAW	47-60

### DETAILED SYLLABUS

UNIT	CONTENT
<b>Module 1 INTRODUCTION TO TRADEMARK</b>	<ol style="list-style-type: none"> <li>1. Meaning, Characteristics, and functions of Trademark</li> <li>2. History and Evolution of Trademark law in India.</li> <li>3. International Developments and Dimensions of Trademark Protection: <ol style="list-style-type: none"> <li>a) Paris Convention for the Protection of Industrial Property, 1883.</li> <li>b) Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1994.</li> <li>c) Madrid System for International Registration of Marks.</li> <li>d) Trademark Law Treaty, 1994.</li> <li>e) Nice Agreement, 1957 (Nice classification of classes of goods and services).</li> </ol> </li> <li>4. Categories of trademarks: <ol style="list-style-type: none"> <li>a) Conventional trademarks: Well-known marks, certification marks, collective trademarks, and associated trademarks.</li> <li>b) Non-Conventional trademarks: Sound marks, taste marks, olfactory marks.</li> </ol> </li> </ol>
<b>Module 2 REGISTRATION OF TRADEMARKS</b>	<ol style="list-style-type: none"> <li>1. Procedure of registration (national and international)</li> <li>2. Rights conferred by registration of trademarks</li> <li>3. Grounds for refusal of registration (absolute and relative)</li> <li>4. Spectrum of distinctiveness and its relevance</li> <li>5. Protection of well-known trademarks</li> </ol>
<b>Module 3 INFRINGEMENT OF TRADEMARKS AND DEFENSES</b>	<ol style="list-style-type: none"> <li>1. Infringement of trademarks <ol style="list-style-type: none"> <li>a) Direct Infringement</li> <li>b) Indirect Infringement</li> </ol> </li> <li>2. Concept of deceptive similarity</li> <li>3. Defenses for trademark infringement <ol style="list-style-type: none"> <li>a) Fair use</li> </ol> </li> </ol>



	<ul style="list-style-type: none"> <li>b) Doctrine of laches</li> <li>c) Parody</li> <li>d) Doctrine of exhaustion</li> </ul>
<b>Module 4 SCOPE AND ENFORCEMENT OF UNREGISTERED TRADEMARKS</b>	<ul style="list-style-type: none"> <li>1. General principles: Passing off action</li> <li>2. Evidence in passing off action <ul style="list-style-type: none"> <li>a) Goodwill</li> <li>b) Misrepresentation</li> <li>c) Damage</li> </ul> </li> <li>3. Difference between infringement and passing off</li> </ul>
<b>Module 5 ASSIGNMENT AND LICENSING OF TRADEMARK</b>	<ul style="list-style-type: none"> <li>1. Assignment and Licensing of Trademark – Its meaning</li> <li>2. Relevant provisions under the Trademark Act</li> <li>3. Trademark licensing agreement and the important clauses</li> </ul>
<b>Module 6 REMEDIES FOR INFRINGEMENT AND PASSING OFF</b>	<ul style="list-style-type: none"> <li>1. Civil</li> <li>2. Criminal</li> <li>3. Administrative</li> </ul>
<b>Module 7 CONTEMPORAR Y ISSUES IN TRADEMARK LAW</b>	<ul style="list-style-type: none"> <li>1. Legality of parallel imports in India</li> <li>2. Disparagement and Comparative advertisement</li> <li>3. Character and celebrity merchandising</li> <li>4. The use of blockchain in trademark and brand protection</li> <li>5. Plain packaging and its impact on trademark law</li> </ul>

#### **READINGS:**

#### **STATUTES, RULES AND REGULATIONS:**

1. Trade Marks Act, 1999
2. Trade Marks Rules, 2017

#### **CASE LAWS:**

1. Amritdhara Pharmacy vs Satyadeo Gupta 1963 AIR 449
2. Atlas Cycle Industries Ltd. v. Hind Cycles Limited ILR 1973 Delhi 393
3. Cadbury India Limited and Ors. v. Neeraj Food Products 2007 (35) PTC 95 Del
4. Cadila Healthcare Ltd. v. Cadila Pharmaceutical Ltd. 2007 (35) PTC 95 Del
5. Colgate Palmolive Company and Anr. v. Anchor Health and Beauty Care Pvt. Ltd.
6. Corn Products Refining Co. v. Shangrila Food Products Ltd. (1929) 4 RPC 11 (2)
7. Erwen Warnink BV v. J.Townend & Sons 1979 (2) AER 927
8. ITC Ltd. v. Britannia Industries CS (COMM) 1128/2016
9. James Chadwick & Bros. Ltd. v. The National Sewing Thread Co. Ltd 1953 SCR 1028

10. Kaviraj Pandit Durga Dutt Sharma v. Navratna Pharmaceutical Laboratories 1997 PTC (17)(DB) 779
11. Listen Ltd. V. Harley (1929) 4 RPC 11 (2)
12. Mattel, Inc. & Anr. v. MS. Aman Bijal Mehta & Ors. CS(COMM) 803/2017
13. Milmet Oftho Industries and Others vs. Allergan Inc. (2004) 12 SCC 624
14. N. R. Dongre v. Whirlpool Corporation 1996 PTC (16) 583 SC
15. Nirma Ltd. v. Nimma International and another 2010 (42) PTC 307 (Del)
16. Reckitt & Colman Products Ltd. v. Borden Inc. (1940) 42 BOMLR 734
17. S. Syed Mohideen v. P. Sulochana Bai 2016 (66) PTC 1
18. Shoppers Stop Ltd. v. Vinod Shopper's Stop CS No. 458 of 2015 Delhi HC
19. Sunil Mittal v. Darzi on Call CS (Comm) No. 1381/2016.
20. Yahoo! Inc. vs Akash Arora (1999) [78 (1999) DLT 285]

## BOOKS AND ARTICLES

### Books:

1. Ashwani Kumar Bansal, *Law of Trademarks in India*, 3<sup>rd</sup> ed., Thomson Reuters (2014).
2. Venkateswaran on *Trade Marks & Passing Off*, (Set of 2 Volumes), 7<sup>th</sup> ed., LexisNexis (2018).
3. Cornish and Llewelyn, *Intellectual Property: Patents, Copyrights, Trademarks and Allied Rights*, 8th ed., Sweet and Maxwell (2013).
4. Correa M. Carlos, *Oxford Commentaries on the GATT/WTO agreements: Trade Related Aspect of Intellectual Property Rights*, 1st ed., Oxford Press (2007).
5. Dana Shilling, *Essentials of Trademarks and Unfair Competition*, 1st ed., Wiley (2008).
6. Deborah E. Bouchoux, *Intellectual Property*, 4<sup>th</sup> ed., Thomson Legal Studies (2015).
7. Jeremy Phillip, *Trademarks Law: A Practical Anatomy*, 1st ed., Oxford Press (2004).
8. K. C. Kailasam and Ramuvedaraman, *Law of Trade Marks- Including International Registration under Madrid Protocol and Geographical Indications*, Fourth Edition (Reprint), LexisNexis (2017).
9. Narayanan P.S., *Law of Trademarks and Passing Off*, 6th Ed. Eastern Law House (2018).
10. Rodney D Ryder, *Trademarks Advertising and Brand Protection*, 1st ed., MACMILLAN India Ltd. (2006).
11. V. K. Ahuja, *Law relating to Intellectual Property Rights*, 3<sup>rd</sup> ed., Lexis Nexis Butterworths Wadhwa (2017).
12. Eashash Ghosh, *Imperfect Recollections: The Indian Supreme Court on Trade Mark Law*, Thomson Reuters, (2020).
13. V.K. Unni, *Trade Mark and the Emerging Concepts of Cyber Property Rights*, Eastern Law House, (2005)
14. Lionel Bently and Brad Sherman, *Intellectual Property Law*, OUP Oxford; 5<sup>th</sup> ed., (2018).

**ONLINE AVAILABLE BOOKS** (In HNLU Digital Library/Open Access Platform)

**ONLINE ARTICLES/BLOGS/REPORTS:**

1. Dev Gangjee, Non-Conventional Trade Marks in India,  
<http://docs.manupatra.in/newsline/articles/Upload/BB1047DA-5CCF-41BC-9C82-487F5DC570D3.pdf>
2. Lisa P. Kukose, Non-Traditional Trademarks: A Critique,  
[https://www.jstor.org/stable/44782501#metadata\\_info\\_tab\\_contents](https://www.jstor.org/stable/44782501#metadata_info_tab_contents)
3. Review of Trademark and Its Enforcement Provisions under TRIPS,  
[https://www.researchgate.net/publication/324015978\\_Review\\_of\\_Trademark\\_and\\_Its\\_Enforcement\\_Provisions\\_under\\_TRIPS](https://www.researchgate.net/publication/324015978_Review_of_Trademark_and_Its_Enforcement_Provisions_under_TRIPS)
4. Trademarks: Distinctiveness is an Exception of Descriptiveness,  
<https://www.scconline.com/blog/post/2021/08/24/trademarks/>
5. [https://ipindia.gov.in/writereaddata/Portal/IPOGuidelinesManuals/1\\_93\\_1\\_THE\\_MADRID\\_PROTOCOL.pdf](https://ipindia.gov.in/writereaddata/Portal/IPOGuidelinesManuals/1_93_1_THE_MADRID_PROTOCOL.pdf)
6. <https://www.intepat.com/blog/trademark/trademark-infringement-v-passing-off/>
7. Comparative Advertising and Product Disparagement vis-à-vis Trademark Law,  
<http://docs.manupatra.in/newsline/articles/Upload/597132AB-96EC-4DB0-8A82-8D732D603A14.pdf>
8. Licensing One's Persona: Analysing the Practice of Personality Merchandising,  
[https://www.jstor.org/stable/43953480#metadata\\_info\\_tab\\_contents](https://www.jstor.org/stable/43953480#metadata_info_tab_contents)
9. The Use Of Blockchain In Trademark And Brand Protection,  
<https://www.jdsupra.com/legalnews/the-use-of-blockchain-in-trademark-and-1929008/#:~:text=Blockchain%20is%20a%20form%20of,everyone%20on%20the%20blockchain%20platform>.
10. [https://www.americanbar.org/groups/intellectual\\_property\\_law/publications/landslide/2021-22/march-april/nominative-trademark-use-affirmative-negative-defense-infringement/](https://www.americanbar.org/groups/intellectual_property_law/publications/landslide/2021-22/march-april/nominative-trademark-use-affirmative-negative-defense-infringement/)

**BLOGS/CHANNELS/PODCASTS**

1. E-PG Pathshala available at  
<https://www.youtube.com/channel/UCgNgdBmRmUFG2SPTyQ5WRUg>
2. World Intellectual Property Organization available at  
<https://www.youtube.com/user/wipo/videos>
3. WIPOD – Arbitration and Mediation matters available at Spotify, Apple Podcasts, Google Podcasts
4. SPICY IP - <https://spicyip.com/>
5. IPR Law India - <https://iprlawindia.org/blog/>



## FOUNDATIONS OF CYBER LAW (TECHNOLOGY SPECIALIZATION)

### SEMESTER I | LL.M.

#### SYLLABUS (SESSION: JUL-DECEMBER 2023)

<b>Faculty @</b>	Dr. Debmita Mondal	<b>Year/ Semester</b>	LLM Technology and Law Specialization
<b>Course Name</b>	Foundations Of Cyber Law	<b>Course Credit</b>	6
<b>Course Code</b>	NA	<b>Prerequisite</b>	NA
<b>Number of Classes</b>	55 classes + 5 revision classes	<b>Session duration</b>	60 Minutes
<b>COURSE OUTLINE</b>	<p>Human history is a blend of intellectual and technical evolution. Such a journey of the past, present and future has and will throw the challenges of negative impact which is managed by prevalent legal regimes. In such a constant, the advent of cyber space is revolutionary in its evolutionary quotient and that has equally thrown challenges for its governance. The cyberspace it its technical nomenclature of 'Internet' has expanded human imagination, socialization, political participation, cultural cohesion, democratization of knowledge never before any phase of technology evolution, In the same breadth it has also thrown humongous challenges to the social, political and economic framework by hate speech, false news and digital frauds, The big challenge for all nations and international framework is to augment the tremendous positive outcome with that of reigning the negative ones. This specialization is designed to map the contours of the interface of law and technology with special reference to cyberspace and its contemporary phase of evolution.</p>		
<b>COURSE - OBJECTIVES</b>	<p>The main objectives of this course are as follows:</p> <ul style="list-style-type: none"> <li>● To expose and analyse the trajectory of cyberspace and its impact on all walks of life including the jurisprudence of law.</li> <li>● To study and analyse the confluence and conflicts of cyberspace operations with the legal and regulatory framework of sovereign states and international relations.</li> <li>● To study and examine the emerging cyber space domain through the prism of structure of constitution and its fundamental values governing the citizens.</li> </ul>		

	<ul style="list-style-type: none"> <li>• To map the emerging issues of cybercrimes and the challenges of prevalent criminal justice system</li> <li>• To study the legislations and its impact of cyberspace operations – IT Act/ E commerce, E-Governance and Global Internet Governance</li> <li>• To identify the emerging challenges of the rapid evolving technological juggernaut of cyber space and the relevant prescription by way of national and international legislative framework.</li> </ul>
<b>PEDAGOGY</b>	<p>Considering that the classes will be conducted through online mode the mode of teaching will as of now essentially consist of:</p> <ul style="list-style-type: none"> <li>▪ Lectures with powerpoint presentations;</li> <li>▪ Invited lectures of Cyber Law practitioners</li> <li>▪ Guided reading and critical reflection of case laws;</li> <li>▪ Class discussion</li> <li>▪ A dedicated time slot for Q&amp;A sessions.</li> </ul>
<b>LEARNING OUTCOMES</b>	<p>Students after completing this course is expected to:</p> <ul style="list-style-type: none"> <li>▪ Understand the challenges of internet governance and regulations.</li> <li>▪ Spread awareness about newer principles for determining jurisdiction in cyberspace.</li> <li>▪ Identify how the internet and technology affects fundamental rights.</li> <li>▪ Develop understanding about the role of technology in cybercrime.</li> <li>▪ Recognize the interface between technology leaps and evolution of law.</li> </ul>

### **EVALUATION COMPONENTS**

<b>Evaluation Components</b>	<b>Distribution of Marks</b>
Project	20
End Term	80
Total	100

### **COURSE PLAN**

<b>S.No.</b>	<b>Topics</b>	<b>Lecture Sessions</b>
1	Introduction to Cyberspace and Internet Regulation	10
2	Challenges of Territoriality in Cyberspace	10

3	Constitutional rights in Cyberspace	11
4	Technology and Crime in Cyberspace	12
5	Technological Jumps and Menace for Cyber Regulation	10
	Revision	5

### **DETAILED SYLLABUS**

Unit	Content
<b>Module 1</b>	<p><b>Introduction to Cyberspace and Internet Regulation</b></p> <ul style="list-style-type: none"> <li>· Evolution of Internet, its usage and salient features</li> <li>· Theories of cyber law <ul style="list-style-type: none"> <li>- Barlow on Freedom in Internet World</li> <li>- Lessig’s theory of “Code”</li> <li>- Zittrain on Generativity</li> <li>- Benkler’s Power Law</li> </ul> </li> <li>· Legal challenges of Information Society</li> <li>· Role of regulators in Cyberspace: Who controls the digital world?</li> <li>· Models of Internet Regulation.</li> <li>· Self-regulation: Concept and comparative relevance in cyberspace.</li> <li>· Concept of Internet Governance.</li> <li>· ICANN and International mechanisms interfacing Internet governance</li> </ul>
<b>Module 2</b>	<p><b>Challenges of Territoriality in Cyberspace</b></p> <ul style="list-style-type: none"> <li>· Questions of Cyberspace Sovereignty and cyberspace as ‘<i>global common</i>’.</li> <li>• Case study of Dark web, its necessity and malice</li> <li>• Chinese and Russian View on Cyber Sovereignty</li> <li>• Cyber Law and International Law Interface</li> <li>• Convention on Cybercrime, 2001</li> <li>• Tallinn Manual on the International Law Applicable to Cyber Warfare</li> <li>• International Code of Conduct for Information Security</li> <li>• Jurisdictional Challenges in Cyberspace</li> </ul>
<b>Module 3</b>	<p><b>Fundamental rights in Cyberspace</b></p> <ul style="list-style-type: none"> <li>· <u>Digital healthcare technologies and policy interventions</u></li> <li>· <u>Gender discrimination in Cyberspace</u></li> <li>· Online Free Speech v. Hate speech</li> <li>· Challenges to Privacy in Digital World <ul style="list-style-type: none"> <li>• Concepts of Privacy: Invasion and Decryption</li> <li>• Aadhar Saga</li> <li>• Right to be Forgotten</li> </ul> </li> </ul>

	· Access to Information v. Technological Barriers in Cyberspace
<b>Module 4</b>	<b>Technology and Crime in Cyberspace</b> · Crime against Individual · Crime against State · Crime against Organization · Crime against Property • Fixing liability for crimes using/by Technology.
<b>Module 5</b>	<b>Technological Jumps and Menace for Cyber Regulation</b> · Supercomputing, Internet of Things and Big Data · Augmenting Reality through: <ul style="list-style-type: none"> <li>• Cloud computing</li> <li>• E-commerce and E-contracting</li> <li>• Digital Payment and currencies.</li> </ul>

### **SUGGESTED READINGS**

#### **Books:**

1. L Lessig, Code 2.0 (Basic Books, 2006, available as a free e-book).
2. Murray A. (2016) Information Technology Law: The law and society, 3rd ed., OUP
3. Karnika Seth, Computers, Internet and New Technology Laws, Lexis Nexis (2021).
4. Apar Gupta, Commentary on Information Technology Act, Lexis Nexis (2016).
5. Rohas Nagpal, Cyber Crime and corporate liability, Wolter Kluwers (2008).
6. N S Nappinai, Technology Laws Decoded, Lexis Nexis (2017).
7. Vakul Sharma, Information Technology: Law and Practice, Universal Law (2005).
8. Pavan Duggal, Text Book on Cyber Law, Universal Law Publishing (2008).
9. Sarfaraz Ahmed Khan & Pankaj Prakash Umbarkar, Cyber Crimes Security and Warfare's, Satyam Law International, 2022.

#### **Articles:**

1. Ira Steven Nathenson, Cyberlaw Will Die and We Will Kill It, (2020) Chapter in Research Handbook on Information Law and Governance (Sharon Sandeen, Christoph Rademacher, & Ansgar Ohly, eds.), Edward Elgar, Forthcoming  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3731093](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3731093)
2. Mary Anne Franks, Unwilling Avatars: Idealism and Discrimination in Cyberspace, 20 COLUM. J. GENDER & L. 224 (2011).  
[https://repository.law.miami.edu/cgi/viewcontent.cgi?article=1304&context=fac\\_articles](https://repository.law.miami.edu/cgi/viewcontent.cgi?article=1304&context=fac_articles)
3. Schia, Niels Nagelhus, and Lars Gjesvik. *China's Cyber Sovereignty*. Norwegian Institute of International Affairs (NUPI), 2017. *JSTOR*, <http://www.jstor.org/stable/resrep07952>.
4. Hobart, Paul Milton. "Cyber Death in Cyber Time and Cyber Space." *American Intelligence Journal*, vol. 28, no. 2, 2010, pp. 5–17. *JSTOR*, <http://www.jstor.org/stable/44327153>.

5. Bloom, Les, and John E. Savage. On Cyber Peace. Atlantic Council, 2011. JSTOR, <http://www.jstor.org/stable/resrep03352>.
6. Simon, Toby, and GLOBAL COMMISSION ON INTERNET GOVERNANCE. “CRITICAL INFRASTRUCTURE AND THE INTERNET OF THINGS.” Cyber Security in a Volatile World, Centre for International Governance Innovation, 2017, pp. 93–104. JSTOR, <http://www.jstor.org/stable/resrep05239.12>
7. Jessica Malekos Smith, Can Democracy Endure Where The Cyber Things Are, 5 HOMELAND & NAT'l Sec. L. REV. 1 (2016). <https://nationalinterest.org/feature/can-democracy-endure-where-the-cyber-things-are-18563?page=0%2C1>
8. Rajendran Narayanan, Sakina Dhorajiwala, The Namesake: Human Costs of Digital Identities, EPW, <https://www.epw.in/engage/article/nameof-human-costs-digital-identities>
9. Why Do We Care So Much About Privacy? <https://www.newyorker.com/magazine/2018/06/18/why-do-we-care-so-much-about-privacy>
10. Jyoti Panday, India's Supreme Court Upholds Right to Privacy as a Fundamental Right—and It's About Time, <https://www.eff.org/deeplinks/2017/08/indias-supreme-court-upholds-right-privacy-fundamental-right-and-its-about-time>
11. NIPFP, Backdoors to Encryption: Analysing an intermediary's duty to provide “technical assistance”. <https://datagovernance.org/report/backdoors-to-encryption-analysing-an-intermediarys-duty-to-provide-technical-assistance>
12. Sunitha Abhay Jain, An Indian Perspective Regulation of Cryptocurrency, EPW, Vol. 56, Issue No. 34, 21 Aug, 2021.
13. Internet Shutdowns: Strategy to Maintain Law and Order or Muzzle Dissent?, EPW, Vol. 53, Issue No. 42, 20 Oct, 2018.
14. Sahana Udupa, India Needs a Fresh Strategy to Tackle Online Extreme Speech, EPW, Vol. 54, Issue No. 4, 26 Jan, 2019.
15. Alexander H. Tran, The Internet of Things and Potential Remedies in Privacy Tort Law, 50 COLUM. J.L. & Soc. Probs. 263 (2017). <http://jlsplaw.columbia.edu/wp-content/uploads/sites/8/2017/03/50-Tran.pdf>
16. Lyndsay Cook, The Right to Be Forgotten: A Step in the Right Direction for Cyberspace Law and Policy, 6 Case W. Res. J.L. TECH. & INTERNET 121 (2014-2015). <https://scholarlycommons.law.case.edu/jolti/vol6/iss1/8/>
17. Giancarlo F. Frosio, The Right to Be Forgotten: Much Ado about Nothing, 15 COLO. TECH. L.J. 307 (2017). <https://cyberlaw.stanford.edu/files/publication/files/Giancarlo%20F.%20Frosio%2C%20The%20Right%20to%20Be%20Forgotten%20-%20Much%20Ado%20About%20Nothing%2C%2015%282%29%20COL.%20TECH%20L.%20J.%20%20307%20%282017%29.pdf>



## Cases:

1. Zee Telefilms Ltd v State of Karnataka ILR 1997 Kar 1071.
2. Yahoo!, Inc v Akash Arora 1999 IAD Delhi 229.
3. Rediff Communication Ltd v Cyberbooth.1999 (4) BomCR 278
4. Reno v American Civil Liberties Union, 521 US 844 (1997). Available at <https://supreme.justia.com/cases/federal/us/521/844/case.html> ; appeal from American Civil Liberties Union v Reno, Nos. CIV. A. 96-963 and CIV. A. 96-1458, 1996 WL 311865 at 4–13 (E.D.Pa. 11 June 1996).
5. Tata Sons Ltd v Greenpeace International, I.A. No. 9089/2010 in CS (OS) 1407/2010, decided on 28 January 2011.
6. Shreya Singhal v UOI, AIR 2015 SC 1523.
7. Tarun Tyagi v CBI CRL.M.C.--2729/2014
8. Dr Sudhir Kumar Goyal v University of Delhi W.P.(C) 6121/2013
9. NASSCOM v Ajay Sood 2005 (30) PTC 437 Del
10. Deepak Ratanlal Walecha v The State of Maharashtra CRIMINAL BAIL APPLICATION NO.1078 OF 2018.
11. Vishal Kaushik v The State (Govt of NCT of Delhi) February, 2016
12. Regina v Lewys Stephen Martin [2013] EWCA Crim 1420
13. S. Raju Aiyer v Jawahar Lal Nehru University W.P. (C) No.62/2011
14. Shagun v The State of Jharkhand through the Chief Secretary, Ranchi, W.P.(C) No.3193 of 2016.
15. Akhtar Ali v State of Uttarakhand, 2016.
16. Binu Tamta v High Court of Delhi W.P. (C) No. 162 of 2013
17. Mohammedayub @ Sakir Shabirbhai Shaikh v State of Gujarat R/CR.MA/5218/2014
18. Avinash Bajaj v State of Delhi 116 (2005) DLT 427.
19. Dr L. Prakash v State of Tamil Nadu W.P.M.P.No. 10120 of 2002).
20. Abbas v State of Kerala WP(C).No. 11498 of 2011(J)



**PRIVACY LAW AND DATA PROTECTION (TECHNOLOGY SPECIALIZATION)**

**SEMESTER I | LL.M.**

**SYLLABUS (SESSION: JUL-DECEMBER 2023)**

<b>Faculty Name</b>	Prof. (Dr.) Yogendra Srivastava	<b>Year/ Semester</b>	1/I
<b>Course Name</b>	<b>Privacy Law and Data Protection</b>	<b>No. of Credits</b>	6
<b>Course Code</b>	NA	<b>Session Duration</b>	60 Minutes
<b>No of Contact Hours</b>	50 Lectures + 10 Tutorials =60 hours	<b>Pre-requisite</b>	Constitution of India
<b>Introduction, Course Objective &amp; Pedagogy</b>	<p>In this course we will see the conceptual &amp; 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.</p> <p>The main objectives of this course are as follows:</p> <p><b>CO1</b>-examine the historical background of privacy law;  <b>CO2</b>– analyze the Indian and global perspective relating to data protection law;  <b>CO3</b>- build comprehensive understanding of the contemporary developments in the domain;  <b>CO4</b>-prepare the students to conduct systematic and impactful research in the area and to face the present day challenges;</p> <p>This subject requires teaching to be a combination of theoretical foundation with practical application. The contact hours will be utilized in catering a blend of lecture, discussion, and brainstorming sessions. The enrolled students will be encouraged to participate in classes via minor assignments in the form of quiz, MCQs, book reviews, projects or addressing an issue based on facts.</p>		

**LEARNING OUTCOMES:** Through the curriculum, the students will be introduced to the big picture of corporate finance and Law relating to it. At the end of the course, students will be able to:

**LO1-** Enhance the knowledge on Privacy Law and Data Protection.

**LO2-** Competency in understanding of various dimensions of Data Protection Laws and privacy Law and its application in various jurisdictions.

**LO3 -**Identification of the privacy obligation & managing compliance issues relating to privacy law and data protection.

### **EVALUATION COMPONENTS**

<b>Evaluation Components</b>	<b>Distribution of Marks</b>
Continuous Internal Assessment (15 marks project submission + 5 viva-voce)	20
End Term Examination	80
Total	100

\*Note: Pass marks 50% of the final grade.

### **COURSE PLAN**

<b>S.No.</b>	<b>Topics</b>	<b>Lecture Sessions</b>
1	Introduction to the Privacy	1-15
2	Privacy Law and Data Protection-Indian Perspective	16-30
3	Privacy Law and Data Protection-Global Perspective	31-45
4	Data protection: Challenges, Initiatives and Road Ahead	46-60

### **DETAILED SYLLABUS**

<b>UNIT</b>	<b>CONTENT</b>
<b>Module 1 Introduction to the Privacy</b>	Introduction to the Privacy laws History of Privacy What is Privacy? Evolution of Privacy Doctrine in India Constituent Assembly and privacy Concept of privacy in other jurisdictions Criticisms of the privacy doctrine
<b>Module 2 Privacy Law and</b>	What is data protection? Informational Privacy vis-à-vis Data Protection

<b>Data Protection- Indian Perspective</b>	Information Technology Act, 2000 and Related Privacy and Data Protection Provisions Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Information) Rules, 2011 Aadhaar Act, 2016, Aadhaar Data Security Regulations, 2016 and Aadhaar (Sharing of Information) Regulations, 2016
<b>Module 3 Privacy Law and Data Protection- Global Perspective</b>	The European Union Data Protection Regulations (GDPR) The Personal Data Protection Act, 2012 ( Singapore ) United Nations: A Human Rights-Based Approach to Data ILO and Protection of Worker’s Data UNCTAD: Data Protection Regulations and International Data Flows Data Privacy, Ethics and Protection Guidance on Big Data for achievement of the Agenda 2030 OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data
<b>Module 4 Data protection: Challenges, Initiatives and Road Ahead</b>	Personal Data Protection Bill, 2021 Data Sovereignty and Data Security Processing of Personal Data Rights of Individuals and Entities on Processing of personal data Remedies for Unauthorized Processing

#### **Suggested Readings (Case Laws):**

1. A.k. Gopalan v. State of Madras, 1950 SCR 88
2. M.P. Sharma and Others v. Satish Chandra, District Magistrate and Others, 1954 SCR 1077
3. Kharak Singh v. State of Uttar Pradesh and Others, (1964) 1 SCR 334
4. Satwant Singh Sawhney v. D. Ramarathnam, (1967) 3 SCR 735
5. Gobind v. State of M.P., (1975) 2 SCC 148
6. Malak Singh v. State of Punjab and Haryana, (1981) 1 SCC 420
7. State of Maharashtra v. Madhukar Narain Mardikar, (1991) 1 SCC 57
8. R. Rajagopal and Others v. State of Tamilnadu, (1994) 6 SCC 632
9. People’s Union for Civil Liberties v. Union of India, (1997) 1 SCC 301
10. Mr. ‘X’ v. Hospital ‘Z’, (1998) 8 SCC 296
11. National Legal Service Authority v. Union of India (NALSA), (2014) 5 SCC 438
12. ABC v. State (NCT of Delhi), (2015) 10 SCC
13. Justice Puttaswamy (Retd.) v. Union of India, (2015) 8 SCC 735
14. Justice K.S. Puttaswamy (Retd) v. Union of India (2017) 10 SCC 1
15. Supreme Court Advocates on Records Association v. Union of India, (2016) 5 SCC 1
16. Wolf v. Colorado, (1949) 238 US 25

17. Griswold v. Connecticut, 381 US 479 (1965)
18. Jane Roe v. Henry Wade, 410 US 113 (1973)

### Suggested Readings (Books and Articles):

1. Warren and Brandeis, “ The Right to Privacy”, Harvard Law Review (1890), Vol. 4, No. 5
2. Doorthy J Glancy, “ The invention of the Right to Privacy”, Arozona Law Review (1979), Vol. 21, No. 1
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## EMERGING TECHNOLOGIES AND LAW (TECHNOLOGY SPECIALIZATION)

### SEMESTER I, LLM

#### SYLLABUS (SESSION JULY-DECEMBER 2023)

<b>Faculty Name</b>	Mr. Surya Vadapalli	<b>Year/ Semester</b>	LLM/I
<b>Course Name</b>	<b>Emerging Technologies and Law</b>	<b>No. of Credits</b>	6
<b>Course Code</b>	NA	<b>Session Duration</b>	60 Minutes
<b>No of Contact Hours</b>	60 hrs	<b>Pre-requisite</b>	None
<b>Introduction, Course Objective &amp; Pedagogy</b>	<p>The Course on Emerging Technologies and Law is designed to capture the contours of emerging technologies and the response of the legal system for regulating it on its impact on society at large. The rapid changes and leapfrogging of technologies in the recent decades can be described as a paradigm shift and legal regimes find them as a big challenge notwithstanding their benefits to the stakeholders. This specialization in the Master's Programme tries to map the contours of the interface of law with the technologies, its pros and cons in terms of its impact, the regulatory nuances and implementation and insights for future developments. This course sets a sui generis road map based on the attempts in other institutes to teach and research on this topic.</p> <p><b>The course objectives can be enumerated as follows:</b></p> <ol style="list-style-type: none"><li>1) To map the emerging technologies of Big Data related developments focusing on the interface of law and regulations</li><li>2) To teach and sensitize the student about the international developments in the field of technology and response of major players like US/ EU/China and Japan for augmenting the Dos and Don'ts</li><li>3) To critically analyze the socio-economic and political ramifications of these technologies and lessons for public policy formulation.</li></ol>		

	<p>4) To analyze the role played by modern technologies in facilitation of a global war.</p> <p>5) To explore the international response by way of multilateral agreements/understanding.</p> <p>The course will be taught by a lecture and discussion method.</p>
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**LEARNING OUTCOMES:**

- 1) This course will enable to enhance knowledge on Artificial Intelligence Law and its related aspects like block chain, Big Data, online platforms and etc.
- 2) To expose the students on Indian and Global developments and perspectives of the segments of the course outline.
- 3) To develop critical thinking on the subject from Litigation and academic enhancement perspective
- 4) To provide inputs for research publications.

**EVALUATION COMPONENTS**

<b>Evaluation Components (As directed by EC/ APC)</b>	<b>Distribution of marks</b>
Project Examination	20 marks
End Term Examination	80 marks
<b>Total</b>	<b>100 marks</b>

\*Note: Pass marks 50% of the final grade.

**COURSE PLAN**

<b>SNo.</b>	<b>Topics</b>	<b>Lecture Sessions</b>
1	ARTIFICIAL INTELLIGENCE AND LAW	20
2	DARK LINING IN SILVER CLOUD	10
3	FINANCIAL TECHNOLOGIES: DEVELOPMENT AND CHALLENGES	13
4	TECHNOLOGY AND WARFARE	17

**DETAILED SYLLABUS**

<b>UNIT</b>	<b>CONTENT</b>
<b>MODULE - I</b>	<ol style="list-style-type: none"> <li>1. Introduction to Artificial Intelligence</li> <li>2. Evolution of AI devices</li> </ol>



<b>ARTIFICIAL INTELLIGENCE AND LAW</b>	<ol style="list-style-type: none"> <li>3. AI and its Application in different sectors</li> <li>4. Debates and Controversies <ol style="list-style-type: none"> <li>i. Biases in Machine Learning</li> <li>ii. Data Rights <ol style="list-style-type: none"> <li>a. Neutrality</li> <li>b. Use of data without breach of privacy</li> </ol> </li> <li>iii. Limits of AI</li> </ol> </li> <li>5. Legal trends in the AI industry</li> <li>6. Artificial Intelligence Law and its development in India, USA, UK and other jurisdictions</li> </ol>
<b>MODULE - II</b>  LEGAL REGULATION OF CLOUD AND BIG DATA	Issues and concerns of the Cloud <ol style="list-style-type: none"> <li>i. Cloud Basics</li> <li>ii. India and Cloud Computing</li> <li>iii. Legal and Regulatory Issues on the Cloud</li> <li>iv. Big Data and Its Implications</li> </ol>
<b>MODULE - III</b>  FINANCIAL TECHNOLOGIES: DEVELOPMENT AND CHALLENGES	Digital Currencies and Issues: Global overview <ol style="list-style-type: none"> <li>i. Digital Currency</li> <li>ii. Virtual Currency</li> <li>iii. Crypto-currencies <ol style="list-style-type: none"> <li>a. Rethinking the regulation of Cryptoassets</li> <li>b. Applicability of securities law to crypto assets</li> <li>c. Regulatory building blocks and other concerns</li> <li>d. Regulatory concerns and responding to change</li> </ol> </li> </ol>
<b>MODULE – IV</b>  TECHNOLOGY IN WARFARE & DISPUTE RESOLUTION	<ol style="list-style-type: none"> <li>1. New Military Technologies <ol style="list-style-type: none"> <li>i. Legal characterization and status</li> <li>ii. Unmanned Aerial Systems (UAS)</li> <li>iii. Unmanned Maritime Systems (UMSs)</li> <li>iv. Unmanned targeting and legal implications</li> </ol> </li> <li>2. Biotechnological innovations and warfare</li> <li>3. Armed Drones and lethal robots: Legal challenges</li> <li>4. International Humanitarian Law during Cyber and Network warfare</li> <li>5. Technology disputes and its resolution</li> </ol>

## READINGS:

### BOOKS

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- 3) Iris H-Y Chiu and GudulaDeipenbrock (ed.), Routledge Handbook of Financial Technology and Law (2021) Routledge, ISBN 978-0-367-34414-6, 2021.
- 4) James G., Ernst D., Rachel Kerr and Guglielmo V., (ed.) Routledge Handbook of War, Law and Technology (2019) Routledge, ISBN 9781351619981.
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- 10) Siddharth P. and Maximilian S., Technology, Innovation and Access to Justice Dialogues on the Future of Law (2021) Edinburgh University Press, ISBN 978-1-4744-7386-6.
- 11) Syren Johnstone, Rethinking the Regulation of Cryptoassets Cryptographic Consensus Technology and the New Prospect, (2021) Edward Elgar Publishing, ISBN 978 1 80088 678 0.

### ARTICLES

- 1) Gartner, "Seven cloud-computing security risks", [online] Available at <http://www.networkworld.com/news/2008/070208-cloud.html>
- 2) Hogan Lovells, "Cloud Computing: A Primer on Legal Issues, Including Privacy and Data Security Concerns", [online] Available at [http://www.cisco.com/web/about/doing\\_business/legal/privacy\\_compliance/docs/CloudPrimer.pdf](http://www.cisco.com/web/about/doing_business/legal/privacy_compliance/docs/CloudPrimer.pdf)
- 3) James X. Dempsey, "Artificial Intelligence: An Introduction to the Legal, Policy and Ethical Issues", [online] Available at [https://www.law.berkeley.edu/wp-content/uploads/2020/08/Artificial-Intelligence-An-Introduction-to-the-Legal-Policy-and-Ethical-Issues\\_JXD.pdf](https://www.law.berkeley.edu/wp-content/uploads/2020/08/Artificial-Intelligence-An-Introduction-to-the-Legal-Policy-and-Ethical-Issues_JXD.pdf)

- 4) Kaufman, L.M. "Data security in the world of cloud computing." *Security & Privacy, IEEE* 7.4 (2009): 61-64.
- 5) Nishith Desai Associates, "A Walk in The Clouds– Legal & Tax Issues in Cloud Computing My Cloud, Your Cloud, Whose Cloud?" (2013).
- 6) Rain Liivoja, Technological change and the evolution of the law of war, *International Review of the Red Cross* (2015), 97 (900), 1157–1177. doi:10.1017/S1816383116000424
- 7) Ryan Calo, "Artificial Intelligence Policy: A Primer and Roadmap" (2017), [https://lawreview.law.ucdavis.edu/issues/51/2/Symposium/51-2\\_Calo.pdf](https://lawreview.law.ucdavis.edu/issues/51/2/Symposium/51-2_Calo.pdf).
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- 9) Winkler, V.J.R., "Securing the Cloud: Cloud Computer Security Techniques and Tactics", Syngress, 2011, ISBN 978-1-59749-592-9.