

BA.LL.B (Hons.)
Optional Papers – I & II
7th & 9th Semester
July-December 2024





CONSOLIDATED CURRICULUM
BA.LL.B (Hons.)
July-Dec.-2024
Optional Papers Sem-VII & IX

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COMPETITION LAW (OPTIONAL PAPER)
SEMESTER VII & IX | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DECEMBER), 2024

Faculty Name	Dr. Mohammad Atif Khan & Mr. Amitesh Deshmukh	Year/ Semester	VII & IX
Course Name	Competition Law	No. of Credits	4
Course Code	NA	Session duration	1 hour
No of Contact Hours	60 hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>Competition law is a rapidly growing area of law which reflects the free-market economy and increasing world globalization. The huge economic movements which have taken place in recent years increased the attractiveness of this subject, and competition lawyers are now prominent in the biggest law firms and institutions advising in complex transactions. The course aims to give an overview on the basics of Competition Law in India through a overview study of the main concepts and thus provide a solid background for further studies of this subject. The course will examine and compare the application of competition law to business agreements, the exercise of dominant position, the combinations between the firms and sellers and the enforcement mechanisms.</p> <p>The course shall be delivered with the following objectives:</p> <p>CO1: To provide a comprehensive understanding of the scope, extent, and application of competition laws through theoretical and practical lenses, enabling students to appreciate the comparative aspects of these laws across different jurisdictions.</p> <p>CO2: To equip students with in-depth legal knowledge regarding the structural regulations of agreements within market economies, focusing on the legal frameworks that govern such agreements.</p> <p>CO3: To develop the analytical skills necessary to identify and evaluate potentially anti-competitive practices and abuses of market dominance, fostering an understanding of their impact on free and fair competition.</p> <p>CO4: To discuss and critically analyze the regulatory environment, including the implications of various combinations and threshold controls, and how these affect market dynamics.</p>		

	<p>CO5: To elaborate on the enforcement mechanisms of competition law, including the jurisdictional overlaps with independent sectoral regulators, thereby providing a clear understanding of the legal processes involved.</p> <p>CO6: To examine the role of competition advocacy and explore emerging areas and challenges within competition law, preparing students to engage with and address contemporary issues in the field.</p> <p>This subject requires teaching to be a combination of theoretical foundations and their practical application. The contact hours will be utilized in catering a blend of case study-based discussions and interactive sessions.</p>
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LEARNING OUTCOMES:

After the completion of the various modules in the course outline, expected outcomes are the following:

LO1 - To understand the scope, extent, and application of theory & practice of Competition laws in a comparative perspective.

LO2 - Be equipped with the legal knowledge of structural regulations of agreements in the market economy.

LO3 - To analyze the potentially anti-competitive practices/abuse of dominance affecting free and fair competition in the market.

LO4 - To discuss the regulatory environment and its implications on combinations and threshold controls in the market.

LO5 - To elaborate the mechanisms for enforcement of competition law and the jurisdictional overlap of independent sectoral regulators.

LO6 - To examine in detail the competition advocacy and emerging areas/challenges in competition law.

COURSE PLAN

S.No.	Modules	Lecture Sessions
1	Introduction & Overview of Competition Law	9
2	Anti-Competitive Agreements	9
3	Abuse of Dominant Position	9
4	Regulation of Combinations	8
5	Enforcement Mechanisms	8
6	Competition Advocacy	8
7	Emerging Trends & Challenges in Competition Law	9

DETAILED SYLLABUS

Module	Content
Module 1: <i>Introduction & Overview of Competition Law</i>	<ul style="list-style-type: none"> History and development of Competition Law in India, US, and EU Objectives of Competition Law Competition Policy and Competition Law Introduction to Models of Competitive Market <ul style="list-style-type: none"> Monopoly Monopsony Oligopoly Monopolistic Perfect Competition and Workable competition Concept of Efficiency <ul style="list-style-type: none"> Allocative Efficiency Productive Efficiency Dynamic Efficiency Types of Market <ul style="list-style-type: none"> Relevant Product market Relevant Geographic Market Introduction to Fundamental Definitions: Enterprise, Agreement, Cartel, Consumer etc.
Module 2: <i>Anti-Competitive Agreements</i>	<ul style="list-style-type: none"> Anti-Competitive Agreements Determination of Relevant Market Appreciable Adverse Effect on Competition in the Market Horizontal and Vertical agreements Bid Rigging Determination and Regulation of Cartel Rule of Reason and Per se Rule Prohibition of Anti-competitive agreement, Factors conducive, Detecting mechanism (Dawn Raids, Leniency Regulations) Exemptions & Penalties
Module 3: <i>Abuse of Dominant Position</i>	<ul style="list-style-type: none"> Dominance in the Market Relevant Market Appreciable Adverse Effect on Competition in the Market Essential facilities doctrine Abusive Conducts under the Competition Act, 2002 <ul style="list-style-type: none"> Types of abuse

	<ul style="list-style-type: none"> ○ Exclusionary Abuse ○ Exploitative Abuse ● Penalties - Prevention of Abuse of Dominance under Indian Competition Law
Module 4: <i>Regulation of Combinations</i>	<ul style="list-style-type: none"> ● Combinations covered under the Competition Act, 2002 <ul style="list-style-type: none"> ○ Merger ○ Acquisition ○ Amalgamation ○ Takeover ● Horizontal, Vertical and Conglomerate Mergers ● Need for control of Anti – Competitive Combinations ● Threshold limits ● Analyzing the relevance of non-price factors in assessing mergers under the Competition Act, 2002 ● Penalties - Regulation of Combinations under Indian Competition Law
Module 5: <i>Enforcement Mechanisms</i>	<ul style="list-style-type: none"> ● Enforcement Mechanisms under the Competition Act, 2002 <ul style="list-style-type: none"> ○ Competition Commission of India (CCI) <ul style="list-style-type: none"> ▪ Constitution of the CCI ▪ Powers and Functions ▪ Jurisdiction of the CCI - adjudication and appeals ○ Director General <ul style="list-style-type: none"> ▪ Powers and functions ▪ Role in enforcement ○ NCLAT- Appellate Tribunal <ul style="list-style-type: none"> ▪ Constitution of NCLAT ▪ Powers and functions under Competition Law ▪ Jurisdiction under Competition Law
Module 6: <i>Competition Advocacy</i>	<ul style="list-style-type: none"> ● Competition Advocacy in India and other jurisdictions ● Jurisdictional overlap between the CCI and sectoral regulators
Module 7: <i>Emerging Trends & Challenges in</i>	<ul style="list-style-type: none"> ● Relationship between Intellectual Property Rights and Competition Law ● Possibility of International Competition Law

<i>Competition Law</i>	<ul style="list-style-type: none"> • Competition and Big Data • Competition and AI
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Suggested Readings:

STATUTES, RULES, AND REGULATIONS:

1. The Sherman Anti-Trust Act, 1890
2. The Clayton Act, 1914
3. The Robinson-Patman Act, 1936
4. Federal Trade Commission Act, 1914
5. Celler-Kefauver Antimerger Act, 1950
6. Competition Act, 2002 (India)
7. Competition Act, 1998 (UK)
8. Enterprise Act, 2002 (UK)
9. MRTP Act, 1969 (India)
10. Consumer Protection Act, 1986

CASE LAWS:

- Aamir Khan Productions Private Limited v. Union of India, (2010) 4CompLJ580 (Bom)
- Aéroports de Paris v. Commission, [2002] E.C.R. I – 09297
- All India Online Vendors' Association v. Flipkart India Pvt. Ltd. (2018 CompLR 1122 (CCI)) [along with the NCLAT's Order in Competition Appeal (AT) No.16 of 2019]
- Belaire Apartment Owners' Association v. DLF Ltd & HUDA, 2011 Comp LR 0239(CCI); 2014 Comp LR 01 (CompAT)
- Brahm Dutt v. Union of India, AIR 2005 SC 730
- Builders Association of India v. Cement Manufacturers', Case No. 29/2010, CCI.
- Bundeskartellamt, Preliminary Assessment in Facebook Proceeding, Facebook, Case No. B6-22/16
- CCI v. Steel Authority of India Ltd. & Anr, (2010)10SCC 744
- Dhanraj Pillay v. M/s Hockey India, 2013 Comp LR 543 (CCI); Main Order dated May 31, 2013 and Dissenting Order by Mr. R Prasad (Member, CCI) dated February 28, 2013.
- Digital News Publishers Association v. Alphabet Inc. [2022] 134 taxmann.com 103 (CCI)
- ESYS Information Technologies Pvt. Ltd. v. Intel Corporation & Intel Technology

India Pvt. Ltd [2014 CompLR 126 (CCI)]

- Etihad Airways and JetAirways Combination Order, CCI, Order dated November 12, 2013.
- Excel Crop Care Ltd v Competition Commission of India & Ors (2017) 8 SCC 47
- Exclusive Motors Pvt Ltd v. Automobile Lamborghini SPA, Case No. 52/2012, CCI
- Express Industry Council of India v. Jet Airways Ltd & Ors., Case No. 30/2013, CCI
- Facebook/WhatsApp, Case No. M. 8228 (Order Dated: 17/05/2017)
- Fast Track Call Cab (P) Ltd. v. ANI Technologies (P) Ltd. [CompLR 667 (CCI), ¶ 97]
- Fx Enterprise Solutions v. Hyundai Motor India Ltd., Case No. 36&82/2014 [Along with the NCLAT decision on the same matter Competition Appeal (AT) No. 06/2017]
- GMR Hyderabad International Airport Ltd. v. Competition Commission of India – [2022] 144 taxmann.com 186 (HC-Telangana)
- Google Inc. & Ors v. Competition Commission of India & Anr., [2015] 127CLA367(Delhi)
- Google Inc. & Ors v. Competition Commission of India & Anr., [2015] 27CLA367(Delhi)
- Google/Double Click, Case No. Comp./M. 4731 (Order Dated: 11/03/2008)
- Haridas Exports v. All India Float Glass Manufacturers Association, (2002) 6 SCC
- In Re. Updated Service and Privacy Policy for WhatsApp Users against WhatsApp LLC and Facebook Inc., Suo Moto Case No. 01/2021 (CCI)
- Indian Exhibition Industry Association v. Ministry of Commerce and Industry and Indian Trade
- Jagmohan Chhabra And Shalini Chhabra v. Unitech, 2011 Comp LR 31 (CCI)
- MCX Stock Exchange v. National Stock Exchange Ltd., 2011 Comp LR 129 (CCI): 2014 Comp LR 304 (CompAT).
- PVR and DT Cinemas Combination Order, CCI, Order dated May 4, 2016
- Rajasthan Cylinders and Containers Ltd v Union of India & Anr Civil Appeal 3546 of 2014, Order dated 1 October 2018.
- Rohit Arora v. Zomato (P.) Ltd [2022] 137 taxmann.com 68 (CCI)
- Shamsher Kataria v. Honda Siel Cars India Ltd., 2014 Comp LR 1 (CCI)
- Shri Sonam Sharma v. Apple Inc., Case No 24/2011
- Sun Pharma and Ranbaxy Combination Order, CCI, Orders dated December 5, 2014 and March 17, 2015.

- Surinder Singh v. Board of Control for Cricket in India, [2013] 113CLA579(CCI)
- Telefonaktiebolaget LM Ericsson (PUBL) v. Competition Commission of India & Anr., [Writ Petition (Civil) No. 464/2014, Decision dated March 30, 2016]
- Together We Fight Society v. Apple Inc. [2022] 135 taxmann.com 194 (CCI)

ARTICLES:

- Bhattacharya, Shilpi and Khandelwal, Pankhudi, Indian Competition Law in the Digital Markets: An Overview of National Case Law (July 29, 2021). Available at SSRN: <https://ssrn.com/abstract=3897291> or <http://dx.doi.org/10.2139/ssrn.3897291>
- Chauhan, B. S. (2012). Indian Competition Law: Global Context. *Journal of the Indian Law Institute*, 54(3), 315–323. <http://www.jstor.org/stable/44782475>
- Chawla, A. (2014). Global Business and Competition Law in India. *Indian Foreign Affairs Journal*, 9(2), 173–181. <http://www.jstor.org/stable/45341926>
- Inge Graef, *Rethinking the Essential Facilities Doctrine for The EU Digital Economy* 53(2) *Themis L. J. University of Montreal* 33 (2019)
- Kalpana Tyagi, *Big Data Mergers: Bridging the Gap for an Effective Merger Control Framework*, 1 CCI J. Comp. L. P. 1 (2020)
- McEwin, R Ian, "Competition Law in a Small Open Economy", (2003) 26(1) *University of New South Wales Law Journal* 246
- Pingali, V., Chaudhuri, M. K., Malik, P., Tamara, R., Kakkar, A., Chatterjee, C., Mondal, S., & Sokol, D. D. (2016). Competition Law in India: Perspectives. *Vikalpa: The Journal for Decision Makers*, 41(2), 168–193. <https://doi.org/10.1177/0256090916647222>
- Raychaudhuri, T. (2020). Abuse of Dominance in Digital Platforms: An Analysis of Indian Competition Jurisprudence. *Competition Commission of India Journal on Competition Law and Policy*, 1, 1–27. <https://doi.org/10.54425/ccijoclp.v1.5>
- Report of The Working Group on Competition Policy, Planning Commission, Government of India, February 2007
- Singh, V. K. (2011). Competition Law and Policy in India: The Journey in a Decade. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.2971805>
- Taimoon Stewart, Julian Clarke and Susan Joeques, *Competition Law in Action: Experiences from developing countries*, Published by International Development Research Centre, May 2007
- *Why India Adopted a new Competition Law* CUTS Centre for Competition, Investment & Economic Regulation. (n.d.). Retrieved December 28, 2023, from

BOOKS AND REPORTS:

1. Ramappa T., *Competition law India, Policy Issues, and Developments*. 1st Edition, New Delhi, Oxford, 2006.
2. Vinod Dhall, *Competition Law today, concepts, issues, and the law in practice*, 1st Edition, Oxford University Press, India.
3. *Competition law India, Policy Issues, and Developments*. 1st Edition, New Delhi, Oxford, 2006.
4. Richard Whish, *Competition Law*, Oxford University Press, 2008.
5. Suresh T. Vishwanathan, *Law and Practice of Competition Act*, Bharat.
6. S.M. Dugar, *Commentary on MRTP Law, Competition Law & Consumer Protection Law*, 2006, Wadhwa, Nagpur
7. Abir Roy & Jayant Kumar, *Competition Law in India*, Eastern Law House, New Delhi.

Suggested Journals

1. European Competition Law Review
2. International Review of Competition Law
3. International Review of Intellectual Property and Competition law (Max Planck Institute)
4. European Competition Journal (ECJ)
5. Journal of Competition Law and Economics (JCLE)
6. Competition Policy International (CPI)
7. Antitrust Law Journal (ALJ)
8. European Journal of Law and Economics
9. The Competition Law Review (CompLRev)
10. OECD Journal of Competition Law and Policy
11. Competition Law Journal (Jordan Publishing)
12. Global Antitrust Review (GAR)



BANKING LAW (OPTIONAL PAPER-I &II)
SEMESTER VII & IX | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DEC, 2024)

Faculty Name	Prof.(Dr) Yogendra Kumar Srivastava Dr. Y. Papa Rao Dr. Kiran Kori	Year/ Semester	Year 4&5/ Sem VII & IX
Course Name	Banking Law	No. of Credits	04
Course Code	NA	Session Duration	1 Hour
No of Contact Hours	60 Lectures	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>The Banks are the backbone of any economy across the world. In Indian economy, Banks and the banking system have been evolved into a vital socio-economic institution in the modern age. This has been largely influenced by the socio-political and economic changes that have been witnessed at large. As a developing state, India has been influenced by these developments which led to the evolutionary effect on banking structure, policies, patterns, and practices. A study of these developments reveals the development from banking as a generic entity to specialized one. One could quote Commercial banks, Cooperative Banks, Development Banks, and Specialized Banks as a paradigm. The evolutionary process continues with global phenomenon of liberalization. This has witnessed the entry of Foreign Banking Companies in the Indian market leading to deviation in the banking policy. Furthermore, use of technologies such as E- Banking, Artificial intelligence, etc., banking ombudsman scheme, right to information and awareness of customers about their rights have made it essential that the Indian legal system adopt new modus operandi to cope with the contemporary scenario. The impact of Artificial Intelligence on the dynamics of banking and financial sectors has become an integral part of the subject.</p> <p>Course Objective of the course is to develop an understanding about:</p> <p>C01- the various concepts of the banking system.</p> <p>C02 - the legal parameters including the judicial interpretation on various aspects of banking services.</p> <p>C03- the interdisciplinary reading of Banking Law with Law of contract, Transfer of Property Act as well as right to privacy.</p>		

	<p>C04- recognizing the issues with which the banking industry is crippled.</p> <p>C05- the current trends that have emerged in the banking system.</p> <p>Pedagogy: This subject requires teaching to be a combination of theoretical foundation with practical application of banking system in our day-to-day life. The contact hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions.</p>

LEARNING OUTCOMES: Through the curriculum, the students will be introduced to the laws, regulations, policies and challenges relating to banking industry. At the end of the course, students will be able to:

L01- assess the economic and legal dimensions of banking systems

L02- deal with the operational part of the Banking Law

L03- educate about the relationship of banks with customers along with rights and duties of banker and customer

L04 - elaborate the concept and issues with recent trends in banking industry

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	INTRODUCTION	1-12
2	RELATION BETWEEN BANKER AND CUSTOMER	13-21
3	THE LEGAL ASPECTS OF NEGOTIABLE INSTRUMENTS	22-35
4	REGULATION OF BANKS	36-44
5	CONTROL OF BANKS IN INDIA	45-52
6	EMERGING TRENDS IN BANKING SYSTEM	53-57
7	IMPACT OF AI IN BANKING SECTOR	58-60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 INTRODUCTION	i. Evolution of Money and its circulation ii. Evolution of Banking system and its history in India iii. Concepts- Bank, Banker, Banking and Bank Regulation iv. Reserve Bank of India as a Guardian of Indian Banking System: History of RBI Act and relation of Banks vis- a – vis

	<p>RBI</p> <p>v. Banking Institutions- Structure and functions —the different types of Banks viz. Central Bank, Scheduled Banks, Commercial Banks, Co-operative Banks, Specialized Banks, Regional Rural Banks (RRBs), NABARD, Private sector Banks...</p>
<p>Module 2</p> <p>RELATION BETWEEN BANKER AND CUSTOMER</p>	<p>i. Different types of Bank Accounts</p> <p>ii. Legal character of Banker – Customer relationship</p> <p>iii. Rights and obligations of Banker and Customer</p> <p>iv. Principles of lending by banks</p> <p>v. Personal banking and corporate banking</p> <p>vi. Banking Ombudsman Scheme and RTI</p> <p>vii. Laws governing Debt Recovery Process in Banks- IBC, SARFAESI, CPC.</p>
<p>Module 3</p> <p>THE LEGAL ASPECTS OF NEGOTIABLE INSTRUMENTS</p>	<p>The Negotiable Instruments Act, 1881</p> <p>i. Promissory Note, Bill of Exchange, Cheque, Drawer, Drawee, Payee, Holder, Holder in due course, Inland Instrument, Foreign Instrument, negotiable Instrument, Negotiation, Indorsement, inchoate stamped Instruments</p> <p>ii. Crossing of Cheque</p> <p>iii. Criminal liability on dishonour of Cheque (Section 138 – 142)</p> <p>iv. The law relating to payment of customers cheque-- rights and duties of paying banker and a collecting banker</p>
<p>Module 4</p> <p>REGULATION OF BANKS</p>	<p>Banking Regulation Act, 1949</p> <p>i. Control over Management</p> <p>ii. Prohibition of certain activities in relation to Banking Companies</p> <p>iii. Acquisition of the undertakings of Banking Companies</p> <p>iv. Suspension of Business and winding up of Banking Companies</p> <p>v. Special provisions for speedy disposal of winding up proceedings</p> <p>vi. Powers of the Central Government towards Banking</p>

	Companies
Module 5 CONTROL OF BANKS IN INDIA	<ul style="list-style-type: none"> i. Nationalization of banks and social control ii. Protection of Depositors, Promotion of underprivileged classes, Development work and participation in national economy [Narsimham Committee Recommendations] iii. Control over banks by Reserve Bank of India iv. Priority Sector Lending v. Financial Inclusion vi. Privatization of Banks
Module 6 CONTEMPORARY CHALLENGES AND EMERGING TRENDS IN BANKING SYSTEM	<ul style="list-style-type: none"> i. Banking and Technology - E-banking, Mobile Banking, Digital Payment Gateways ii. Moratorium iii. Foreign Banks in India iv. Insurance v. Cryptocurrencies/plastic money vi. Financial Literacy
Module 7 IMPACT OF AI ON DYNAMICS OF BANKING SECTOR	<ul style="list-style-type: none"> i. Introduction to Artificial Intelligence ii. Impact of AI in Banking and Financial Sectors iii. Use of Robots in Banks

READINGS:

STATUTES, RULES, AND REGULATIONS:

1. The Negotiable Instruments Act, 1881
2. Banking Regulation Act, 1949
3. Reserve Bank of India Act, 1934
4. Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002
5. Insolvency and Bankruptcy Code, 2016
6. Information Technology Act, 2000
7. Consumer Protection Act, 2019

CASE LAWS:

1. *R C Cooper v. UOI*, AIR 1970 SC 564
2. *Motigavri vs. Naranji Dwarkadas*, (1927) 29 BOMLR 423
3. *Canara Bank vs. Canara Sales Corporation and others*, 1987 AIR 1603
4. *Commissioner of Gift-Tax vs. K. M. Ziauddin*, 1998 231 ITR 645 Mad
5. *Surender S/O Laxman Nikose vs. Chief manager and authorised officer, state bank of India*, 2013, Bombay High Court
6. *Ganesh Santa Ram Sirur Vs. State Bank of India & Anr.* (2005) 1 SCC 13
7. *Regional Manager, U.P. SRTC v. Hoti Lal* (2003) 3 SCC 605
8. *Simco Rubber Products (P) Ltd. Vs. Bank of India* – (2004) 51 SCL 272 (All)
9. *Pearlite Liners (P) Ltd. Vs. Manorama Sirsi* 2004 (3) SCC 172
10. *Dale & Carrington Invt. (P) Ltd. and another V. P.K. Prathapan and others*, (2005) 1 Supreme Court Cases 212
11. *Tata Consultancy Services V. State of A.P.*, (2005) 1 Supreme Court Cases 308
12. *Tayeb v HSBC Bank plc and Anr.* (2004)
13. *Allahabad Bank Vs. Chandigarh Construction Co. Pvt. Ltd.* 2005 (1) CPR 77 (NC)
14. *Karvy Stock Broking Ltd. Vs. SEBI* (Decision on 23rd April 2021)

BOOKS & REFERENCES:

1. Tannan's Banking Law and Practice in India, 29th edition, by M.L. Tannan (2022)
Publisher: Lexis Nexis, Butterworths Wadhwa, Nagpur.
2. Law of Banking and Negotiable Insurtuments by Dr. S.R Myneni Asia Law House-2022
3. Pagets' Law of Banking (16rh Edition-2023) Butterworths, London
4. Banking Law and Practice by P.N. Varshney (Sultan Chand & Sons-2020).
5. Banking and Negotiable Instruments Law and Practice by P. Vasantha Kumar (EBC-2022)
6. Basu, A. Review of Current Banking Theory and Practice (1998) Macmillan
7. C. Goodhart, The Central Bank and the Financial System (1995); Macmillan, London
8. K. Subrahmanyam, Banking Reforms in India (1997) Tata Mcgraw Hill, New Delhi.
9. L.C. Goyle, The Law of Banking and Bankers (1995) Eastern
11. Mitra, The Law Relating to Bankers' Letters of Credit and Allied Laws (1998) University Book Agency, Allahabad.
12. Narasimham Committee report on the Financial System (1991) – Second Report (1999)
13. R.K. Talwar, Report on the Working Group on Customer Service in Banks
14. R.S. Narayana, The Recovery of Debts due to Banks and Financial Institutions Act, 1993, Asia Law House, Hyderabad.
15. SETH'S Banking Laws: Being Commentaries on Banking Regulation Act as amended by SARFESI Act 2002 with Allied Laws and Rules, Edition 2, Law Publishers India, 2008

16. Artificial Intelligence in Banking & Finance: How AI impacting the Dynamics of Financial Services, by Raj Singh, Adhyyan Books, 1st Edition, 2019.

17. Banking and Negotiable Instruments Law and Practice by P. Vasantha Kumar (EBC-2022).

18, Law Relating to Banking and Negotiable Instruments by N. Maheshwara Swamy, Asia Law House 1st Edition, 2023.

ARTICLES/READING MATERIAL/VIDEOS:

1. The story of currency and circulation-
<https://www.epw.in/journal/2018/13/money-banking-and-finance/story-currency-circulation.html>
2. E-Banking: Challenges and Opportunities by Rupa Rege Nitsure, *Economic and Political Weekly*, Vol. 38, No. 51/52 (Dec. 27, 2003 - Jan. 2, 2004), pp. 5377-5381,
<https://www.jstor.org/stable/4414436>
3. Tech Giants in Banking: The Implications of a New Market Power by Bilotta, Nicola, and Simone Romano, Istituto Affari Internazionali (IAI), 2019. JSTOR,
<http://www.jstor.org/stable/resrep19672>
4. Co-Creation: An Exploratory Study of MSMEs & Large Banks in India by Salwan, Prashant, Indian Journal of Industrial Relations, vol. 48, no. 1, 2012, pp. 1-18. JSTOR,
<http://www.jstor.org/stable/23509762>
5. <https://www.bing.com/videos/riverview/relatedvideo?q=difference+between+financial+inclusion+and+financial+literacy+in+india&&view=riverview&mmscn=mtsc&mid=0580839A5AC5D2EB46250580839A5AC5D2EB4625&&aps=945&FORM=VMSOVR>
6. <https://www.bing.com/videos/riverview/relatedvideo?&q=financial+literacy+in+india+statistics+2022&&mid=73B42A27F901821D01C573B42A27F901821D01C5&&FORM=VRDGAR>



HIDAYATULLAH NATIONAL LAW UNIVERSITY
NAVA RAIPUR, CHHATTISGARH
B.A. LL.B. HONS.
HUMAN RIGHTS (OPT. I & II)
SEMESTER VII & IX
SYLLABUS

Faculty	Dr. Deepak Kumar Srivastava Dr. Kiran Kori	Year/Semester	2024 /VII & IX
Course Name	Human Rights (Optional Paper)	No. of Credits	4
Course Duration	July- December 2024	Each Session Duration	1 Hour
No. of Contact Hours	60 Hours	Pre-requisite	None

Introduction:

The course aims to provide a preliminary introduction to human rights, including their conceptual and historical foundations, philosophies, and principles, as well as the major international and Indian legal mechanisms and institutions aimed at safeguarding and advancing human rights. A conceptual investigation of the theoretical underpinnings of human rights can be studied at three levels: (a) nature, which may contain issues such as 'who are humans?', 'what are rights, and what rights are human rights?' and so on. (b) the source, where key issues include 'from what or where do we get human rights?' and (c) the substance and specification of human rights, under which the relevant questions would be, "What are the specific things to which we have human rights?", "What is on the 'list' of human rights?", and so on. Based on these foundational analyses, the course would continue to discuss the historical evolution of the discipline in international as well as Indian laws, with a strong component on various debates that led to the recognition of contemporary human rights regimes at different levels. Throughout the course, case studies will be used to demonstrate the debates and challenges concerning the realization of human rights norms in contemporary international and national events and situations.

Objectives:

C01- To highlight the meaning and significance of human rights for a meaningful and fulfilling life.

C02- To trace the evolution of the concept of human rights in the light of various cultural, religious, social, historical, legal and political writings and theories.

C03- To examine the role of the United Nations Organisation in protection and promotion of human rights at international level.

C04- To understand the need for regional arrangements for protection and promotion of human rights at regional level.

C05- To examine the legal framework in India with respect to protection and promotion of human rights.

C06- To understand the challenges in protection of human rights in a pluralistic society like India and examine the role of Judiciary in protection of human rights of different sections of society.

LEARNING OUTCOMES:

Through this Course Curriculum the students will be introduced to the various aspects of Human Rights. At the end of the Course the students will be able to:

L01- Understand the various meanings, dimensions and facets of human rights and their nature and scope.

L02- Understand and appreciate the role of various cultural; historical; political developments and philosophical theories in origin and development of human rights.

L03- Comprehend the role and approach of international law towards human rights issues.

L04- Understand the significance of regional arrangements for human rights protection.

L05- Recognize the significant role of legal institutions in protection of human rights as well as in resolving the various human rights conflicts in a judicious manner.

L06- Realize the challenges in protection of human rights due to their broad nature and scope and identify the pragmatic solutions for their resolution and protection of human rights.

COURSE PLAN:

Sr. No.	Module	Topic	Number of Sessions
1.	MODULE I : PHILOPHICAL FOUNDATIONS OF HUMAN RIGHTS	<ul style="list-style-type: none"> ○ Definition of Human Rights ○ Theories and Justification of Human Rights ○ The Generations and forms of Human Rights ○ Human Rights from Birth <i>versus</i>. Foetal Rights: Abortion Debate and Dilemmas relating to Use of Contraceptives ○ Human Rights of the Dead; The questions on <i>Euthanasia</i> and Suicide. ○ Criticisms of Human Rights. 	09
2	MODULE II EVOLUTION OF HUMAN RIGHTS IN THE WESTERN WORLD: HISTORICAL MILESTONES	<ul style="list-style-type: none"> ○ Age of Enlightenment, the American and French Revolutions, and the Medieval Natural Law Tradition; The Magna Carta, 1215; The English Bill of Rights, 1689; The French Declaration on the Rights of Man and Citizen, 1789; The US Constitution and Bill of Rights, 1791 ○ World War -1, League of Nations and its failure; Birth of International Labour Organisation, 1919 and its functions. ○ The World War 2 and the Birth of United Nations 	06
3	MODULE III UNITED NATIONS AND HUMAN RIGHTS	<ul style="list-style-type: none"> ○ Establishment of United Nations Organisation and its fundamental principles ○ UN Charter, its Preamble and other provisions relevant for Human Rights protection 	10

		<ul style="list-style-type: none"> ○ UN Charter and Treaty Organs and Human Rights protection ○ International Bill of Human Rights <ul style="list-style-type: none"> ▪ Universal Declaration of Human Rights, 1948 ▪ International Covenant on Civil and Political Rights, 1966 ▪ International Covenant on Economic, Social and Cultural Rights, 1966 ▪ First Optional Protocol to the ICCPR on Individual Complaint Mechanism, 1967 ▪ Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, 1991 ▪ Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, 2008 • UN CHARTER ORGANS AND MONITORING MECHANISMS: <ul style="list-style-type: none"> ○ General Assembly, Security Council, Economic and Social Council, International Court of Justice, Secretariat, Trusteeship Council ○ Commission on Human Rights / Human Rights Council; Special Procedures, Universal Periodic Review, Independent Investigations and other subsidiary bodies ○ Sub-Commission on the Promotion and Protection of Human Rights ○ Commission on the Status of Women ○ Office of UN High Commissioner for Human Rights • UN TREATY ORGANS AND MONITORING MECHANISMS: <ul style="list-style-type: none"> ○ <i>Committee on the Elimination of Racial Discrimination</i> under the <i>Convention on the Elimination of All Forms of Racial Discrimination</i>, 1969 ○ <i>Committee on Economic, Social and Cultural Rights</i> under the <i>International Covenant on Economic, Social and Cultural Rights</i>, 1966 ○ <i>Human Rights Committee</i> under the <i>International Covenant on Civil and Political Rights</i>, 1966 ○ <i>Committee on the Elimination of Discrimination Against Women</i> under the <i>Convention on the Elimination of All Forms of Discrimination against Women</i>, 1979 ○ <i>Committee Against Torture</i> under the <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</i>, 1984 	
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		<ul style="list-style-type: none"> ○ <i>Committee on the Rights of the Child</i> under the <i>Convention on the Rights of the Child, 1989</i> ○ <i>Committee on Migrant Workers</i> under the <i>International Convention on the Protection of the Rights of all Migrant Workers, 1990</i> ○ <i>Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment</i> under the <i>Optional Protocol to the Convention Against Torture, 2002</i> ○ <i>Committee on the Rights of Persons with Disability</i> under the <i>Convention on the Rights of Persons with Disabilities, 2007</i> ○ <i>Committee on Enforced Disappearances</i> under the <i>International Convention for the Protection of All Persons From Enforced Disappearance, 2007</i> 	
4	MODULE IV REGIONAL SYSTEM FOR PROTECTION OF HUMAN RIGHTS	<ul style="list-style-type: none"> ○ European Human Rights System ○ African Human Rights System ○ Inter-American Human Rights System ○ Arab Charter on Human Rights and the Cairo Declaration on Human Rights in Islam 	07
6	MODULE V HUMAN RIGHTS OF VULNERABLE GROUPS	<ul style="list-style-type: none"> ○ Human Rights Framework for the protection of Women ○ Human Rights Framework for the protection of Children ○ Human Rights Framework for the protection of Minorities ○ Human Rights Framework for the protection of Persons with Disability ○ Evolving Rights of LGBTQIA+ Community 	10
7	MODULE VI HUMAN RIGHTS IN CONTEMPORARY INDIA	<ul style="list-style-type: none"> • THE INDIAN CONSTITUTION <ul style="list-style-type: none"> ○ Provisions of the Indian Constitution ○ Application of International Human Rights Law in India ○ Role of Indian Judiciary in protection of Human Rights • The Protection of Human Rights Act, 1993 <ul style="list-style-type: none"> ○ NHRC, SHRC, Human Rights Courts • Other Institutional Frameworks in India (National Commissions)-Salient Features <ul style="list-style-type: none"> • NCW, NCPDR, NCM, NCSC, NCST 	10
8	MODULE VII	<ul style="list-style-type: none"> • ANALYSIS OF CONTEMPORARY ISSUES ON THE FOLLOWING AREAS 	08

	CONTEMPORARY CHALLENGES TO HUMAN RIGHTS	<ul style="list-style-type: none"> • Artificial Intelligence and Human Rights • Terrorism and Human Rights • Trade and Economic Rights vis-à-vis Human Rights / IPR and Human Rights • Biotechnology and Human Rights • Environment and Human Rights 	
	TOTAL		60

References

1. Alston, Phillip, *The United Nations and Human Rights*, Clarendon Press, London (1995).
2. Bajwa, G.S. and D.K. Bajwa, *Human Rights in India: Implementation and Violations*, D.K. Publishers, New Delhi (1996).
3. Basu, D.D., *Human Rights in Constitutional Law*, 3rd Edition, Lexisnexis India, 2008
4. G B Reddy, *Woman and the Law*, Gogia Law Agency, Hyderabad (2001)
5. HO Agarwal, *International Law and Human Rights*, Central Law Publications, Allahabad, (12thEdn. - 2012)
6. Justice Palok Basu, *Law Relating to Protection of Human Rights*, Modern Law Publications, Allahabad (2002).
7. Mamata Rao, *Law Relating to Woman and Children*, Eastern Book Co., Lucknow (2008)
8. [Paramjit S. Jaswal](#), [Nishtha Jaswal](#), *Human Rights and the Law*, APH Publishing, New Delhi (1996)
9. Sehgal, B.P.Singh, ed., *Human Rights in India: Problems and Perspectives*, Deep and Deep Publications, New Delhi (1999).
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12. S.K. Kapoor, *International Law and Human Rights*, Central Law Agency, Allahabad, (2016)
13. Sircar, V.K., *Protection of Human Right in India*, Asia Law House, Hyderabad (2004-05.)
14. Symmonides, J., *Human Right: International Protection, Monitoring and Enforcement*, Rawat publications, New Delhi (2005)
15. SC Tripathi, *Law Relating to Woman and Children*, Central Law Publishers, Allahabad, (2001)
16. Karnataka Women's Information and Resource Centre, *Human Rights Education for Beginners*, National Human Rights Commission, 2005
17. <https://www.humanrightsinitiative.org/download/1619069016Human%20Rights%20Judgments%20on%20Human%20Rights%20and%20Policing%20in%20India.pdf>
18. <https://www.coe.int/en/web/human-rights-convention/landmark-judgments>
19. https://www.wipo.int/edocs/mdocs/tk/en/wipo_unhchr_ip_pnl_98/wipo_unhchr_ip_pnl_98_5.pdf
20. <https://www.un.org/securitycouncil/ctc/content/human-rights>



COMPARATIVE CONSTITUTIONAL LAW (OPTIONAL PAPER)
SEMESTER VII & IX | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DECEMBER)

Faculty Name	Abhinav K Shukla	Year	4 th and 5 th
		Semester	VII and IX
Course Name	Comparative Constitutional Law	No. of Credits	4
Course Code	NA	Session Duration	1 Hour
No of Contact Hours	60 hours	Pre-requisite	Basic understanding of the Constitution of India.
Introduction, Course Objective & Pedagogy	<p>The field of Comparative constitutional law has grown immensely over the past couple of decades. Once a minor and obscure adjunct to the field of domestic constitutional Law, Comparative constitutional law has now moved front and centre. Driven by the global spread of democratic government and the expansion of international Human Rights Law, the prominence and visibility of the field, among judges, politicians, and scholars has grown exponentially. The Constitution, essentially an organic document, is said to be always in the process of making and developing. 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>The students, who have acquired the basic knowledge of Indian Constitutional Law, should be exposed to the comparative analysis of the same. Conspicuously, rubrics under this paper require modification and updating from time to time.</p> <p>The main objective of Course is:</p> <p>C01- 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 cons law across the important jurisdictions in the world;</p> <p>C02 -to acquaint students with the constitutional and administrative 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>C03- to be benefitted from deeper understanding of the doctrines and values underlying the provisions and principles from various constitutional systems.</p>		

	<p>This paper requires theoretical foundation. 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 day-to-day challenges of the constitution and will try to discuss best solution through comparative analysis.</p>
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LEARNING OUTCOMES:

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.

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Constitution & Constitutionalism	1-10
2	Choosing Jurisdictions	11-15
3	Drafting and Formation of Constitution	16-24
4	Constitutional Framework:	25-38
5	Separation of Power	39-45
6	Rights Regime and their Protection	46-52
7	Constitutional Reforms and Exegesis	53-60

DETAILED SYLLABUS

UNIT	CONTENT
Module-I Constitution and Constitutionalism	<ul style="list-style-type: none"> • Constitution <ul style="list-style-type: none"> o Meaning, concept and idea of constitution o Nature and Importance of Constitution o Evolution of Constitutional Values o Requisites of Ideal Constitution o Historical Evolution of Constitutional Government o Living constitution o Constitution as a supreme law o Constitutional morality

	<ul style="list-style-type: none"> • Constitutionalism <ul style="list-style-type: none"> o Concept-Evolution-Limitations on Government Power Constitutional Supremacy-Separation of Power and distinction between constitution, constitutional law and constitutionalism o Essential features of constitutionalism — written constitution, separation of powers, fundamental rights, independence of judiciary and judicial review
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Module 2 Choosing Jurisdictions	<ul style="list-style-type: none"> • Scope of Comparative Constitutional Law: Need for Comparative Study of Constitutional Law in Constitution Making, Problems and concerns Comparative interpretation of statutory law, Comparative law and legal education • Theory and practice of choosing jurisdictions for the purposes of comparative study. • Methodology in comparative constitutional law.
Module 3 Drafting and Formation of Constitution	<ul style="list-style-type: none"> • Constitutional History • The Text, Context and Premise of the Constitutions • Making of the Constitution • Role of International Law
Module 4 Constitutional Framework:	<ul style="list-style-type: none"> • Types of Constitutions : Written/Unwritten • Forms of Government : Presidential v. Parliamentary : Federal v. Unitary
Module 5 Separation of Power	<ul style="list-style-type: none"> • Pre-requisites of Separation of Power • Comparative overview of Separation of Powers in Various Jurisdictions
Module 6 Rights Regime and their Protection	<ul style="list-style-type: none"> • Evolution of Fundamental Rights • Comparative Analysis of Fundamental Rights and Bill of Rights
Module 7 Constitutional Reforms and Exegesis	<ul style="list-style-type: none"> • Relationship between constitutional amendments and constitutionalism • Informal mechanisms • Evolution of Judicial Review • Interpretation of the Constitution

READINGS:

PRESCRIBED BOOKS

1. Basu DD, Comparative Constitutional Law, Third Edition 2014, Lexis Nexis
2. Basu DD, Comparative Federalism, Second Edition, Lexis Nexis, 2008
3. Jain MP, Indian Constitutional Law (6th ed., Wadhwa 2010)

4. Michel Rosenfeld, Andras Sajó, *The Oxford Handbook of Comparative Constitutional Law*, OUP, 2012
5. Singh M P, *Comparative Constitutional Law*, Second Edition, 2011, Eastern Book Company

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2. David Strauss, *The Living Constitution* (OUP, 2010).
3. Sudhir Krishna Swamy, *Democracy and Constitutionalism in India – A study of the Basic Structure Doctrine* (OUP, 2009)
4. H.M. Seervai: *Constitutional Law of India: A Critical Commentary*. [Delhi. Universal Law Publishing Co. Ltd].
5. Lakshminath A, *Basic Structure and Constitutional Amendments: Limitations and Justiciability* (Deep and Deep 2002).
6. A.V. Dicey. *An Introduction to the Study of the Law of the Constitution*. (Universal Law Publishing Co)
7. Granville Austin: *Working a Democratic Constitution, the Indian Experience*. [New Delhi, Oxford University Press].
8. Granville Austin: *The Indian Constitution: Cornerstone of a Nation*. [New Delhi, Oxford University Press].
9. Pier Giuseppe Monateri, *Methods of Comparative Law* (Edward Elgar Publishing, 2012).
10. Vicki C. Jackson, Mark V. Tushnet, *Comparative Constitutional Law* (2nd ed. Foundation Press, 2006).

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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. Singh R K, 'Judicial Activism in India — Prospects and Challenges in the Twenty First Century' in Dr Lokendra Malik (ed), Judicial Activism in India—A Festschrift in Honour of
15. Strauss D, 'Do we Have a Living Constitution' 59 (4) Drake Law Review 973-984 (2011 Summer).
16. Tushnet M, 'The Possibilities of Comparative Constitutional Law', 108 Yale L J 1225 (1999).
17. Ullah A & Uzair Samee, 'Basic Structure of Constitution: Impact of Kesavananda Bharati on
18. Constitutional Status of Fundamental Rights', Vol. 26 (2) South Asian Studies 299- 309 (July December 2011).



LAW AND TRIBES (OPTIONAL PAPER)
SEMESTERS VII / IX | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DECEMBER 2024)

Faculty Name	Prof (Dr.) Vishnu Konoorayar	Year/Semester	4/VII & 5/IX
Course Name	Law and Tribes	No. of Credits	4
Course Code	NA	Session Duration	1 Hour
No of Contact Hours	60 Sessions	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>Although the Census of 2011 enumerates the total population of Scheduled Tribes at 10,42,81,034 persons, constituting 8.6 percent of the population of the country, the tribal communities in India are enormously diverse and heterogeneous. There are wide ranging diversities among them in respect of languages spoken, size of population, and mode of livelihood. As per the Census of India 2011, the number of individual groups notified as Scheduled Tribes is 705. They speak diverse languages and have a rich cultural legacy when compared to the general population. The tribal groups in India also include the category of Particularly Vulnerable Tribal Groups (PVTGs), who largely remain isolated from the mainstream of national life. After independence, the Indian Constitution adopted many provisions to provide tribal people with special status, and Parliament, through various protective legislation, made conscious efforts to safeguard their interests. The Planning Commission of India, through its development initiatives, has adopted many schemes for the welfare of India's tribal people.</p> <p>Despite all these efforts made to improve the socio-economic conditions of tribes, it is still a fact that the life situations of Scheduled Tribes have only improved marginally. The Human Development Index (HDI) of the STs is much lower than that of the rest of the population. The gap in the literacy rate is high. There are more ST families below the poverty line than those from other communities. Their percentage in government jobs is not in proportion to their population, despite the provision of reservations. Their condition, thus, is far worse than that of the rest of the population, and they have not been able to reach the envisaged level of development, where they could benefit from the opportunities offered by a fast expanding economy. And the list of challenges faced by tribal people goes on.</p> <p>The Optional Course on Tribal Laws aims to make students aware of the legal frameworks that impact tribal communities and help them understand the complexities of tribal law. This course will provide students with the necessary knowledge and skills to advocate for the rights of tribal communities and work towards creating a more equitable society. By delving into the intricacies of tribal laws, students will be better equipped to address the systemic barriers that hinder the progress and development of these marginalized groups.</p>		

	<p>The specific Course Objectives are:</p> <ul style="list-style-type: none"> ○ CO1- To make the students aware of and understand the rights of the tribal people under international and national laws. ○ CO2- To assess the effectiveness of these laws in the context of the diverse tribal population in India. ○ CO3- To suggest remedies for the problems faced by the tribal people in India. <p>Pedagogy: The course will use a combination of lecture method, discussions, debates, case studies, and moot courts. Students will be encouraged to read scholarly works from law and other disciplines.</p>
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LEARNING OUTCOMES: At the end of the course, students will be able to:

LO1- Acquire an understanding of the rights of tribal people both under international laws and also under the Constitution of India and various other legislations and regulations.

LO2- Evaluate the contemporary problems faced by Scheduled Tribes in India.

LO3- Provide legal aid and assistance to the members of Scheduled Tribe communities in India

COURSE PLAN

S.No.	Moules	Lecture Sessions
1	Understanding the Terminologies	01-10
2	Rights of Tribal People in History and Philosophy	11-20
3	Foundations of Modern International Law on Indigenous and Tribal People	21-30
4	Analysing various provisions of the Constitution of India	31-40
5	Policies, Approaches and Schemes for Tribal Welfare in India	41-45
6	Statutes in India	46-55
7	Tribal Welfare in India: Various Challenges	56-60

DETAILED SYLLABUS

Sr.No	Modules	Topics	Number of Sessions
1	Module 1: Understanding the Terminologies	<ul style="list-style-type: none"> • Some of the relevant terms: <ul style="list-style-type: none"> ○ Tribe, Tribal People/S, 'Primitive Tribes', 'Backward Tribes', 'Scheduled Tribes (ST)', 'Scheduled Castes (SC)', 'Particularly Vulnerable Tribal Groups (PVTGs)', 'Nomadic Tribes (NT)', 'Semi-Nomadic Tribes', 'De-Notified Tribes' (DNT), 'Forest Dwelling Scheduled Tribes (FDST)', 'Scheduled Areas'. • Defining the term 'Tribe': <ul style="list-style-type: none"> ○ Attempts by 'Evolutionary Theorists' such as Lewis Morgan and Herbert Spencer ○ Attempts by the British, 'Post-Independent' Indian Governments and Various Committees appointed by Government of India. 	10

		<ul style="list-style-type: none"> ○ Indian Constitution and Identification of Tribes- Articles 366 (25) and 342 ○ Essential characteristics of a Tribe as laid down by the Advisory Committee on the Revision of Lists of Schedule Casts and Schedule Tribes, 1965 (the Lokur Committee) ○ Definitions by Anthropologists such as Majumdar D.N., Vidyarthi L.P., G.S. Ghurye, Krishnan P.G., Bardhan A.B., G.W.B. Huntingford etc. ○ Identification of tribe by the International Labour Organization ○ The tests of <i>Collective Self-Identification</i> and <i>Individual Self-Identification</i> 	
2	Module2: Rights of Tribal People in History and Philosophy	<ul style="list-style-type: none"> ● What Laws?- Jurisprudence of Tribal Laws <ul style="list-style-type: none"> ○ Top-Down- Positive Laws versus Bottom-Up- Customs and Usages ○ Evaluating the application of Uniform Civil Code to Tribal People ● Which Generations of Human Rights are Tribal Rights? <ul style="list-style-type: none"> ○ First and Second Generation Civil and Political Rights versus the Third Generation Solidarity Rights ○ NiyamaGiri Hills case/Samatha/Judgements on application of creamy layer on Scheduled Tribes ● Tribal People and Interference with Their Rights in History <ul style="list-style-type: none"> ○ Tribes of Ancient India- Book Review: Bimala Churn Law. <i>Tribes in Ancient India</i>, Bhandarkar Oriental Series, 1943 ○ Evaluating the Hypothesis of 'Aryan Invasion Theory' developed by Sir Mortimer Wheeler and Friedrich Max Müller ○ Colonialism and Rights of the Tribal People in India: <ul style="list-style-type: none"> ▪ Article Review: Richard Haeuber, "Indian Forestry Policy in Two Eras: Continuity or Change?" <i>Environmental History Review</i>, Vol. 17, No. 1 (1993), pp. 49-76" ▪ Book Review: Velayutham Saravanan. <i>Colonialism, Environment and Tribals in South India, 1792-1942</i>. Routledge, 2017 	10
3	Module 3: Foundations of Modern International Law on Indigenous and	<ul style="list-style-type: none"> ● Rights of Indigenous and Tribal People: General International Law; General International Human Rights Organs; and Important Principles <ul style="list-style-type: none"> ○ International Bill of Human Rights (UDHR, ICCPR, ICESCR and Optional Protocols) 	10

	Tribal People	<ul style="list-style-type: none"> ○ Agenda 2030 and Indigenous Peoples ○ Self-Determination of People/s ○ Principle of Permanent Sovereignty over Natural Resources of Peoples and Nations <ul style="list-style-type: none"> ● Specific International Law documents and Institutional Framework on the Rights of Indigenous and Tribal People <ul style="list-style-type: none"> ○ U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities, 'Study on the Problem of Discrimination against Indigenous Populations' Jose R. Martínez Cobo, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (1981-1983) ○ Establishment of the UN CHR Working Group on Indigenous Populations, 1982 ○ UN HRC- Expert Mechanism on Rights of Indigenous Peoples, 2007 ○ UN Declaration on the Rights of Indigenous Peoples, 2007 (UNDRIP) - Consultation and free, prior and informed consent (FPIC) ○ International Decade of the World's Indigenous People (1995-2004) ○ UN ECOSOC Permanent Forum on Indigenous Issues (Established in 2000) ○ Special Rapporteur on the Rights of Indigenous Peoples (Established in 2001) ○ United Nations Agreement on Biodiversity Beyond National Jurisdiction (BBNJ Agreement), 2023 ○ WIPO-Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC-GRTKF) ○ WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge, 2024 (GRATK Treaty) ● Decisions of various International judicial bodies 	
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	Module 4 Analysing various provisions of the Constitution of India	<ul style="list-style-type: none"> • Constitutional History of Tribal Rights <ul style="list-style-type: none"> ○ Scheduled Districts Act, 1874 ○ Government of India Act, 1919 ○ Government of India Act, 1935 ○ Constituent Assembly Debates on Tribal Governance • Analysis of the Provisions and Safe Guards under the Constitution of India relating to Tribal Welfare and Governance and related case laws. <ul style="list-style-type: none"> ○ Social safeguards ○ Economic safeguards ○ Political safeguards ○ Service safeguards ○ Social Justice and current scheme of Affirmative Action • Definition of Scheduled Areas and Procedure for Scheduling, Rescheduling and Alteration of Scheduled Areas • Administration of the Welfare of Scheduled Tribes and related Institutions <ul style="list-style-type: none"> ○ National Commission for Scheduled Tribes ○ Tribal Advisory Council 	10
	Module 5: Policies, Approaches and Schemes for Tribal Welfare in India	<ul style="list-style-type: none"> • Policies, Approaches and Schemes of Tribal Governance in India <ul style="list-style-type: none"> ○ Panchsheel Policy: Five Principles of Development, 1952 ○ Five Year Plans and Tribal Governance ○ National Tribal Policy, 2016 ○ Pre-Independence and Post- Independence Approaches for Tribal Development <ul style="list-style-type: none"> • Isolationist • Assimilationist • Integrationist ○ Important Schemes of the Government of India and State Governments on various aspects of tribal welfare 	05
	Module 6 Statutes in India	<ul style="list-style-type: none"> • Analysis of the Statutes and Regulations with related case laws <ul style="list-style-type: none"> ○ Protection of Civil Rights Act, 1955 ○ Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 – as amended till date ○ Panchayat (Extension to scheduled Areas) Act, 1996 ○ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 	10

		<ul style="list-style-type: none"> ○ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2012 ○ Biological Diversity Act, 2002 	
	Module 7 Tribal Welfare in India: Various Challenges	<ul style="list-style-type: none"> ● Challenges faced by Tribal People <ul style="list-style-type: none"> ○ Economic Issues ○ Educational Issues ○ Religious Issues ○ Social Issues ○ Health issues ○ Access to Justice and Welfare Issues ○ Environment and Climate Change Issues 	05

READINGS

Constitution, Policy Documents, Legislations and Rules

1. Constitution of India
2. Scheduled Districts Act, 1874
3. Government of India Act, 1919
4. Government of India Act, 1935
5. Constituent Assembly Debates on Tribal Governance
6. Protection of Civil Rights Act, 1955
7. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
8. Panchayat (Extension to scheduled Areas) Act, 1996
9. Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
10. Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2012
11. Biological Diversity Act, 2002

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2. Ambagudia, Jagannath, *Virginous Handbook of Tribal Politics in India* SAGE 2021.
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4. Beniwal, Anup. *Tribal contemporary issues* Rammika Foundation, 2007
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7. Hazra, Ayan. *Empowerment of Tribal Women*. Serials 2014
8. Ishtiaq, M. *Language, Shifts among the Scheduled Tribes in India*. Motilal Banarsidass, 1999.
9. Jenamani, Surendra. *Poverty and Underdevelopment in Tribals Areas*. Concept, 2005
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11. Ram, Jayant. *Hindu Tribes and Castes*. R. Publishing 2019.
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13. Rao, V. Srinivasa. *Challenges of Tribal* Rawat 2021
14. Rao, V. Srinivasa. *Disadvantaged Tribes of India*. Rawat, 2021
15. Rao, V. Srinivasa. *Tribal Integration in India Northeast and Beyond*. Rawat, 2021
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17. Rath, Jagannath *Tribal, Poverty and Exploitation* COATS 2022
18. Rosser, Ezra and Krakoff, Sarah. *Tribes, and the Environment*. Ashgate 2012
19. Satyam, Sunkari *Tribals and Democratic Politics*. Rawat 2019
20. Saxena, D.R. *Tribals and The Law*. Deep & Deep 1997
21. Srivastava, Deepak Kumar. *Legal protection of scheduled castes & tribes* Deep & Deep 2012
22. Swepston, Lee. *Foundations of Modern International Law of Indigenous and Tribal Peoples*. Brill 2015
23. Thakur, D.N. *Tribal Development and Planning* Deep & Deep 1996
24. Thakur, Devendra and Thakur, D. N. *Industrialisation in tribal areas* Deep & Deep 2009
25. Thakur, Devendra and Thakur, D. N. *Role of voluntary organization in tribal development* Deep & Deep 2009
26. Thakur, Devendra and Thakur, D. N. *Tribal agriculture and animal husbandry* Deep & Deep 2009
27. Thakur, Devendra and Thakur, D. N. *Tribal development and planning* Deep & Deep 2009
28. Thakur, Devendra and Thakur, D. N. *Tribal education* Deep & Deep 2009
29. Thakur, Devendra and Thakur, D. N. *Tribal labour and employment* Deep & Deep 2009
30. Thakur, Devendra and Thakur, D. N. *Tribal law and administration* Deep & Deep 2009
31. Thakur, Devendra and Thakur, D. N. *Tribal life and forests* Deep & Deep 2009
32. Thakur, Devendra and Thakur, D. N. *Tribal settlement and minor forest produce* Deep & Deep 2009
33. Thakur, Devendra and Thakur, D. N. *Tribal women* Deep & Deep 2009
34. Thakur, Devendra and Thakur, D.N *Tribal Life in India* (10 Vols.) Deep & Deep 2009
35. Thakur, Devendra Tribal. *Law and Administration* Deep & Deep 1995
36. Thakur, Devendra. *Tribal Life and forests* Deep & Deep 1996
37. Thakur, Devendra. *Tribal Woman* Deep & Deep 1996

Case Laws Available on Open Access- Additional list of case laws shall be shared during the sessions

1. [Anil Kumar Gupta, Etc vs State Of Uttar Pradesh And Ors on 28 July, 1995](#)
2. [Ashok Kumar Gupta , Vidya Sagar Gupta & ... vs State Of U.P. & Ors on 21 March, 1997](#)
3. [Ashoka Kumar Thakur vs Union Of India & Ors on 10 April, 2008](#)
4. [Ayaaubkhan Noorkhan Pathan vs State Of Maharashtra & Ors on 8 November, 2012](#)
5. [Dr. Subhash Kashinath Mahajan vs The State Of Maharashtra on 20 March, 2018](#)
6. [Hitesh Verma vs The State Of Uttarakhand on 5 November, 2020](#)
7. [Indra Sawhney Etc. Etc vs Union Of India And Others, Etc. Etc. on 16 November, 1992](#)
8. [Jitendra Kumar Singh & Anr vs State Of U.P.& Ors on 8 January, 2010](#)
9. [K.H. Siraj vs High Court Of Kerala & Ors on 23 May, 2006](#)
10. [Kumari Madhuri Patil vs Addl. Commissioner on 2 September, 1994](#)
11. [M.Nagaraj & Others vs Union Of India & Others on 19 October, 2006](#)
12. [Pramati Educational & Cultural ... vs Union Of India & Ors on 6 May, 2014](#)
13. [Prathvi Raj Chauhan vs Union Of India on 10 February, 2020](#)
14. [Smt. Sunita Gandharv vs State Of Mp on 8 October, 2020](#)
15. [State Of Kerala & Anr vs N. M. Thomas & Ors on 19 September, 1975](#)
16. [State Of Maharashtra vs Milind & Ors on 28 November, 2000](#)
17. [Union Of India And Another vs Kunisetty Satyanarayana on 22 November, 2006](#)
18. [Union Of India And Ors, Etc vs Virpal Singh Chauhan Etc on 10 October, 1995](#)
19. [Union Of India vs The State Of Maharashtra on 1 October, 2019](#)



Cyber Law (Optional Paper I & II)

VII & IX Semesters

(July- December 2024)

Faculty	Dr. Debmita Mondal	Year/ Semester	VII/IX Semester
Course Name	Cyber Law	Session duration	1 Hour
No. of Contact Hours	60 hours	Pre-requisites	IT Act and Rules.
Introduction, Course Objective & Pedagogy	<p><u>INTRODUCTION</u></p> <p>The development in the field of Law, Science and Technology has proven to be a breakthrough for humans in all walks of life. Amongst all the developments and advancements in the field of technology and science, the Internet is revered as the messiah of mankind considering the liberating effect it has brought into our lives. While the list of benefits that are attached to the advent of the Internet are numerous one cannot ignore the impact of its development and growth on the criminal law setup in the global democracies.</p> <p>The way in which the Internet is being used by individuals and organizations to commit illegal activities has become a challenge for the law enforcement agencies to apprehend and successfully prosecute considering the jurisdictional issues involved in such crimes. Cybercrimes represent the latest generation of crimes which challenge the very existence of the conventional criminal law and questions the suitability of the already existing legal regime to the new branch of crime.</p> <p>Given the speed of technological progress, while the global democracies find it difficult to match up and step up their game in terms of providing a safer online platform, the criminals are faster to respond to the changes and are way technologically ahead of all in terms of finding new avenues for commission of crime in the cyber world.</p> <p>In this backdrop, the present course curriculum is designed to present discussions, deliberations on certain legal issues that arise due to the use of technology by individuals for committing crimes against individuals, property as well as the governments and find viable solutions as to how these miscreants can be apprehended successfully with the use of</p>		

	<p>technology.</p> <p><u>COURSE OBJECTIVES</u></p> <p>CO1: To give an insight into why and how the internet evolved and the influence and/or importance of the internet in daily 21st century life.</p> <p>CO2: To recognize the challenges in applicability of domestic and traditional laws in cyberspace and understand the principles evolved in determination of jurisdiction in cyberspace.</p> <p>CO3: To develop understanding of various kinds of cybercrimes committed in the virtual world and the legal stand in regulating such crimes.</p> <p>CO4: To introduce the concept of digital and electronic signature and their role for authentication of identity in cyberspace.</p> <p>CO5: To understand the role of IT Act in facilitation of E-contracting, E-commerce and E-governance.</p> <p>CO6: To recognize intellectual property rights issues in Cyberspace.</p> <p>This subject requires teaching to be based on theoretical foundation and the contact hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions.</p>
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LEARNING OUTCOMES: -

LO1 the course shall inform and educate the learners about the basic usages of internet and jurisdictional conflict in cyberspace.

LO2 the course shall bring awareness in the learners about the key issues involving the cybercrimes and the laws related to different jurisdictions.

LO3 the course shall impart education to the learners to examine nexus privacy in digital space and liabilities of intermediaries.

LO4 the course shall help the learners to develop an analytical and critical perspective about the existing legal framework facilitating e-governance and contracting.

LO5 the course shall also highlight the importance of Protection of IPR in cyberspace

COURSE PLAN

S.No.	Topics	Lecture Sessions (approx.)
1	Introduction to Cyber Law	1- 5
2	Jurisdictional Aspects in Cyberspace	6- 16
3	Right to Privacy and Data Protection on Internet	16-26
4	E-Governance	26-30
5.	E Commerce	30-35
4	Intellectual Property Issues in Cyberspace	35-45
7	Cyber Crimes & Legal Framework	45-60

DETAILED SYLLABUS FOR (B.A.LLB. HONS.) CYBER LAW OPTIONAL

UNIT	CONTENT
Module 1 INTRODUCTION	INTRODUCTION <ul style="list-style-type: none">·Overview of cyber-law·Basic concepts like cyber-law, cyberspace·Building blocks of cyberspace·Evolution of Internet and types of net·Defining computer, computer network, computer system, computer system
Module 2 JURISDICTIONAL ASPECTS IN CYBER LAW	JURISDICTIONAL ASPECTS IN CYBER LAW <ul style="list-style-type: none">·Issues of jurisdiction in cyberspace·Types of jurisdictions·The Test evolved<ul style="list-style-type: none">- Minimum Contacts Theory- Sliding Scale Theory- Effects Test and International targeting·Jurisdiction under IT Act, 2000
Module 3 RIGHT TO PRIVACY AND DATA PROTECTION ON INTERNET	RIGHT TO PRIVACY AND DATA PROTECTION ON INTERNET <ul style="list-style-type: none">·Concept of privacy and data protection·Liability of individuals and corporations for violation of privacy under the Information Technology Act.·Definition, Salient Features and Critique of Digital Personal Data Protection Act, 2023.<ul style="list-style-type: none">- Data, Data Principal, Data Fiduciary, Personal data- Applicability of the Act- Processing of Personal Data- Consent Model- Rights and Duties of Data Principal- The obligation of Data Fiduciary- Transfer of Personal Data outside India- Exemptions, Penalties and Appellate Body·Data Surveillance<ul style="list-style-type: none">- Right of Interception, monitoring or decryption under IT Act.- Right to issue directions for blocking for public access of any information
Module 4	E-GOVERNANCE <ul style="list-style-type: none">·Electronic Governance

E-GOVERNANCE	<ul style="list-style-type: none"> - Role of electronic records and electronic signatures - Three pillars of E-Governance in India - Overview of Digital India initiatives
Module 5 E COMMERCE	<p>E COMMERCE</p> <p>E-commerce</p> <ul style="list-style-type: none"> - Salient Features and advantages and challenges posed - Models of E-commerce like B2B, B2C and examples · Role of E-contracts: <ul style="list-style-type: none"> - Types of E-contracts - Formation of E-contract - Indian Approach on E-contracts - Rules for attribution, acknowledgement and dispatch of such records - Questions of jurisdictions in E-contracts and documents · Role of Electronic and Digital Signature
Module 6 INTELLECTUAL PROPERTY ISSUES IN CYBERSPACE	<p>INTELLECTUAL PROPERTY ISSUES IN CYBERSPACE</p> <ul style="list-style-type: none"> · Interface with Copyright Law - Intermediary liability and Section 79 of IT Act. · Trademarks & Domain Names Related issues - Dispute Resolution in Cyberspace and Role of ICANN - Dispute Resolution through Court remedies · Trademark issues: <ul style="list-style-type: none"> - Adwords and Trademark Infringement - Selling Counterfeits over Internet · Artificial Intelligence and IP Issues
Module 7 CYBER CRIMES & LEGAL FRAMEWORK	<p>CYBER CRIMES & LEGAL FRAMEWORK</p> <ul style="list-style-type: none"> · Civil wrongs under IT Act · Cyber Crimes against Individuals, Institution and State <ul style="list-style-type: none"> ☐ Malwares like Virus, worms and bugs' attack ☐ Hacking ☐ Denial of service attacks ☐ Identity Theft, Impersonation and Phishing crimes ☐ Cyber Stalking and Cyber Bullying ☐ Offensive, Obscenity and Sexual Offences over Internet ☐ Computer Source Code Related Offences ☐ Cyber Terrorism and Protected System threats · Appropriate bodies for redressing civil and criminal offence · Jan Vishwas (Amendment Of Provisions) Act, 2023 And Its Implications On The Information Technology Act

Books on Cyber Laws

- Kamath Nandan, Law Relating to Computers Internet & E-commerce - A Guide to Cyberlaws & The Information Technology Act, Rules, Regulations and Notifications along with Latest Case Laws 2016
- Vakul Sharma, Information Technology Law & Practice, 6th ed. 2018
- Karnika Seth, Computers Internet and New Technology Laws, 2nd ed. 2016
- Apar Gupta Commentary on Information Technology Act, 3rd ed. 2015
- Chris Reed, Internet Law Text and Materials 2010
- Aparna Viswanathan, Cyber Law (Indian & International Perspectives on key topics including Data Security, E-commerce, Cloud Computing and Cyber Crimes) 2012
- Prashant Mali, Cyber Law and Cyber Crimes, Snow white Publications 2nd Ed.(2015)
- Debrati Halder & H Jaishanker, Cyber Crimes Against Women, Sage Publications 1st Ed.(2017)
- Internet Law and Practice by International Contributors, West Thomson Reuters, South Asian Edition (2013)

Readings

- Geetha Hariharan, “Our Unchained Sexual Selves: A Case For The Liberty To Enjoy Pornography Privately”, 7(2) NUJS L Rev. 89 (2014), available at Westlaw India; <http://nujlawreview.org/2016/12/04/our-unchained-sexual-selves-the-case-for-the-liberty-to-enjoy-pornography-privately/>
- Chinmayi Arun, “Gatekeeper Liability and Article 19(1)(a) of The Constitution Of India”, 7(2) NUJS L. Rev. 73 (2014), available at Westlaw India; <http://nujlawreview.org/wp-content/uploads/2016/12/Chinmayi-Arun.pdf>
- Yaman Akdeniz, “Governing Pornography & Child Pornography on the internet- the UK Approach”, available at http://www.cyber-rights.org/documents/us_article.pdf
- David J. Kessler, Sue Ross and Elonnai Hickok, “A Comparative Analysis of Indian Privacy Law and the Asia Pacific Economic Cooperation Cross-Border Privacy Rules”, 26 (1) National Law School of India Review (NLSI Rev.) 31 (2014) [NLSIU Bangalore] available at Westlaw India <https://drive.google.com/file/d/1-1copZRxSl9H3GMDD/view> tsmB6Sg_XWd09K/view
- Report of the Group of Experts on Privacy (Chaired by Justice A P Shah, Former Chief Justice, Delhi High Court) available at http://planningcommission.nic.in/reports/genrep/rep_privacy.pdf
- **E-books -available at uncitral.org**
Guide to Enactment of the UNCITRAL Model Law on Electronic Commerce (1996)
Guide to Enactment of the UNCITRAL Model Law on Electronic Signatures (2001)
United Nations Convention on the Use of Electronic Communications in International Contracts, 2005- Explanatory Note by the UNCITRAL secretariat
- Hemali Shah and Aashish Srivastava “Signature Provisions in the Amended Indian Information Technology Act 2000: Legislative Chaos”, 43 Comm. L. World Rev. 208 2014 available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2748441

- **Videos and Power point presentations on :** i) Digital Signatures, ii) Creating Trust in electronic environment, iii) PKI Technology- Role of CCA available at www.cca.gov.in

List of cases:

- *Myspace Inc. v. Super Cassettes Industries Ltd*, FAO(OS) 540/2011, C.M. APPL.20174/2011, 13919 & 17996/2015 (Del DB) decided on 23/12/2016
- *Star India Pvt. Limited v. Haneeth Ujwal*, I.A. No.13873/2014 (Del) in CS(OS) 2243 of 2014 decided on 26/07/2014,
- *Cello Partnership v. ASCAP*, 663 F.Supp. 2d (S.D.N.Y. 2009)
- *Video Pipeline Inc. v. Buena vista Home entertainment*, 192 F.Supp. 2d 321 D.N.J. 2002}
- *Fair Dealing in digital environment [Google book Project Case]*
- *A.V. v. iParadigms*, 502 F.3d 630 (4th Cir. 2009)
- *World Wrestling entertainment v. Reshma Collections*, FAO (OS) 506/2013 in CM Nos. 17627/2013,18606/2013, Del(DB) decided on 15/10/2014;
- *P.R. Transport Agency v. Union of India*, AIR 2006 All 23
- *Shreya Singhal v U.O.I*, SC decided on 24/03/2015
- *Justice K S Puttaswamy (Retd.) v. Union of India*, WRIT PETITION (CIVIL) NO 494 OF 2012 (SC) delivered on 24/08/2017
- *Syed Asifuddin v. State of Andhra Pradesh*, 2006 (1) ALD (CrI.) 96, 2005 CRILJ 4314;
- *Diebold Systems Pvt. Ltd. v. Commissioner of commercial taxes*, ILR 2005 Kar 2210; (2006) 140 STC 59 Kar;
- *Routermania Technologies v. ITO*, Income Tax Appellate Tribunal Mumbai, decided on 26/4/2007
- *Banyan Tree Holdings (P) Ltd v. A Murali Krishna Reddy*, CS (OS) No. 894/2008, Del(DB), decided on 23/11/2009;
- *World Wrestling Entertainment v. Reshma Collections*, FAO (OS) 506/2013 in CM Nos. 17627/2013, 18606/2013, Del(DB) decided on 15/10/2014;
- *Big Tree Entertainment v. Saturday Sunday Media Internet*, CS (COMM) Nos. 53/2015 and 54/2015 (Del) decided on 21/12/2015;
- *Impressario Entertainment v. S & D Hospitality*, IA nos. 1950/2017 in CS (COMM) 111/2017 (Del) decided on 3rd Jan. 2018;
- *Super Cassettes Industries Ltd v. Myspace Inc.*, IA No.15781/2008 & IA No. 3085/2009 in CS (OS) No. 2682/2008(Del) decided on 29/07/2011;
- *P.R. Transport Agency v. Union of India*, AIR 2006 All 23;
- *Shailabh Jain vs The State of Madhya Pradesh*, (Madhya Pradesh HC) M.Cr.C.No.7894/2013 decided on 01/11/2013;
- *Driplex Engineering Ltd v. Mukesh Aggarwal*, Adjudicating Officer (Del), decided on 15/10/2010;
- *Vinod Kaushik v. Madhvika Joshi*, WP(C) 160/2012, Delhi High Court, order dt. 27/01/2012 available at

<https://it.maharashtra.gov.in/Site/Upload/ACT/Madhvika%20Vs%20Kaushik-highcourt.PDF>

- *Amit Dilip Patwardhan v. Rud India Chains Pvt. Ltd.*, Adjudicating Officer, decided on 15/04/2013 complaint no. 1 of 2013 available at <https://it.maharashtra.gov.in/Site/Upload/ACT/AmitPatwardhanVsRudIndiaVipinRao%2015Apr%202013%20Rajesh%20Aggarwal.pdf>
- *SMC Pneumatics (India) Pvt. Ltd. v. Jogesh Kwatra*, suit no. 1201/2001, New Suit No. 65/14 decided on 12/02/2014 Delhi District Court
- *State of Tamil Nadu v. Suhas Katti*, Decided by CMM, Egmore, decided on Nov. 5, 2004 available at <http://www.prashantmali.com/cyber-law-cases;> <http://www.legalserviceindia.com/lawforum/index.php?topic=2238.0;>
- *Shreya Singhal v U.O.I, SC* decided on 24/03/2015, available at [http://indiankanoon.org/doc/110813550/;](http://indiankanoon.org/doc/110813550/)
- *Rakesh v. Central Bureau*, Delhi District Court, decided on 5 February, 2011, available at: [http://indiankanoon.org/doc/90364172/;](http://indiankanoon.org/doc/90364172/)
- *State of A.P. through Inspector of Police, Cyber Crimes P.S., CID, Hyderabad v. Prabhakar Sampath*, Add. CMM Hyderabad, decided on 31/03/2015, CC 489 Of 2010 available at: www.prashantmali.com/cyberlaw-cases;
- *NAASCOM v. Ajay Sood*, 119 (2005) DLT 5960, 2005 (30) PTC 437 Del;
- *State of Maharashtra v. Opara Chilezian*, Regular Criminal Case No. 724/2012 decided on 28/10/2013 (Nigerian Email Scam Case) available at www.prashantmali.com;
- *Maqbool Fida Husain v. Raj Kumar Pandey*, Delhi HC decided on 8/5/2008, CRL. REVISION PETITION NO.114/2007,
- *Anvar P.V v. Super Cassettes Industries Ltd..v. Mr. Wang Zhi Zhu Ce Yong Hu*, MANU/DE/2000/2008]
- *Aqua Minerals v. Pramod Barse*, 2001 PTC 619 (Del)
- *Yahoo Inc. v. Manoj Taslani*, 2015(61) PTC 263 (Del)
- *Amway v Img*, IA No. 11335/2018 in CS (OS) 410/2018 (Del) decided on July 8, 2019,
- *Amazon Seller Services Pvt Ltd. v. Modicare Ltd*, FAO (OS) 133/2019 and CM APPL. 32954/2019 Del (DB) decided on 31 Jan. 2020,
- *Satyam Infoway Ltd v Sify net solutions Pvt. Ltd.*, AIR 2004 SC 3540
- *Consim India Pvt. Ltd v. Google Inc. Pvt. Ltd.*, (Mad) OA No. 977 and 978 of 2009 in CS(OS) Mo. 832 of 2009 decided on 30/09/2010
- *Kamlesh Vaswani v Union of India and others*, Supreme Court of India. Order dated 26 February 2016, I.A. No.5 of 2015 in WP (C) No.177 of 2013, 2016 INDLAW SCO 12

Note : The cases/readings/topics mentioned above are not exhaustive. The teachers teaching the course shall have liberty to add new cases/readings/topics.