



K.R. MANGALAM UNIVERSITY
THE COMPLETE WORLD OF EDUCATION

SCHOOL OF LEGAL STUDIES (SOLS)

BACHELOR OF LAW (H)

LL.B (H)

Programme Code: 23

(2018-21)

Approved in the 17th Meeting of Academic Council Held on 29 June 2018




Registrar
K.R. Mangalam University
Sohna Road, Gurugram, (Haryana)



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(SOLS)

MASTER OF LAW

LL.M.

Programme Code: 69

2018-19

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1. Introduction

K.R. Mangalam University, Sohna Road, Gurgaon is a private University founded in the year 2013 by Mangalam Edu Gate, a company incorporated under Section 25 of the Companies Act, 1956, and recognized by the UGC under Section 2f of the UGC Act, 1956. The University offers multidisciplinary liberal education that transcends beyond the boundaries of Science and Arts. It is constantly chasing perfection, innovating new dimensions and creating different opportunities for the new generation. Its quest for knowledge is seamless across disciplines like **Engineering, Law, Basic & Applied Sciences, Management and Commerce, Journalism & Mass Communication, Medical & Allied Sciences, Architecture & Planning, Fashion, Humanities, Education and Ph. D. Programmes.** It lays strong emphasis on interdisciplinary learning through practical exposure and research, enabling its students to become responsible professionals with self-awareness and a commitment for public service. The unique learning facilities and the state-of-the infrastructure of the University inspire its students to be professionally skillful, socially committed and personally successful. The exposure to the organizations and associations of international status is a unique experience for its students for their career perfection

Quality education is the major focus of the university. The well qualified and experienced faculty members, the panel of experts as the visiting faculty, guest lectures and other curricular activities provide the best learning experience. The advanced laboratories, workshops, studios and the activity rooms give the practical experience of the knowledge disseminated. The continuous evaluation system and the systematic mentoring are the two major measures that enable the holistic development of the students of KRMU

The ragging free campus with lot many supporting facilities for the whole round development of the students make the KRMU campus as the most luring place for students. The gym, indoor and outdoor game courts, cafeteria, play grounds, lawns etc. are the favourite student hangouts. Spreading over 26 acres, the KRM University campus with its sprawling greenery, in an idyllic .setting is a visual delight

KRM University is unique because of its

- i. Enduring legacy of providing education to high achievers who demonstrate leadership

in diverse fields.

- ii. Protective and nurturing environment for teaching, research, creativity, scholarship, social and economic justice.

OBJECTIVES

- a. To impart Under Graduate, Post-Graduate and Doctoral Education in identified areas of higher education.
- b. To undertake research programmes with industrial interface.
- c. To integrate its growth with the global needs and expectations of the major stake holders through teaching, research, exchange & collaborative programmes with foreign, Indian Universities/Institutions and MNCs.
- d. To act as a nodal center for transfer of technology to the industry.
- e. To provide job oriented professional education to the student community with particular focus on Haryana.

2. About School of Legal Studies (SOLS)

School of Legal Studies offers, Bar Council of India (BCI) approved, five year BBA LL.B. (H) Integrated programme, five year B Com. LL.B. (H) Integrated programme, five year BA LL.B. (H) Integrated programme, three year LL.B. (H) programme and LL.M. programme. These Law Programmes have the distinct objective of equipping the students with knowledge, skills and attitude so as to make them capable of successfully meeting the present requirements and future challenges in legal profession. The courses are intended to impart intensive knowledge and training in the non-law subjects as well as law subjects and help students acquire wider perspectives both for managerial responsibilities and professional application, and train them to have successful career.

3. The Programmes offered by School of Legal Studies:

(Bar Council of India, New Delhi approval vide BCI: D: 745/2018 (LE/Afflin) dated 27.06.2018)

3.1 BBA LL.B (H)

Duration: 5 Years (10 Semesters) Eligibility Criteria

Candidate should have passed 10+2 examination conducted by Central Board of Secondary Education or equivalent examination from a recognized board with an overall aggregate of 50%.

3.2 B Com LL.B (H)

Duration: 5 Years (10 Semesters) Eligibility Criteria

Candidate should have passed 10+2 examination in the Commerce stream or any other stream with higher mathematics conducted by Central Board of Secondary Education or equivalent examination from a recognized board with an overall aggregate of 50%.

3.3 BA LL.B (Hons.)

Duration: 5 Years (10 Semesters) Eligibility Criteria

Candidate should have passed 10+2 examination conducted by Central Board of Secondary Education or equivalent examination from a recognized board with an overall aggregate of 50%.

3.4 LL.B (Hons.)

Duration: 3 Years (6 Semesters) Eligibility Criteria

Candidate should be a graduate in any stream from a recognized University with an overall aggregate of 50%.

3.5 LL.M (One Year)

Duration: One Years (2 Semesters) Eligibility Criteria

Candidate should have passed LLB from a recognised University with not less than 50% in aggregate.

4. Career Options

The Law Programmes offer various career opportunities in legal profession. These are the corporate sector, practicing law, working with law firms, joining Judiciary and pursuing academics.

A Post Graduate degree in Law with specialization shall provide an opportunity to the students to pursue further research in legal studies in India or abroad. Students can look forward to pursue Doctorate in Law for a career in higher education or join judicial services.

5. Programme Duration

The minimum period required for programmes offered by SOLS is specified in section 3 above. The Programme will be considered completed when the candidate has earned minimum credits and CGPA required by the respective Programme scheme.

The duration of the programme shall be one year in two semesters and shall consist of three components: compulsory papers, specialization papers and dissertation. Compulsory papers are class room based while the specialization papers are research based. Dissertation writing is mandatory complement of the programme.

6. Class Timings

The classes are held from Monday to Friday from 9.10 am to 4.10 pm

7. Syllabi

The syllabi of all courses of LLM programme offered by SOLS are given in the following pages. These are arranged in numeric order of the last three digits of the course code. For each course, the first line contains; Course Code, Title and Credits (C) of the course. This is followed by the Course Objectives, Syllabus (Unit I to IV), Text book and Reference books.

Scheme of Studies for Master of Law (LLM) Programme

Semester I				
Sr.No.	Course Type	Subject Code	Title	Credits
1	Core	SLAW751	Research methods and Legal Writing	3
2	Core	SLAW753	Law and Justice in Globalizing World	3
3	Core	SLAW755	Comparative Public law/ Systems of Governance	3
4	SEC		Specialization Paper-I	2
5	SEC		Specialization Paper-II	2
	TOTAL			13
Semester II				
Sr.No.	Course Type	Subject Code	Title	Credits
1	SEC		Specialization Paper-III	2
2	SEC		Specialization Paper-IV	2
3	SEC		Specialization Paper-V	2
4	SEC		Specialization Paper-VI	2
5	Core	SLAW 784	Dissertation	5
TOTAL				13

SYLLABUS

Semester I

SLAW751	RESEARCH METHODS AND LEGAL WRITING	L	T	P	C
		3	-	-	3

Course Objective: The objective of this paper is to introduce various established legal research methods to the students as well as to give clinical training in legal research.

UNIT 1 An Introduction to Legal Research: Evolution, Scope and Nature, Meaning, objectives of Legal Research, Different kinds of Legal Research.

- a. Doctrinal or Traditional Research
- b. Non-doctrinal or Empirical Research.
- c. Descriptive and Analytical Research.
- d. Applied and Fundamental Research.
- e. Quantitative and Qualitative Research.
- f. Historical Research.
- g. Sociological Research
- h. Socio-legal Research

UNIT 2 Doctrinal Legal Research and Methodology: Meaning and Nature, Method and methodology, scientific method.

Research Process

Methods of Investigation: Scientific Method of Investigation ,Case Study Method of Investigation, Survey Method of Investigation, Experimental Method of Investigation, Discussion Method of Investigation, Philosophical Method of Investigation.

UNIT 3 Non Doctrinal-Empirical Legal Research and Methodology: Meaning and Nature, Research Process

Data Collection Techniques: Primary Data Method: Observation, Interviews, Questionnaire, Schedules

Secondary Data Method: Significance of Secondary Data , Evaluating Secondary Data , Sources of Secondary Data

Sampling Procedures: Importance of Sampling. , Advantages and Limitations of Sampling, Theoretical basis of Sampling, Types of Sampling, Probability and Non-probability Sampling, Sampling and Non-sampling Error.

Data Processing : Introduction , Editing, Coding, Tabulation, Analysis and Interpretation of Data, Application of Content Analysis in Legal Research, Analysis of Aggregate Data, Data Interpretation and Report writing, Collection and Analysis Data, Legal input Analysis, the ideal and the practicable.

UNIT 4 Tools of Legal Research : Library, Books, Law Reports ,Law Commission Reports, Legislative and Constitutional Assembly Reports, Law journals, Computer and Internet, Legal Research and Law Reforms

How to write a Dissertation/Thesis

Contemporary trends in Legal Research: Significance of Legal Research in Legal Education in India

Changing emphasis and contemporary trends in General and more specific to India.

Plagiarism and Copyright Infringements

Role of Judges and Jurists, Recommendations of commissions and committees, etc.

Reference Books:

1. C.R.Kothari — Research Methodology (Methods and Techniques)- *Vishwa Prakashan*.
2. Dr. H.N.Tawari Legal Research Methodology — Allahabad Law Agency.
3. Erwin C. Surrency B. Field and J. Cn, 4 Guide to Legal Research (1959)
4. H.M.Hyman, Interviewing in Social Research (1965)
5. Harvard Law Review Association, Uniform System of Citations.

6. High Brayal, Nigel Duncan and Richard Crimes, *Clinical Legal Education: Active Learning in your School* (1998) Blackstone P. Press Limited, London.
7. *Legal Research and Methodology*— Indian Law Institute, New Delhi
8. M.O. Price, H. Bitner and Bysiewicz, *Effective Legal Research* (1978)
9. Mi. Tanulingam — *Research Methodology* Himalaya Publishing
10. Monis L. Cohan, *Legal Research in Nutshell*, (1996) West Publishing Co.
11. P.Saravanel — *Research Methodology* — Kitab Mahal
12. Pauline V.Young, *Scientific Social Survey and Research* (1962) 07.
13. Payne, *The Art of Asking Questions* (1965)
14. William I Grade and Paul K Hatt, *Methods in Social Research*, Mc GrawHill Book Company, London.

SLAW 755	COMPARATIVE SYSTEMS OF GOVERNANCE	L	T	P	C
		3	-	-	3

Course Objective: This course has been designed to drive the students through the journey of historical development of law to the law of the Third World. Focus is laid on endeavors at global unification of law.

UNIT 1 The nature and Scope of Comparative Law

- Historical development of Comparative Law
- Notions, Methods and Types of Comparison
- Contemporary Traditions of Law:
 - Capitalist/bourgeois Law
 - Socialist Law
 - "Third World" Law

UNIT 2 World's Major Legal Systems: An Overview

- Unification of the World Law
- Tools of Comparative Law
 - Constitutional Law – Common Law, Civil Law
 - Legislative Mechanism - Common Law, Civil Law
 - Typology of Federalism – USA, India

UNIT 3 Comparative Criminal Law – Common law, Civil law

- Domestic Violence – International, National
- Provisions relating to Rape
- Plea Bargaining – USA, India
- White Collar Crimes
- Juvenile Justice

UNIT 4 Comparable Areas in "Third World" Law:

- Comparative studies of emergency and constitutionalism
- Comparative legislative process
- Comparative judicial process
- Comparative studies of gender justice
- Comparative studies of environmental law
- Comparative studies to access to law
- Comparative Public Interest Litigation – US, India

Reference Books:

1. G. Eorsi, Comparative Civil Law
2. H.C. Gutteridge, Comparative Law
3. Indian Law Institute, An Introduction to the Study of Comparative Law.
4. J.D.M. Derrett (ed.), An Introduction to Legal Systems
5. See, M. Cappelletti et.al., Towards Equal Justice : A Comparative Study of Legal Aid in Modern Societies
6. The Handbook of Comparative Criminal Law, Stanford Law Books

SLAW 753	LAW & JUSTICE IN GLOBALISING WORLD	L	T	P	C
		3	-	-	3

UNIT 1 Legal Globalization and Global Justice

- Meaning of "globalization" in a contemporary context
- Introduction to the Increasing Globalization of Law
- The Global Justice Movement
- Normative Framework Addressing the Function, Scope, and Content of Justice in Globe

UNIT 2 Legal Implementation of Global Justice

- Treaties and the Role of Customary International Law
- Institutional Structure and Procedures, including Enforcement
 - International Implementation System (E.g., International Court of Justice, International Criminal Court, United Nations, World Bank, IMF, WTO);
 - Regional Implementation System (E.g., Inter-American Court, European Court of Justice, European Court of Human Rights)

UNIT 3 3 Human Rights and Humanitarian Law

- War, Terrorism & Genocide, and Humanitarian Intervention;
- Migration, Refugees, Asylums, and Movement of People Across Borders;
- Alien Tort Claims Act and Fighting Human Rights Abuses Across Borders;
- Universal Jurisdiction for Crimes Against Humanity/War Crimes;

UNIT 4 Law and Economic Justice

- Global Poverty;
- Inclusion and Equity for Vulnerable Groups;
- Labor Issues Including Outsourcing and Shifting Labor Markets;

- Global Justice and Trade;
- Regulation of Financial Markets, Systems and Infrastructure

Law and Social Justice

- Equality and Minority Rights (E.G., Women and Human Rights);
- Environment & Natural Resources;
- Climate Change;
- Anti-Corruption

Reference Books:

1. CHI CARMODY, FRANK J. GARCIA, & JOHN LINARELLI, GLOBAL JUSTICE AND INTERNATIONAL ECONOMIC LAW: OPPORTUNITIES AND PROSPECTS (ASIL STUDIES IN INTERNATIONAL LEGAL THEORY) (2012)
2. David Weissbrodt, Fionnuala Ní Aoláin, Joan Fitzpatrick, and Frank Newman, International Human Rights: Law, Policy and Process (4th ed. 2008)
3. David Weissbrodt, Joan Fitzpatrick, Frank Newman, Marci Hoffman and Mary Rumsey, Selected International Human Rights Instruments and Bibliography for Research on International Human Rights Law (3d ed. 2001)
4. HELEN M. STACY & WIN CHIAT LEE, ECONOMIC JUSTICE: PHILOSOPHICAL AND LEGAL PERSPECTIVES (AMINTAPHIL: THE PHILOSOPHICAL FOUNDATIONS OF LAW AND JUSTICE) (2012)
5. HURST HANNUM, INTERNATIONAL HUMAN RIGHTS: PROBLEMS OF LAW, POLICY, AND PRACTICE (2011)
6. International Covenant on Economic, Social, and Cultural Rights (ICESCR) and Optional Protocol www2.ohchr.org/english/law/pdf/cescr.pdf;
www2.ohchr.org/english/law/docs/A.RES.63.117_en.pdf
7. Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, UN Doc. A/53/383 (2000). International Labor Convention 189 (2011) <http://www.ilo.org/ilolex/english/convdisp1.htm>

SLAW 761	VICTIMOLOGY	L	T	P	C
		2	-	-	2

UNIT 1 Introduction to Victimology

- Conceptual development of Victimology
- Perspectives of Victimology: Positivist, Radical, Critical
- International Developments

UNIT 2 Victims of Crime

- Typology of Victims
- Newer dimension of victimology

UNIT 3 Victimology in India

- Development of Victimology in India
- Legislative development of Victimology
- Judicial Response to victims

UNIT 4 Victim Justice

- Victim Support Services
- Restorative Justice
- Compensation

SLAW 763	LAW RELATING TO CYBER OFFENCES	L	T	P	C
		2	-	-	2

Course Objective: To understand the concept of Cyber Offences, nature and scope

1. To understand the issues relating the jurisdiction on cyber Space
2. Classification of Computer Wrongs
3. Information technology and Evidence Law
4. To identify tools of Cyber Forensic
5. To examine Convention on Cyber Crime
6. To analyse the statutory framework of IT Act with regard to cyber offence
7. To examine the issues relating cyber terrorism and financial fraud on cyber space.

UNIT 1 Concepts of Cyber Space, Computer Wrongs, Jurisdiction on Cyber Space and Evidence law and Technology

- Nature and History of Internet, Doctrine of Equivalence and Doctrine of Neutrality
- Concepts of Computer Wrongs, Classification of Computer Wrongs
- Convention on Cyber Crime- Council of Europe
- Jurisdictional Issues on Cyber Space, Harvard Concept of Jurisdiction, Cr. P.. C. S. 178. IT Act ss. 1 and 75
- Information Technology and Evidence Law
- Compounding of Cyber offences
- Investigation of Cyber Crime

UNIT 2 Conventional Crime on Cyber Space

- Obscenity on Cyber Space- Concept, IT Act and Obscenity, Liability of Internet Service Providers, Culture, freedom speech and Expression.
- Defamation on the Internet, Evolution, Conflicts of Choice of Laws, Global Defamation case law, Indian Judicial Response
- Digital Forgery- Indian law, Salami Attack, Convention on Cyber Crime

- Cyber Stalking, Invasion of Privacy, Unsolicited Commercial mails,
- Online gambling, Online sale of Illegal Article,
- Online Immoral trafficking

UNIT 3 Non- Conventional Crime on Computer Network or Relating to Convergence of Technology

- Hacking- Indian Law, Cyber Crime Convention of the Council of Europe, Hacking of Protected Computer System
- Crimes relating to Electronic Mail- E-mail Bombing, E-mail spoofing
- Crimes Through Mobile Phone
- Denial of Service
- Voyeurism

UNIT 4 Crime Relating to Data Alteration and data Destruction

- Financial Crimes on the Internet- Credit Card Fraud, Online Phisherman, Identity Theft, fraudulent Financial Solutions
- Data Protection, data Diddling, Disclosure of information in breach of lawful contract. Breach of Confidentiality by authorized person
- Cyber warfare and Terrorism
- Theft of Internet Hours, Trojan horses, logic bombs

SLAW 766	COMPARATIVE CRIMINAL PROCEDURE	L	T	P	C
		2	-	-	2

Course Objective: The objective of the course is to study some basic areas of Criminal Procedure in detail and refer to the foreign experiences wherever necessary. The legal regime adopted in India and U.K. in particular in the areas identified below will be the primary focus of the present study. Effort will be to identify pitfalls in the criminal justice system in India and to examine various measures, if adopted, which can put the criminal justice system back on the rails and ensure speedy and expeditious dispensation of justice. For this purpose foreign experiences wherever necessary will be referred to, relied upon and suggestions for improving the present criminal justice system will be made to balance various interests involved including those of victims which vie for consideration. Heavy reliance will be placed on Expert Committee Reports (both Indian and foreign), Legislative Measures Adopted on the basis of Expert Committee Reports and the Judicial Approach to the areas under study.

UNIT 1:- Criminal Justice Process Models

Adversarial model, Inquisitorial model, Basic Principles of Criminal Jurisprudence *viz.* Presumption of innocence, Proving of guilt beyond reasonable doubt, Fair trial.

Functionaries in the Criminal Justice System

- a) The Police & Investigation
- b) Public Prosecutor & his Role
- c) The Defence Counsel and his Role
- d) The Trial Court
- e) Prison Authorities

Conceptual Framework

- a) Distinction between Investigation, Inquiry & Trial
- b) Cognizable, Non-cognizable, Bailable, Non-bailable Offences
- c) Arrest
- d) Fair Trial

UNIT 2 Investigation in Cognizable offences

- a) FIR, its Ingredients and Evidentiary Value
- b) Powers of the Investigating Officer including Right to Arrest, collect evidence and Search & Seizure

Pre-trial Procedure: Arrest, and the Rights of Arrested Person

- a) Scheme under the Constitution of India & the relevant provisions of the Criminal Procedure Code:
 - i. Right to know the grounds of arrest & right to consult lawyer of one's own choice
 - ii. own choice
 - iii. Right to be produced before the Magistrate within 24 hours of arrest
 - iv. Right against Self-Incrimination
- b) Right of Indigent Persons to Legal Aid at State Expense

Law Relating to Bail

- a) Object & Meaning of Bail
- b) Circumstances in which Release on Bail is Imperative
- c) Discretion in granting Bail in cases of Non-bailable offences
- d) Cancellation of Bail
- e) Anticipatory Bail

UNIT 3: - Trial Procedures: Principal Features of Fair Trial

- a) Concept of Fair Trial
- b) Independent, Impartial and Competent Judges
- c) Right of the Accused to know the Accusation including framing of clear and unambiguous charges
- d) Evidence to be taken in presence of the accused and his right to cross-examine prosecution witnesses and to produce evidence in defence
- e) Right to expeditious trial

- f) Reasoned decisions
- g) Doctrine of “*autrefois acquit*” and “*autrefois convict*”
- h) Pre-sentence hearing in serious cases

Fair Trial

- a) Protecting Speech: The U.S. Approach
- b) Protecting Justice: The English Approach
- c) Law & Contemporary Problems

UNIT 4: Victims and their role in Criminal Justice System

- a) Existing position of the role of the victim in investigation and fair trial - Need for reforms in law
- b) Compensation to victims

Plea Bargaining

- c) Concept of Plea Bargaining
- d) Legislative Scheme of Plea Bargaining in India & other jurisdictions

Reference Books:

1. Inbau, Thompson and Sowle, *Criminal Justice* Vol. II, Foundation Press (1968).
2. H.M. Seervai, *Constitutional Law of India* (4th ed., Vol 1 (1991), Vol. 2 (1993), Vol. (1996)
3. K.N. Chandrasekharan Pillai (Rev.), **R.V. Kelkar’s *Criminal Procedure*** (5th ed., a. 2008)
4. Mahendra P. Singh, *V.N. Shukla’s Constitution of India* (11th ed., 2008)
5. Robert L. Packer, *The Limits of Criminal Sanction* (1968)
6. Glanville Williams, *The Proof of Guilt* (1963).
7. K.I. Vibhute (Ed.), *Criminal Justice* (1st ed., 2004)
8. M.P. Jain, *Indian Constitutional Law* (5th ed., 2003)
9. M. Monir, *Law of Evidence* (14th ed., 2006)

SLAW 760	LAW OF CRIMES	L	T	P	C
		2	-	-	2

Course Objective: The Indian society has changed very rapidly since Independence. A proper understanding of crimes, methods of controlling them and the socio-economic and political reasons for their existence is now extremely important in the larger context of India's development, if students are to use their knowledge and skills to build a just and humane society. The curriculum outlined here attempts to bring in these new perspectives.

UNIT 1 General : Conception of crime, Pre-colonial notions of crime as reflected in Hindu, Muslim and tribal law, Macaulay's draft based essentially on British notions, State's power to determine acts or omissions as crimes, State's responsibility to detect, control and punish crime, Distinction between crime and other wrongs, IPC : a reflection of different social and moral values, Applicability of I.P.C., Territorial, Personal, Salient features of the I.P.C

UNIT 2. Elements of criminal liability: Author of crime - natural and legal person, Mens rea - evil intention, Importance of mens rea, Recent trends to fix liability without mens rea in certain socio-economic offences, Act in furtherance of guilty intent, Omission, Injury to another

Group liability: Stringent provision in case of combination of persons attempting to disturb peace, Common intention, Abetment:, Instigation, aiding and conspiracy, Mere act of abetment punishable, Unlawful assembly: Basis of liability, Criminal conspiracy, Rioting as a specific offence

Stages of a crime: Guilty intention - mere intention not punishable, Preparation , Exception in respect of certain offences of grave nature or of peculiar kind such as possession of counterfeit coins, false weights and measures, Attempt: Attempt when punishable - specific provisions of IPC, Tests for determining what constitutes attempt - proximity, equivocality and social danger, Impossible attempt

Factors negating guilty intention

- Mental incapacity

- Minority
- Insanity- impairment of cognitive faculties, emotional imbalance
- Medical and legal insanity
- Intoxication - involuntary
- Private defence- justification and limits
- When private defence extends to causing of death to protect body and property
- Necessity
- Mistake of fact

Types of punishment, Social relevance of capital punishment

UNIT 3. Specific offences against human body

- Causing death of human beings
- Culpable homicide
- Murder
- Distinction between culpable homicide and murder Law 49
- Specific mental element : requirement in respect of murder
- Situation justifying treating murder as culpable homicide not amounting to murder
- Grave and sudden provocation
- Exceeding right to private defense
- Public servant exceeding legitimate use of force
- Death in sudden fight
- Death caused by consent of the deceased- euthanasia and surgical operation
- Death caused of person other than the person intended
- Miscarriage with or without consent
- Rash and negligent act causing death
- Hurt- grievous and simple
- Assault and criminal force
- Wrongful restraint and wrongful confinement- kidnapping from lawful guardianship and from outside India.
- Abduction

Offences against women

- Insulting the modesty of woman
- Assault or criminal force with intent to outrage the modesty of woman
- Causing miscarriage without woman's consent:
- Causing death by causing miscarriage without woman's consent
- Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse
- Buying a minor for purposes of prostitution
- Rape:
- Custodial rape
- Marital rape
- Prevention of immoral traffic
- Cruelty by husband or his relatives
- Prevention of Sati
- Prohibition of indecent representation of women

UNIT 4 :Offences against Property : Theft, Cheating, Extortion, Robbery and dacoity, Mischief, Criminal misrepresentation and criminal breach of trust, New kinds of crimes such as terrorism, pollution and adulteration, Law Reforms

Reference Books:

1. B.M. Gandhi, Indian Penal Code (1996), Eastern, Nagpur
2. Hidayathullaw,M., et.al., Ratanlal and Dhirajlats The Indian Penal Code (1994 reprint), Wadhwa & Co., Nagpur.
3. K.D. Gaur, Criminal Law: Cases and Materials (1999), Butterworths, India
4. K.D.Gaur, A Text Book on the Indian Penal Code (1998), Universal, Delhi.
5. P.S.Achuthan Pillai, Criminal Law (1995) Eastern, Lucknow.
6. Ratanlan-Dhirajlal's Indian Penal Code (1994 reprint)

SLAW 762	SENTENCING & CRIMINAL JUSTICE	L	T	P	C
		2	-	-	2

Course Objective: This course offers a specialized understanding of sentencing policies and the problematic discretion in the sentencing experience and its comparison with the 'developing' societies,. The expert work of the U.N. Committee on Crime Prevention and Treatment of Offenders will be availed of in this course. Especially, at each stage, the three 'D's will be explored as offering a range of alternatives: decriminalization, dependization, deinstitutionalization.

UNIT 1 Introduction

- Aim of the criminal justice system
- Approaches to Sentencing
- The rationale of sentencing
- Principal types of sentences in the Penal Code and special laws
- Procedure for sentencing
- The Code of Criminal procedure, 1973
- S.235, S.248, S.325, S.360 and S.361
- The probation of Offenders Act, 1958

UNIT 2 Factors in sentencing

- Elements of Proportionality
- Aggravation and Mitigation

UNIT 3 Sentencing in specific offences

- Sentencing in death penalty cases
- Sentencing in sexual offences
- Sentencing in white collar crime
- Sentencing of habitual offender

UNIT 4 Approaches to Sentencing

- Executive
- Power of pardon under the Constitution
- Power of commutation, remission and suspension under the Code of Criminal
- Procedure Code.
- Judiciary
- Judicial decision making and sentencing policy
- Analysis of case laws
- **Sentencing policy in UK and USA**

Reference Books:

1. S. Chhabra, *The Quantum of Punishment in Criminal Law* (1970),
2. H.L.A. Hart, *Punishment and Responsibility* (1968)
3. Herbert L. Packer, *The Limits of Criminal Sanction* (1968)
4. Alf Ross, *On Guilt, Responsibility and Punishment* (1975)
5. Siddique, *Criminology* (1984) Eastern, Lucknow.
6. K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey of Sociology and Social Anthropology 1969-179 (1986)
7. Tapas Kumar Banerjee, *Background to Indian Criminal Law* (1990), R.Campray & Co., Calcutta.
8. Andrew Ashworth, *Sentencing and Criminal Justice*, 2010 5th ed., Cambridge University, UK
9. CK Boyle & MJ Allen, *Sentencing Law and Practice*, 1985 1st ed., Sweet & Maxwell, London
10. Cyrus Tata & Neil Hutton (ed.) Ashgate Publishing Ltd., England
11. Martin Wasik, *Emmins on sentencing*, 1998 3rd ed., Blackstone Press Ltd., London
12. Philip C. Stenning, *Accountability for Criminal Justice*, 1995 1st ed., University of Toronto Press, Toronto
13. R.V.Kelkar, *Criminal Procedure*, 2001 4th ed., Eastern Book Company, Lucknow

SLAW 764	CORPORATE CRIMES	L	T	P	C
		2	-	-	2

Course Objective: Contemporary societies feel increasingly threatened by crimes carried out by corporations where huge amount of embezzlement of fund takes place. Corporate crimes were once thought of as victimless offenses, but now with billions of dollars and an increasingly global economy at stake this is understood to be far from the truth. This subject explores the complex interplay of factors involved when corporate cultures normalize lawbreaking, and when organizational behavior is pushed to unethical (and sometimes inhumane) limits.

UNIT I: Introduction: Definition, nature & forms of corporate crime, Causes of corporate crime, Types of corporate crime, Characteristic of corporate criminals.

UNIT II Economic Offences: Definition, Introduction of offences as listed in Schedule 13 of Companies Act, Securities, Corporate and Fiduciary Frauds-Insider Trading, Environmental Law, Crime against Consumers, Medical Crime, Computer Crime, IPR violation, Tax & Duties violation,

Labour Laws violation

- Payment of wages
- Minimum wages
- Provident Funds Act, etc.

UNIT III Liabilities of Corporation & Individuals: Theory of vicarious liability,

- Concept of Mens- rea /Actus Reus,
- Attribution of Mens-rea to the company

From Individual conduct to Corporate Responsibility

- Corporate Structure as way of limiting liability
- Individual Liability for corporate/ collective Action

From Corporate Conduct to Individual Responsibility

- Willful Blindness

- Whistleblower Protection & Compensation

UNIT IV Corporate Crime and Legal System: Investigation and Policing various types of Corporate Crime, Prosecution & Imprisoning Corporate Criminals, Merits and demerits of the legislation in controlling crime, Role of Regulatory Bodies, Corporate Crime and Reactions of the Criminal Justice System

Sociological effect of Corporate Crime: Violation of Civil and Human Rights, Victims of Corporate Crimes and its effect, Analysis of Criminal Behaviour, Role of the Mass Media , Damage Control

Reference Books:

1. Anderson, K. (2006). *Utilitarianism: The Greatest Good for the Greatest Number*.
2. Barkan, S. E. (2006). *Criminology: A Sociological Understanding* (3rd ed.). Upper Saddle River, NJ: Prentice Hall.
3. Bass, B. M. *Concepts of Leadership*. In R. P. Vecchio (Ed.) (1997). *Leadership: Understanding the Dynamics of Power and Influence in Organizations*. Notre Dame, IN: University of Notre Dame.
4. Bricke, Kathleen F. *Corporate and White Collar Crime: Cases and Materials*: (5th Ed.) Aspen Casebook Series *Washington University*
5. Chertoff, M. (2002). *Testimony of the Honorable Michael Chertoff, Assistant Attorney General, Criminal Division, United States Department of Justice*. Crawford, C., & Brungardt, C. (1999). *Risk Leadership: The Courage to Confront and*
6. Dotter, D. (2004). *Creating Deviance: An Interactionist Approach*. New York: AltaMira Press. Empey, L. T. (1982). *Social Control Theory*. Republished in *Theories of Deviance* (5th ed.). S.H. Traub & C. B. Little (Eds.). Belmont, CA: Wadsworth.
7. Mclean, Bethany & Elkind Peter. *The Smartest Guys in the Room: The Amazing Rise and Scandalous Fall of Enron*
8. Pontell, Henry N. *International Handbook of White-Collar and Corporate Crime*
9. Wells, Joseph T. *Corporate Fraud Handbook: Prevention-Detection*. 2nd Ed. Wiley, John & Sons, Incorporated
10. Wells, Joseph T. *Fraud Casebook: Lessons from the Bad Side of Business*
11. Yeager, Peter & Marshall Clinard. *Corporate Crime* (Law and Society Series)

SLAW 768	CORPORATE GOVERNANCE	L	T	P	C
		2	-	-	2

Course Objective: The students would be expected to be well conversant with the Indian framework with regard to the corporate governance and the broad features of its practice in India, as also with the relevant case law. A basic comparative knowledge of company law and the practice in other countries would also be required. Capacity to appreciate the social and economic objectives of corporate enterprises in a planned welfare economy and to evaluate the Indian law and practice in the context would be necessary

UNIT I History of corporation and recent developments.

- The corporation in the modern world – comparison with other forms of business organization.
- History of Registered Companies in England and India
- Classification of companies
- Formation of company. Promotion and pre-incorporation contracts. a) Concept of Promotion b) Rights and Duties of Promoters c) Pre-incorporation contracts.
- The Mechanics of Company Formation. a) Formation formalities b) Memorandum of Association: i) Meaning, nature and content (Requirements under company and other legislations) ii) Doctrine of ultra vires - Scope, Effect, Remedies and Reform of the doctrine. iii) Amendment of MOA. c) Articles of Association: i) Meaning and nature. ii) Doctrine of indoor management - Scope, Effect and Exceptions. iii) Amendment of AOA

UNIT 2 Internal and External Regulatory Mechanisms

- Kinds of meetings – statutory, annual, extraordinary, general.
- Procedure and requisites of a valid meeting Notice, Quorum, Adjournment, Proceedings, Voting, Proxy Resolutions – kinds
- SEBI and Stock exchanges
- Ministry of Corporate Affairs

- Registrar of companies and Regional Directors.
- Company Law Board /National Company law Tribunal

UNIT 3 Conceptual Framework of Corporate Governance

- Historical Perspective – The East Asian Crisis of 1997-Crash of the economies of Thailand, Indonesia, South Korea, Malaysia and The Philippines –American corporate crises of 2001-2002 -Collapse of Enron and WorldCom.
- Collapse of the British Bank of Middle East due to frauds, Collapse of large companies like Maxwell Communication
- Global Initiatives on Corporate Governance Sir Adrian Cadbury committee
- Directors’ Remuneration & Green bury Committee Report
- Corporate governance report of Singapore government
- Sarbanes-Oxley Act, 2002

UNIT 4 Legal and Regulatory Framework of Corporate Governance in India

- History of Corporate Governance in India
- Provisions of Securities Contract (Regulation) Act relating to Corporate Governance. • Clause 49 of Listing Agreement
- SEBI Act - Rules & Regulations;
- Securities and Exchange Board of India (disclosure and investor protection) guidelines, 2000
- Substantial Acquisition & Takeover Regulations
- Sri Kumaramangalam Birla Committee, Naresh Chandra Committee, Narayan Murthy Committee
- **Majority and Minority; Prevention of Oppression and Mismanagement of Companies**
- Management of Company, Concept of corporate Governance
- Directors – types, qualifications, appointment, remuneration, termination, Powers, Removal , Liabilities and Duties of Directors; Breach of Corporate Duties

- Meetings of company
- Supremacy of majority and protection of minority: exceptions to Rule in Foss V. Harbottle. Oppression and Mismanagement: Meaning of and Relief against Oppression and Mismanagement.
- Winding up Types, Grounds for winding up Procedure of winding up, Appointment of Liquidators
- Amalgamation, absorption and Restructuring

Reference Books:

1. Brenda Hannigan, Company Law
2. Brian Cheffins, Company Law: Theory Structure and Operation
3. Farrar Company law 5 th Edn
4. John H. Farrar et.al, Company Law
5. L.C.B. Gower and Paul L.Davis, Principles of Modern Company Law
6. L.S.Sealy, Cases and Materials in Company Law
7. Robert R. Pennington, Company Law
8. Stephen Mayson et.al, Mayson, French and Ryan on Company Law

SLAW 767	LAWS ON MERGER & ACQUISITION	L	T	P	C
		2	-	-	2

Unit 1: Introduction

Provisions of Companies Act dealing with Corporate Reorganisation; sections 390, 391, 392, 393, 394, 394A, 395, 396, 396A, 494

Amalgamation and the SICA: Objective and jurisdiction of SICA; BIFR Regulations 1987; procedure in BIFR; how section 18 substitutes sec. 391 to 394; combination of merger and demerger in single scheme; amalgamation approved under sec. 32 of SICA; overriding effect of SICA on the Companies Act

Unit 2: Amalgamation under the IRBI Act: Creation and salient Features of IRBI Act

Corporate Restructuring: Merger of Investment Companies; demerger of companies through courts; mergers derailed; Takeover through Mergers; Reverse Mergers; hiving off the Business

Legal and Tax Implications of Mergers: Legal and Tax aspect of Hiving off Business; Tax aspects of Amalgamation; Tax consequences of Demerger

Unit 3: Valuation of Business: What is valuation of Business; three methods of valuation; problems connected with valuation; important points made by the Government of India Guidelines; guidance from the Institute of Chartered Accountants of India

Unit 4: Human Dimensions of Mergers and Acquisitions: Possible Change in Pre-Merger and post-merger scenarios; interpretation of the protection of Service Clauses; human dimensions in the Post-Merger Scenario

Reference Books:

1. Handbook of International Mergers & Acquisitions – Gerard Picot-Palgrave Publishers Ltd.
2. Machiraju, Mergers, Acquisitions and Takeover, New Age International, 2003.

3. Merger Acquisitions & Corporate Restructuring – Chandrashekar Krishna Murthy & Vishwanath. S.R – Sage Publication.
4. P Mohan Rao – Mergers And Acquisitions – Deep And Deep Publications
5. Peirick A. Gaughan, Mergers, Acquisitions and Corporate Restructuring, John Wiley & Sons, 2003.
6. Reed and Reed Lajorex, The art of Mergers & Acquisitions, McGraw Hill, 1999
7. Restructuring for Growth – John C. Michelson – TMH
8. Robert Brown, Applied Mergers and Acquisitions, John Wiley & Sons, 2004
9. S Ramanujam, Mergers et al., Tata McGraw Hill, 2003.
10. Shiv Ramu – Corporate Growth Through Mergers And Acquisitions– Response Books
11. Sridharan and Pandian, Guides to Takeover and Mergers, Wadhava Publications, 2002.
12. Sudi Sudarsanam – Value Creation From Mergers And Acquisitions – Pearson Education, 1/e, 2003
13. Valuation for mergers Buyouts & Restructuring – Arzak Wiley India (P) Ltd.
14. Weston, Sen and Johnson, Takeovers, Restructure and Corporate Governance, Prentice Hall, 2003.

SLAW 772	LAWS ON COMMERCIAL ARBITRATION	L	T	P	C
		2	-	-	2

Course Objectives: Arbitration has become a popular mode of commercial dispute resolution owing to its relative informality of process. However, arbitration (particularly the enforcement of awards) has not been a simple matter. This course aims at giving the students an appraisal of the issues involved, both in Indian and International context. In addition, the course also gives the students a flavor of the concept of Corporate Social Responsibility

UNIT I Introduction to the Arbitration and Conciliation Act, 1996

- Provisions pertaining to jurisdiction
- Provisions pertaining to applicable law
- Provisions pertaining to enforcement
- Other important provisions
- Vexing issues of enforcement under Indian Law

UNIT II Introduction to International Commercial Arbitration

- Arbitrability
- Arbitration Agreement
- Choice of Seat Clause
- Challenging the Arbitral Award
- Recognition or enforcement of foreign arbitral awards

UNIT III Regulating International Commercial Arbitration

- Multiplicity of rules
- UNCITRAL Model Law on International Commercial Arbitration

UNIT IV Corporate Social Responsibility

- Concept
- Case studies

Reference Books:

1. A.K Bansal, Law of International Commercial Arbitration, Universal Law Publishing
2. Avtar Singh, Law of Arbitration and Conciliation, Eastern Book Company
3. Lex Arbitri - the Indian Arbitration Blog – <http://lexarbitri.blogspot.in/>
4. Nakul Dewan, Arbitration in India: An Unenjoyable Litigating Jamboree!, 3 Asian International Arbitration Journal 99 (2007)
5. Preeti Kundra, Looking Beyond the Dabhol Debacle: Examining Its Causes and Understanding Its Lessons, 41 Vand. J. Transnat'l L. 907 (2008)
6. Promod Nair, On the road to becoming arbitration friendly: The decision of the Indian Supreme Court in BALCO v Kaiser Aluminium, LCIA India News,
7. Raghav Sharma, Sanctity of Foreign Awards: Recent Developments in India, 75(2) ARBITRATION 148 (2009)

SLAW 774	INTERNATIONAL TRADE LAW	L	T	P	C
		2	-	-	2

Course Objectives: Understand an International Sales Transaction and its elements, Understand the functions of sales, carriage, payment and cargo insurance contracts in international trade, apply knowledge of these four contracts in any given factual scenario on international sales transaction, understand the rules governing the WTO regime in facilitating trade and the dispute settlement mechanism

UNIT I. International Trade and Economic Law:

- Basic principles and concepts of international Trade law- Most favoured Nation, Non discrimination, National treatment.
- Promotion of Currency Stability: The International Monetary Fund (IMF)
- Mobilization of International Capital: World Bank
- Liberalization of International Trade: The General Agreement on Tariffs and Trade (GATT 1947)
- UNCTAD and UNCITRAL
- International Promotion of Development: The Third World Countries and Their Demand For New International Economic Order (NIEO)
- World Trade Organization (WTO) and the International Trade Law
- International Trade and TNCs
- International Trade and Environment
- International Commercial Terms: INCOTERM
- Letter of Credit, Bill of Lading
- Domestic Implementation of International Trade Law in India
- Indian Anti-dumping Code
- Foreign Trade Act, 1992
- Customs Tariff Act, 1975
- EXIM Policies in India

UNIT 2 Regionalism and International Trade Law

- International Trade and Regional Integration - Closed Regionalism vs. Open Regionalism, Impact of Free Trade Regime on Regionalism, Regionalism vs. Multilateralism.
- WTO and Regional Trade: Article 24 and its scope
- Regional Trade Blocs: EU, NAFTA, MERCOSUR: Lessons for SAARC
- South Asian Association Regional Cooperation
- SAARC LAW: legal systems, judicial process, mutual cooperation on legal education, SAARC Arbitration centre
- SAPTA, SAFTA
- Bilateral Agreement in SAARC Region and its Future
- Comprehensive Economic Cooperation Agreements (CECA)
- India and Other Regional Blocs: Focus on recent FTA with ASEAN

UNIT 3 International Trade and Dispute Resolution Mechanisms

- International Institutions for Dispute Settlement Mechanism- PCIJ, PCA, ICJ, WIPO
- Dispute settlement under GATT Regime: Success and failures and relevant case laws
- Dispute settlement under WTO regime: A case Study Method
- Dispute settlement under various agreements- GATT 1994, Agreement on Anti-Dumping, Subsidies and Countervailing Measures, Safeguard Measures, Sanitary and Phyto-sanitary Measures, Technical Barriers to Trade, Textile and Clothing, GATS, TRIPs, Agriculture
- International Trade and Alternative Dispute Resolution : Negotiation, Arbitration, Conciliation, Mediation.
- Hybrid Process- Med-Arb, Mini Trial, MEDOLA, Dispute Review Board, Expertise Determination, DOCDEX (Documentary credit dispute Expertise), Electronic Arbitration, Online Dispute Resolution
- International Trade and Investment Disputes
- Intellectual Property Laws and Dispute Settlement
- Dispute Settlement and Enforcement in India

UNIT 4 International Banking and Insurance, International Taxation, International Banking

- An overview of Indian Banking System
- RBI Act, NI Act, Banking Regulation Act, Securitization
- FDI in Banking
- Introduction to International Banking System
- Trade liberalisation and Banking regulations - regional liberalisation - EU, Multilateral liberalisation - GATS
- International and inter - governmental financial institutions- IMF, IBRD
- Regional Banking System: ADB
- BASEL Norms I & II
- Money laundering and Measures Taken by Global organisations.
- Mergers and Acquisitions in International Banking
- Cross Border Banking
- International Bank Crises and Failure
- Electronic Banking
- System of International Payments
- International Insurance
- Overview of Indian Insurance Sector
- FDI in Insurance Sector
- LIC Act, GIC Act, IRDA
- Globalization, Liberalisation, Deregulation and Privatisation of Insurance Sector: Issues and Challenges
- Insurance and Intergovernmental Organisations- GATT, WTO, UNCTAD
- Insurance Deregulations in North America.
- Liberalisation of Insurance in the European Union
- Liberalisation of Insurance sector in African Region

- Development of Insurance Regulations by the Regional Organisations- NAFTA, ASEAN, OECD, SAARC
- Marine Insurance

- International Taxation
- Overview of International Taxation
- Business Connection, Permanent Establishment
- International Tax conflicts and Double taxation
- Indian Income Tax
- Double taxation treaties
- International Offshore Financial Centres
- Model Tax Conventions on Double Tax Avoidance Agreements –OECD, UN, US
- India – Mauritius DTAA, India – EU DTAA
- Transfer Pricing

REFERENCE BOOKS:

1. Mitsuo Matsushita (Et, al), The world trade organization: Law, Practice and Policy, Oxford University Press 2006.
2. Applied International Trade Analysis – Harry P Bowen
3. Companies, International Trade and Human Rights, Janet Dine
4. .Economic analysis for international trade negotiations:The WTO and Agricultural trade, James D Gaisford
5. International trade policy- A contemporary analysis, Nigel Grimwade
6. Mordern Gatt law by Raj Bhalla
7. John Jackson’s books
8. The law and policy of World Trade Organisation- Texts, cases and materials - Peter Van Den Bossche
9. International Trade law, 4th Indira Carr

10. International trade law, Statutes and Conventions 2011 – 2013, Indira Carr and Miriam Goldby
11. Law of International Trade- Cross border Commercial transactions – J.C.T.Chuah, Sweet and Maxwell publications
11. The WTO and International Trade Law/ Dispute Settlement, Mavroidis petros C and Skyes, Alan O
12. Carriage of Goods by sea – John Wilson
 - i)The Jurisprudence of the GATT and the WTO: Insights on Treaty Law and Economic Relations (Cambridge University Press, 2000);
 - ii) The World Trade Organization: Constitution and Jurisprudence (Chatham House Papers, The Royal Institute of International Affairs, 1998);
 - iii)The World Trading System (MIT Press, 2d ed. 1997);
 - iv) Implementing the Uruguay Round (Oxford University Press, 1997, co-authored)

SLAW 765	LAW RELATING TO SECURITIES	L	T	P	C
		2	-	-	2

Course Objectives: There is a revolution in the laws relating to the investment and security. The economic and social development depends on security market at national and global levels. In the global level there is a trend for unification of controls of securities and investments. Reflection of this global phenomenon is essentially to be felt in India. The new laws and regulations now fall in line with the global requirements at times transcending the constitutional limitations. Needless to say that the study of law relating to investment and securities attains new dimensions.

UNIT I Historical Background of securities and investment laws

- Securities: the concept
- England: Banking corporate finance and private financial services
- India: from usury laws to the modern system
- **Securities: Kinds**
 - Government Securities
 - Securities issued by banks
 - Securities issued by corporations
 - Securities in mutual fund and collective investment scheme
 - Depository receipts

UNIT 2 Government Securities

- Bonds issued by government and semi government institutions
- Role of Central Bank (the RBI in India)
- Impact of issuance of bonds on economy
- Government loan from the general public
- External borrowing
- World Bank
- I.M.F.
- Assian Development Bank

- Direct from foreign government.
- Government loan: the constitutional dilemma and limitations
- Can a state go for external loans?
- Impact on economic sovereignty
- Dilution of power of the Central Bank (RBI)
- Treasury deposits

UNIT 3 Securities Issued by Banks

- Bank notes: is it the exclusive privilege of the central bank in the issue
- Changing functions of banks from direct lending and borrowing to modern System
- Bank draft, travellers' cheques, cheque cards, credit cards, cast cards
- Deposits' nature: current, saving and fixed deposits, interest warrants
- **Corporate Securities**
- Shares
- Debentures
 - Company deposits
 - Control over corporate securities
 - Central government: Company Law Board
 - SEBI : guide lines on capital issues
 - RBI
 - Protection of investor
 - Administrative regulation
 - Disclosure regulation
 - Protection by criminal sanction

Collective Investment

- Unit Trust of India
- Venture capital
- Mutual fund
- Control over issue and management of UTI, venture capital and mutual funds
- Plantations and horti-culture farms

- General control
- Control by rating
- Regulation on rating.
- Depositories
- Denationalized securities
- Recognition of securities
- Types of depository receipts: IDR, ADR, GDR and Euro receipts
- SEBI guideline on depositories

Investment in non-banking financial institutions

- Control by usury laws
- Control by RBI
- Regulation on non-banking financial and non-financial companies
- Private-financial companies: registration and regulation
- Chit funds

Foreign Exchange Control Regime in India

- Concept of foreign exchange regulation
- Administration of exchange control

Reference Books:

1. CA. Adukia Rajkumar and CA. Nishant Agrawal, All about Investments, Bharat Law House
2. Kedia Sangeet, Securities Laws and Compliances, Pooja Law Publishing Company
3. Baby Joseph Robin and Agrawal, A Legal Commentary on Securities & Exchange Board of India Act, 1992, Taxmann Publication

SLAW 770	COMPETITION LAW	L	T	P	C
		2	-	-	2

Course Objective: This course seeks to serve as a foundational course on competition law and policy. Nevertheless, it aims to act as a window to the vibrancy, energy, and excitement that pervade the study of competition law. The aim of the course is to enable students to critically reflect upon the basic principles and policies at the heart of competition law. In particular, to understand how the law governs business practices that may restrict competition in economic markets through private and public enforcement and to analyze how competition law can curb anticompetitive activities and facilitate free competition.

UNIT I BASIC CONCEPTS

- Competition, Market Structure: Perfect Market Structure, Imperfect Market Structure Monopoly and anti-trust policy, Monopolistic competition, Oligopoly.
- Inception of Competition Laws: A comparative study.
- Interface between Economics and Competition Law, economic concerns of competition law.
- Classical theory, Neo-Classical theory, Chicago School, the Neo Austrian School and Harvard School.

UNIT II REGULATORY FRAMEWORK IN INDIA

- Constitutional vision of social justice.
- Sachar Committee,
- MRTP Act-Salient features and its amendment in 1991,
- Raghavan Committee Report,
- Competition Act 2002, Main features of Competition Act 2002
- Enforcement Framework of Competition Act, 2002

UNIT III REGULATION OF COMPETITION IN MARKET

- Anticompetitive Agreements-
- Abuse of Dominance, Dominant Position, What is “joint dominance”? “Essential facilities doctrine”
- Regulation of combination
- Cartelization
- Predatory pricing: Predation and excessive pricing: What is “predatory pricing”? Types of predatory behavior, Testing for predation
- Monopolization and Other Abusive Practices
- Regulatory interface between Competition Commission and other regulators viz SEBI/TRAI/IRDA/NCDRC/CERC?

UNIT IV INTERNATIONAL DIMENSIONS OF COMPETITION LAW

- Globalization and competition Law.
- World Trade Organization and Competition Law
- Regulatory Framework for Merger control vis a vis competition in US, UK and EU
- Emerging Issues in Competition Law
- Interface of IPR and Competition.
- Cross border issues in competition law

Reference Books:

1. Alison Jones and Brenda Sufin, EC Competition Law: Text, Cases and Materials, Oxford University Press
2. C. Noonan, Emerging Principles of International Competition law
3. C.R. Leslie, Antitrust law and Intellectual Property Rights: Cases and Materials
4. D. Gerber, Global Competition
5. Einer Elhauge and Damien Geradin, Global Competition Law and Economics
6. H.H. Lidgard, National Developments in the Intersection of IPR and Competition Law
7. J. Goyder and A. Albersliorens, Goyder’s EC Competition Law

8. Joanna Goyder and Albertina Albors –Llorens ,Goyder’s EC Competition Law, Oxford University Press
9. K.S. Anantharaman, Lectures on Company Law and Competition law
10. Maher M. Dabbah; EC and UK Competition Law:-Commentary, Cases and Materials, Cambridge University Press
11. Martyn Taylor, International Competition Law: A New Dimension for the WTO
12. P. Hughes and P.Burbidge, Competition Law
13. R. Whish, Competition law
14. R.J.R. Peritz, Competition Policy in America
15. Rudolf Peritz , *The Interface between Intellectual Property Rights and Competition Policy*, edited by Steven Anderman (Cambridge University Press, 2007).
16. S.D. Anderman, The Interface between Intellectual Property Rights and Competition Law
17. S.M. Dugar, Commentary on MRTP Law, Competition Law & Consumer Protection Law,
18. T. Ramappa, Competition Law in India: Policy, Issues and Developments
19. T.Prosser, The limits of competition law
20. V Korah and I. Lianos, Competition Law: texts, cases and materials
21. Vinod Dhall, Competition Law in India Policy, Issues, and Developments

SLAW 769	LAW RELATING TO COPYRIGHTS & RELATED RIGHTS	L	T	P	C
		2	-	-	2

UNIT I COPYRIGHT- BASIS OF PROTECTION, EVOLUTION OF COPYRIGHT AND SUBJECT MATTER OF COPYRIGHT

- Idea- Expression dichotomy,
- Originality,
- Sweat of Brow Test
- Creativity Test of Modicum
- Fixation of Work
- Publication of Copyright Work
- Evolution of Copyright
- Works Protected by Copyright
- Internet and the Protection of Software Copyright
- Conflict of Copy left and Copyright
- Issues Relating to Creative Commons

UNIT II INTERNATIONAL PERSPECTIVE

- The Berne Convention-principles and notions of works, content protection - rights and limitations. The Universal Copyright Convention- principles and notions of works, content protection - rights and limitations
- The Brussels Convention- principles and notions of works, content protection - rights and limitations
- The Phonograms Convention- principles and notions of works, content protection - rights and limitations
- The Rome Convention

- The WIPO Copyright Treaty- Objectives, Scope and Impacts
- The WIPO Performances and Phonograms Treaty- Scope and Impacts
- The Beijing Treaty- Necessity, Scope and Impacts
- The TRIPs Agreement
- The Paris Convention

UNIT III RIGHTS PROTECTED UNDER COPYRIGHT LAW, AUTHORSHIP AND OWNERSHIP

- Economic Rights
- Rights of reproduction, distribution, rental and importation
- Rights of public performance,
- Broadcasting
- Communication to the public and making available to the Public
- Translation and Adaptation Rights
- Moral Rights
- Limitations on Rights
- Ownership, Exercise and Transfer of Copyright
- Assignment and Licence

UNIT IV COPYRIGHT INFRINGEMENT

- Choice of Law and Copyright Infringement
- Harmonization of Conflict of Laws
- Substantial Similarity in Copyright Law
- The lay observers' test
- The extrinsic-intrinsic test
- The abstraction-filtration-comparison test

Reference Books:

1. V.K. Ahuja, *Law of Copyright and Neighbouring Rights: National and*
2. Paul Goldstein, (2001), *International Copyright: Principles, Law, and Practice: Principles*, OUP, New York.
3. Kabilen Sornum, (2010) *Creative Commons*, GRIN Publishing.
4. Alka Chawla, *Copyright And Related Rights National And International Perspectives*
5. *and Allied Rights* (6th ed., 2009)
6. Bärbel Bohn, *A comparison of copyright law between the USA, Australia and Germany.* GRIN Publishing.
7. Colin Golvan, (2007), *Copyright: Law and Practice*, The Federation Press Sydney.
9. Eric C. Osterberg, (2003) *Substantial Similarity in Copyright Law*, Pli, Practising Law Institute.
8. *International Perspectives* (2007)
10. Kathy Bowrey, (2006), *New directions in copyright law*, Edward Elgar Publishing.
11. Michael A. Einhorn, (2004), *Media, Technology and Copyright: Integrating Law and Economics*, Edward Elgar Publishing.
9. P. Narayanan, *Law of Copyright and Industrial Designs* (4th ed., 2007)
12. P. Torremans, *Copyright Law: A Handbook of Contemporary Research*, Edward Elgar Publishing Limited, 2007
15. Sheldon W. Halpern, (2010), *Copyright Law: Protection of Original Expression*, Carolina Academic Press.
16. Silke von Lewinski, (2008), *International copyright law and policy*, OUP.
10. Thomas. Dreier, P. Bernt Hugenholtz, (ed.), (2006), *Concise European Copyright Law*, Kluwer Law International.
11. W. Cornish and D. Llewelyn, *Intellectual Property: Patents, Copyright, Trademarks*

SLAW 771	LAW OF PATENTS & PATENT DRAFTING	L	T	P	C
		2	-	-	2

UNIT I CONCEPT, NATURE AND EVOLUTION OF PATENT SYSTEM

1. Meaning of Patent
2. An Invention- Conception and reduction of Practice
3. Patent and Life Cycle of a New Product
 - Research Planning Phase
 - Research Phase
 - Research Breakthrough
 - Development Phase
 - Marketing Phase
4. Objectives of Granting of Patents
5. Evolution of Patent System-A Comparative Perspective
 - Indian Patent System
 - U.S. Patent System
 - European Union Patent System
 - British Patent System

UNIT II PATENT ELIGIBILITY

1. Eligible Subject Matter
2. Process-
 - “Freeman-Walter-Abele ” Test
 - ‘Useful, concrete and tangible result’ Test,
 - “Machine-or-transformation” Test, and
 - “Technological arts” test.
3. Machine
4. Manufacture
5. Composition of Matter
6. Ineligible Subject Matter

7. Natural Principles
8. Natural Entities
9. Living Organisms
10. Naturally-occurring chemical elements
11. Purification or Isolation of Natural Substances
12. Mathematical Algorithms and Computer Software
13. Essentially Biological Process, Plants and Animals
14. Agricultural Process and Treatment Process

UNIT III CONDITIONS OF PATENTIBILITY

Novelty

- Indian Practice Regarding Determination of Novelty
- U.S Practice Regarding Determination of Novelty
- E.U. Practice Regarding Determination of Novelty

Inventive Steps (Non –Obviousness)

- Indian Practice- Inventive Steps
 - (i) Workshop Improvement
 - (ii) Determination of Inventive Step
- U.S. Practice - Non Obviousness
- U.K. Practice - Non Obviousness

Industrial Applicability

- Indian Practice - Industrial Applicability
- U.S Practice - Industrial Applicability
 - (i) 1995 US Utility Guidelines
 - (ii) 2001 US Utility Guidelines
- E. U. And U.K. Practice- Industrial Applicability

Written Description

- U.S. Practice
- European Practice
- Indian Practice

UNIT IV GRANTING AND MAINTENANCE OF PATENT

- Types of Patent Applications
- Ordinary Application
- Convention Application
- PCT International Application
- PCT National Phase Application
- Application for Patent of Addition
- APPLICATION FOR PATENTS
- Filing and Contents of Application
- Specification and Drawings
- Provisional Specification
- Complete Specification
- Contents of Complete Specification
 - (i). Description of Invention
 - (ii). Drawings
 - (Iii). Claims
 - (iv). Sufficiency of Disclosure
 - (V). Clarity of Disclosure
- Priority of the Application
- Publication and Examination of Applications
- Publication and Examination of Applications
- Limitations of Patentee Rights:- Surrender,Revocation,Compulsory License

ENFORCEMENT AND REMEDIES FOR PATENTS HOLDER

- Remedies- Anton Piller Order, Marvah Injunction,
- Infringement- conditions and Principles
- Defences to Infringement- Bolar Principles, Research exemption, First Sale Doctrin

SLAW 778	BIOTECHNOLOGY & INTELLECTUAL PROPERTY LAWS	L	T	P	C
		2	-	-	2

UNIT I CONCEPT, NATURE, AND EVOLUTION OF BIOTECHNOLOGICAL INVENTIONS PATENTING

- Overview of Biotechnology and IP
- International Framework of Biotechnology and IP
- Biotechnologies and Their Application
- Application and Scope Of Biotechnology
- Subject Matter of Biotechnology From Patenting Perspective
- Evolution of Biotechnological Inventions Patenting

UNIT II CURRENT BIOTECHNOLOGY PRACTICE

- Reading a Biotechnology Patent
- Biotechnology As Patentable Subject Matters
- Invention v. Discovery
- Patenting of Micro-organisms
- Patenting of Higher Life Forms
- Patenting of Genes
- Patentability of DNA Sequence
- Patenting of Human Body and Its Elements
- Patenting Research Tools
- The Process of Getting a Biotechnology Patent
- Searching Patent Databases

UNIT III APPLICATION AND COMMERCIALIZATION OF BIOTECHNOLOGY IP

- Biotechnology Research and Intellectual Property Rights Management
- Licensing and Enforcing Intellectual property Rights
- Commercializing your Biotechnology Invention – A Case Study

UNIT IV

- **FOOD SECURITY, AGRICULTURE BIOTECHNOLOGY AND PATENTING**
- **Concept Of Food Security:** From Food Security to Food Safety, Impact of IPRs on food security, Agriculture Biotechnology Patenting
- **Agricultural Biotechnology-** Indian Perspective, Protection of Plant Varieties, Farmers' Rights, Compulsory License and Food Security, Community Rights
- **Environmental Impact Of Agricultural Biotechnology**

Reference Books:

1. Carvalho, N. Pires de, *The TRIPS Regime of Patent Rights*, Kluwer Law International, 2002
2. Cohen , J.I. (ed) , *Managing Agricultural Biotechnology, Addressing Research Program : Needs and Policy Implications*, CAB International. 1999.
3. Cullet, Phillippe, *Intellectual Property Protection and Sustainable Development*, LexisNexis, Butterworth, 2005, New Delhi, ISBN: 81-8038-10408.
4. Darryl R. J. Macer and Makina Kato, *Biotechnology, Patents, and Bioethics*, Institute of Biological Sciences, University of Tsukuba, 305-8572, Japan, available at http://www.gefoodalert.org/library/admin/uploadedfiles/Biotechnology_Patents_and_Bioethics.htm.
5. Donald S. Chisum, *Patent Law Digest*, LexisNexis, 2001
6. Eisenberg , R. S., *Nature Biotechnology*, (2006)
7. F. Francioni, (ed) *Biotechnologies and International Human Rights*, 2007.

8. Goodsell, David S., *Bio Nanotechnology: Lessons from the Nature*, John Wiley & Sons Publication, 4th Edition 2004.
9. Grubb, Philip W., *Patents for Chemicals, Pharmaceuticals and Biotechnology Fundamentals of Global Law, Practice and Strategy*, Oxford University Press, First Indian Edition 2006.
10. Kankanala, Kalyan C., *Genetic Patent Law and Strategy*, Manupatra, New Delhi, First Edition 2007, ISBN: 978-81-89542-26-9.
11. Kloppenburg, J. R., *First the Seed: The political economy of plant biotechnology*, Cambridge: Cambridge University Press.1988.
12. Lang, W. (ed.), *Sustainable Development and International Law*, Oxford University Press (1999).
13. Sreenivasulu, N.S. and Raju, C.B., *Biotechnology & Patent Law Patenting Living Being*, Manupatra , First Edition, 2008,

SLAW 780	TRADE MARK & INDUSTRIAL DESIGN	L	T	P	C
		2	-	-	2

UNIT I CONCEPT OF TRADE MARK , EVOLUTION AND NATURE OF LAW OF TRADE MARKS

TM law is a statutory protection or creation of common law.

Evolution of Law of Trademarks

Objects of the T M Law

Concepts and Function of Trade Marks

Role of Distinctiveness under Trade Marks

- Absolute v. Restrictive Protection
- Inherent v. Acquired
- Protection for Competing Goods v. Fame Protection
- Basis of Trademark Protection is consumer interest or Interest of Owners
- Confusion v. Dilution

UNIT II International Perspective Relating To TM: The TRIPs Agreement, The Paris Convention, Trade Marks Law Treaty, Singapore Treaty, Madrite Treaty

UNIT III Registration Of Trademarks: Conventional and Non-Conventional Marks, Capable of Graphical Representation, Grounds of Non Registration- Relative and Absolute, Concurrent Trade Marks, Vested Rights and Prior Used, Well Known Marks- Determination and Registration, Trademark Issues in Cyber Space , Registration Procedure and Prohibition

Assignment And Licence Agreement: Assignment of a Trade Mark, Restriction on Assignment and Transmission, Trade Mark Licence Agreement, Cancellation of Registration as Registered Licensee, Issues Relating to Trade Mark Franchise, Quality Control in Trade Mark Licensing, Exhaustion Principle and Market Allocation

Infringement And Passing Off: Traditional Infringement, Enlargement of Scope of Infringement, Comparative Advertising and Disparagement, Passing Off- Horizons, Distinction between Infringement and Passing off, Trans border Reputation and Remedies, Remedies for Trade Marks

UNIT IV Industrial Design Protection

- Concept of Industrial Design,
- Condition for Industrial Design
- Novelty or Originality
- Protection for parts of Industrial Design
- Relation between Copyright and Industrial Design Protection.
- Procedure of Registration.
- Piracy of Industrial Design
- International and Transnational Practices

Reference Books:

1. W. R. Cornish, (2009) *Intellectual Property: Patents, Copyright, Trademarks and Allied Rights*, Sweet & Maxwell Universal Law Publishing Co. Pvt., New Delhi.
2. Justice V. A. Mahota, *Trade Marks, Passing Off and Franchising*, (2004).
3. [D.P.Mittal](#), *Trade Marks, Passing Off & Geographical Indications of Goods - Law and Procedure*, (2002).
4. V.K.Unni, *Trade Marks & the Emerging Concepts of Cyber Property Rights*, (2002).
5. Lionel Bentley & Brad Sherman, *Intellectual Property Law*, (2009).
6. McCarthy on Trademarks and Unfair Competition, 4th Edition, Thomson Reuters.
7. Graeme B. Dinwoodie, Mark D. Janis, *Trademark Law and Theory [Electronic Resource]: A Handbook of Contemporary Research*, Edward Elgar Publishing, 2008
8. Andrew Griffiths, *An Economic Perspective On Trade Mark Law*, (2011), Edward Elgar Publishing.
9. Kapil Wadhwa, Dr. Abhishek Manu Singhvi, Venkateswaran on Trade Marks and Passing-Off, (2010) Lexisnexis.

10. Amanda Michaels and Andrew Norris, *A Practical Approach to Trade Mark Law*, (2010⁴th Edition) OUP.
11. LLB Ksenia Wolf, (2012) *The European Union's Legislative Procedure under the Lisbon Treaty*, GRIN Publishing.
12. P. Narayanan, *Law of Trade Marks and Passing off* (6th ed., 2004)
13. Ashwani Kr. Bansal, (2009) *Law of Trade Marks in India*, Commercial Law Publishers, New Delhi.
14. David Kitchin, David Llewelyn, James Mellor, Richard Meade, Thomas Moody,
15. V.K. Ahuja, *Intellectual Property Rights in India* (2009), Butterworth.
16. *Copinger and Skone James on Copyright* by Gillian Davies, Kevin Garnett, and
17. K.C.Kailasam & Ramu Vedaraman, *Law of TRADE MARKS & Geographical Indications - Law, Practice & Procedure*, 2005 Second Edition,
18. [Morcom, Roughton & Malynicz](#), *The Modern Law of TRADEMARKS*, (2012) 3rd Edition.
19. J. S. Sarkar, *Trade Marks- Law and Practice*, (2008) 5th Edition.
Gwilym Harbottle, (15th ed., 2005)
20. Kerly's *Law of Trade Marks and Trade Names* (14th Edition 2005)

SLAW 782	EMERGING INTELLECTUAL PROPERTY LAWS	L	T	P	C
		2	-	-	2

UNIT I INTELLECTUAL PROPERTY- THEORIES, EVOLUTION, CURRENT TRENDS AND HARMONISATION

Intellectual Property: General Theories

Utilitarian/Economic Theories of Intellectual Property

- John Stuart Mill Exclusive Privilege Theory
- Pigou concept of public goods

Non-Utilitarian Theories of Intellectual Property

- Natural Rights/Labour Theory- John Locke
- Unjust Enrichment- Gordon
- Personhood Theory- Radin
- Libertarian Theories- Palmer
- Distributive Justice- Rawls
- Democratic Theories
- Radical/Socialist Theories
- Ecological Theories

History of Intellectual Property

Current Research on the Economics of Innovation and Intellectual Property Protection

Social Value of Innovation

Historical, Industry and Institutional Studies

Enrichment, Refinement and Extension of the Economic Models

International Perspective of Intellectual Property

Towards harmonisation Role of the TRIPs Agreement

Role of Non-State Actors in Intellectual Property

UNIT II COMPETITION AND IPR

Intellectual Property Rights and Market Power/Dominant Position

Applicability of Competition Law on Intellectual Property Rights Statutes

Reasonable Conditions for Protection of IPR

Remedies against unreasonable and Non Competitive IP Practices

UNIT III GEOGRAPHICAL INDICATION PROPERTY LAW

Concept of Appellations of Origin, Indication of Source and

Geographical Indication

International Convention/agreements Relating to GI

Dilemmas of GI Protection

GI Protection – Global Policies and Practices

GI Protection in India: Prospects and Challenges

UNIT IV PROTECTION FOR TRADE SECRETS

Basis of Trade Secrets

Legal Requirements of Trade Secrets

Practices and Agreements used for Trade Secrets

The risks from mishandled Trade Secrets

Remedy against wrongly appropriated Trade Secrets

A Comparison between Patents v. Trade Secrets

Reference Books:

1. V.K. Ahuja, *Intellectual Property Rights in India* (2009), Butterworth.
2. James Love Hopkins, *The Law of Unfair Trade: Including Trade-marks, Trade Secrets, and Good-will*, Wm. S. Hein Publishing, 1997.
3. John R. Thomas, *Role of Trade Secrets in Innovation Policy*, DIANE Publishing, 2011.
4. [Kiat Seng Yeo](#), *Intellectual property for integrated circuits*, J. Ross Publishing, 2010

5. K.C.Kailasam & Ramu Vedaraman, *Law of TRADE MARKS & Geographical Indications - Law, Practice & Procedure*, 2005 Second Edition.
6. D.P.Mittal, *Trade Marks, Passing Off & Geographical Indications of Goods - Law and Procedure*, (2002).
7. Lionel Bentley & Brad Sherman, *Intellectual Property Law*, (2009).
8. *McCarthy on Trademarks and Unfair Competition*, 4th Edition, Thomson Reuters.
9. Bernard O'Connor, *The law of geographical indications*, 2004, Camron.
10. Dev Gangjee, *Relocating the Law of Geographical Indications*, Cambridge University Press 2012,
11. *Guide to Geographical Indications Linking Products and Their Origins*, ITC, Geneva 2009.
12. Amédée E. Turner, *The law of trade secrets*, Sweet and Maxwell.

SLAW 776	ENTERTAINMENT LAWS	L	T	P	C
		2	-	-	2

Course Objective: This course concentrates on the issues of intellectual property law that surround the entertainment industry. It envisages several causes of actions that arise in this context and undertakes a study of these issues, their application and viability under different jurisdictions.

UNIT I Entertainment Industry and the scope of law

- Introduction to Copyright Law
- Scope of Copyright Law
- Copyright protection of fictional characters
- Fair use doctrine

UNIT II Introduction to Trade Mark Law

- Difference between Trade Mark and Brand
- Trade Mark infringement
- Trade Mark Dilution

UNIT III The Right of Publicity

- Theoretical foundations
- Case Studies
- The validity of the Right in India
- Conflict with Freedom of Speech and Expressio
- Passing Off action
 - To protect commercial interests
 - By celebrities

UNIT IV Right to Privacy

- Breach of Confidence

REFERENCE BOOKS:

Case laws and articles prescribed from time to time

SLAW 757	HISTORICAL & PHILOSOPHICAL PERSPECTIVE OF HUMAN RIGHTS	L	T	P	C
		2	-	-	2

Course Objective: Protection of Human Rights (HR) became an important issue after the Second World War and after the acceptance of Universal Declaration of Human Rights. The growth of HR Law and jurisprudence thereafter was spontaneous and continuous. The changes in the global scenario bring new concept of HR protection against violation. In one sense, HR can be said as the rights which the nature has endowed with human beings. However, they are not mere privileges given to the subjects by the ruler but are liberties permitted to the 'citizens' in a democracy. Manifestly a law that violates human rights is no law at all. Probably this perspective may give an impression that human rights are not different from natural rights envisaged by the natural law school. Although Indian polity waited for more than one score and five years for adoption of Fundamental Duties in the Constitution, it is beyond doubt that every human being has responsibilities and obligation not only towards the other fellow beings, but also towards the society at large. Only when a society is aware of this right-duty relationship can there be any meaning to human rights.

This course is intended to highlight the concept of human rights, and their historical & philosophical foundations.

UNIT I Human Rights - Concept

- The concept and meaning of Human Rights
- Human rights in Indian tradition: Ancient, Medieval and Modern
- Human rights in Western tradition

UNIT II Philosophical and Historical Foundations of Human Rights

- **Philosophical Foundations:** Human Values: Universal, Cultural, Social Dignity, Justice and Equality , Polity: Thought and Ideas , Social Justice and Doctrine of Equality
- **Milestones in Development of Human Rights Thought on International Plane :**
Evolution of Human rights Thinking, Magna Carta, The British Bill of Rights, French and American Declarations.

UNIT III Human Rights in the Contemporary world

- The Internationalization and Universalization of human rights
- Challenges to the human rights ideology –communitarians, cultural relativism
- Human Rights and Democracy
- Human Rights and Globalization

UNIT IV Human Rights and Judicial Process:

- Judicial activism
- **Human Rights Protection Organizations:** International Organizations, Regional Organizations

REFERENCE BOOKS:

1. Angela Hegarty, Siobhan Leonard, Human Rights an Agenda for the 21st Century (1999)
2. David P. Forsythe, Human Rights in International Relations.
3. John Finnis, Natural Law and Natural Rights, (1980).
4. Julius Stone, Human Law and Human Justice, (2000), Universal, New Delhi.
5. Lalit Parmer, Human Rights, (1998).
6. Lon L. Fuller, The Morality of Law
7. M.G.Chitkara, Human Rights: Commitment and Betrayal, (1996).
8. Rama Jois, Human Rights: Bharatiya Values, (1998).
9. Robert Lewngat, The Classical Law of India (1998), Oxford.Law 385
10. V.D. Kulshreshtra, Landmarks in the Indian Legal and Constitutional History, (1995)

SLAW 759	HUMAN RIGHTS- INTERNATIONAL & REGIONAL PERSPECTIVES	L	T	P	C
		2	-	-	2

Course Objective: Human rights have universal application. They gathered importance when the United Nations adopted the Universal Declaration of Human Rights in 1948. The role of international organizations in promoting awareness of human rights is very significant. The international conventions, though not binding, have persuasive force since the violations will be decried by the international community. International Non-Governmental Organisations watch and monitor human rights violations in every country. However, in the absence of national legislation, the enforcement of the rights will be difficult.

UNIT I Development of the Concept of Human Rights under International Law

- Role of International Organization and Human Rights
- Universal Declaration of Human Rights (1948)
- Covenant on Political and Civil Rights (1966)
- Covenant on Economic, Social and Cultural Rights (1966)
- I L O and other Conventions and Protocols dealing with human rights

UNIT II Role of Regional Organizations

- European Convention on Human Rights
- European Commission on Human Rights/Court of Human Rights.
- American Convention on Human Rights
- African Convention on Human Rights
- Other regional Conventions.

UNIT III Protection agencies and mechanisms

- International Commission of Human Rights
- Amnesty International

- Non-Governmental Organizations (NGOs)
- U.N. Division of Human Rights
- International Labour Organization
- UNESCO
- UNICEF
- Voluntary organizations
- National and State Human Rights Commissions

UNIT IV International and Regional enforcement of Human Rights:

- Role of ICJ and regional institutions
- **International Response to specific problems:** Racial Discrimination, Rights of women and children, Rights of Refugees

REFERENCE BOOKS:

1. B.P.Singh Seghal, Human Rights in India, (1996).
2. Benedetto Conforti and Francesco Francioni, Enforcing International Human Rights in Domestic Courts, (1997).
3. Chandan Bala, International Court of Justice: Its Functioning and Settlement of International Disputes, (1997).Law 387
4. Evelyn A. Ankumah, The African Commission on Human Rights and People's Rights, (1996).
5. Francisco Forrest Martin, International Human Rights Law and Practice, (1997).
6. Luck Clements, European Human Rights Taking a Case under the Convention, (1994).
7. Philip Alston, The United Nations and Human Rights A Critical Appraisal, (1992).
8. R.K.Sinha, Human Rights of the World,(1997).
9. R.S.Sharma and R.K.Sinha, Perspectives in Human Rights Development, (1997).
10. The Human Rights Watch Global Report on Women's Human Rights, (2000), Oxford.

SLAW 752	HUMAN RIGHTS IN INDIA	L	T	P	C
		2	-	-	2

Course Objective: A reading of fundamental rights and duties in the Constitution of India reveals that they constitute the human rights charter in India. The judiciary, the major protective and enforcement machinery, is very active in protecting human rights. Judicial activism in this field has added new dimensions to human rights jurisprudence. There are a number of cases where courts apply the provisions of the international conventions to fill the gaps in legislation. The apex court has also ventured to apply international convention even where there was no legislation in the area. Thus the judiciary has been directly implementing international conventions at the national level. This course aims at familiarising students with the judicial activism in protecting human rights and enables them to evaluate the adequacy of the methods of enforcement.

UNIT I : History and Development of Human Rights in Indian Constitution:

Constitutional Philosophy – Preamble, Fundamental Rights, Directive Principles of State Policy, Fundamental Duties

UNIT II: Judicial Activism and Development of Human Rights Jurisprudence

UNIT III: Enforcement of Human Rights: Formal enforcement mechanisms, Role of Supreme Court, Role of High Courts, Role of Civil and Criminal Courts, Statutory Tribunals, Special Courts

UNIT IV: Role of India in implementing international norms and standards

National Human Rights Commission

REFERENCE BOOKS:

1. B.P.Singh Seghal, Law, Judiciary and Justice in India, (1993).
2. D.D.Basu, Human Rights in Indian Constitutional Law, (1994).
3. D.R.Saxena, Tribals and the Law, (1997).
4. James Vadakkumchery, Human Rights and the Politics in India, (1996).

5. Justice Venkataramiah, Human Rights in the Changing World, (1998).
6. Paramjit S.Jaiswal and Neshtha Jaiswal, Human Rights and the Law, (1996).Law 389
7. Poornima Advani, Indian Judiciary : A Tribute, (1997).
8. Vijay Chitnis,(et.al.). Human Rights and the Law: National and Global Perspectives, (1997).

SLAW 756	INTERNATIONAL HUMANITARIAN LAW & ARMED CONFLICTS	L	T	P	C
		2	-	-	2

Course Objective: International Law has traditionally been a law which regulates relations among states. Individuals have been objects and not subjects of International Law. A logical extension of these principles led to the theory that international law could not confer rights nor impose duties on individuals. What it could do was to appeal to conscience of the nations that unnecessary suffering of human being should be avoided. In view of territorial and personal character of sovereignty of a state, treatment of its own nationals and stateless persons, subject to limited exceptions remained under the exclusive jurisdiction of a state. Although this unsatisfactory state of law was hardly adequate to prevent ill-treatment of individuals, particularly during war, it became the starting point for a new branch of international law towards the end of the last century. The total character of modern war and threat of annihilation due to use of nuclear weapons have been responsible for a new concern for survival of humanity. To meet this challenge the United Nations and other voluntary international agencies have been actively involved in prescribing standards of treatment based upon dictates of humanity and overseeing their implementation in difficult situations. The underlying purpose is to ensure a human treatment of all individuals, a minimum standard of treatment which may not be departed from even under the necessities of war or grave provocation. The following syllabus prepared with this perspective will be spread over a period of one semester.

UNIT I : International Movement for Humanization of Warfare

- Contributions of classical writers; history of the Red Cross
- Geneva conventions of 1864 for Amelioration of the Condition of wounded Soldiers in Land Army, St. Petersburg Declaration, 1868.
- The Hague Conventions of 1899 and 1907, Geneva Conventions of 1929 and 1949 on treatment of Prisoners of war, Wounded and Sick persons and Civilian Persons.

UNIT II: International Efforts to Outlaw Slavery, Slave Trade and Practices Similar to Slavery, Forced Labour and Trafficking in Human Beings

UNIT III: United Nations and Humanitarian Law

- The Role of ECOSOC and ILO
- Crusade against discrimination in respect of employment and occupation
- Racial Discrimination.

UNIT IV: International Refugees

• The UN Relief and Rehabilitation Administration and other International Refugee Organizations; Conventions relating to Status of Refugees and Stateless persons; Genocide Convention.

- **Implementation of the Right to Self-determination**
Declaration on the grant of independence to colonial countries and people,
Humanitarian treatment of peoples living under colonial rule and trusteeships.

REFERENCE BOOKS:

1. C.Hosoya, N.Ando, Y.Onuma, R.Minear, The Tokyo War Crimes Trial (1986).
2. G.Schwarzenberger, The Law of Armed Conflicts (Vol.II)
3. G.Tunkin, Theory of International Law (1974)
4. J.Stone, Legal Controls of International Conflicts (1959)
5. R.Falk, "The Shimoda Case" 69 Am. J. Int. Law (1965)
6. T.Taylor, Nuremberg and Vietnam : An American Tragedy (1971)

SLAW 758	HUMAN RIGHTS & REFUGEES	L	T	P	C
		2	-	-	2

Course Objective: The two world wars had had enough of lessons to teach. But the present scenario shows that the nations have not learnt any lesson and the wars continues to be there. The International Humanitarian Law aims at humanising war though war itself is inhuman. Human rights do have value only in peace time. War is the negation of all human rights. Though the United Nations Charter does not permit war, it has shown the wisdom to regulate the war if one occurs. War is one of the factors which creates the problem of refugees. There have been some endeavours on the part of the international community to protect the interests of refugees. But due to political interference, the formulation of the definition of the term 'refugee' in the 'Convention relating to the status of refugees' has been such that it helps the developed countries to shirk the responsibility towards the refugees leaving the burden to the developing countries.

UNIT I : Introduction to International Refugee Law.

- History of Population Movements:
- The Legal and Institutional Framework for Refugee Protection

UNIT II: International Framework for Refugee Protection

- Principles and Concepts of Refugee Law
 - a) Asylum
 - b) Protection
 - c) Non-refoulement
 - d) Non-discrimination
 - e) Family Unity
 - f) Durable Solutions
 - g) International Cooperation
- The 1951 Refugee Convention
- Other Forms and Instruments of Protection

UNIT III : European Framework for Refugee Protection: The Council of Europe and Refugee Protection, European Refugee Protection: Practices and Policies

UNIT IV : UNHCR and Other Actors Relevant to International Asylum Law:

UNHCR, Other Agencies and Their Interaction

Strategies to combat refugee problem: Repatriation, resettlement local integration and rehabilitation, UNHCR – role, UNHCR and India

REFERENCE BOOKS:

1. Anti-personnel Landmines Friend or Foe?, International Committee of Red Cross, (1996).
2. B.S.Chimni, International Refugee Law, (2000).
3. Guy S. Goodwin-Gill, The Refugee in International Law, (1996).Law 393
4. James C. Hathaway, Hohn A. Dent, Refugee Rights: Report on a Comparative Survey, (1995)
5. Jean Yves Calier, Who is a Refugee A Comparative Case Law Study, (1997)
6. Kelly Dawn Askin, War Crimes Against Women, (1997).
7. M.K.Balachandran, Rose Varghese, Introduction to International Humanitarian Law, (1997).
8. Resettlement Handbook, The United Nations High Commissioner for Refugees.
9. Veral Gowlland- Debbas, The Problem of Refugees in the Light of Contemporary International Law Issues, (1996).

SLAW 754	SCIENCE, TECHNOLOGY & HUMAN RIGHTS	L	T	P	C
		2	-	-	2

Course Objective: We live in an era of scientific development. The alarming rate of development in biotechnology calls for drastic change in the law. Many concepts and terms have to be re-defined. The development in information technology poses serious problems and challenges. The rapid changes made by science and technology will have to be reflected in law to make it meaningful and realistic in the modern era. This course is intended to make students conscious of various legal problems arising due to developments in such areas as biotechnology and information technology and to identify the changes needed in the law.

UNIT I: Interrelationship of Science, Technology and Human Rights

UNIT II: Implication of Development of Science and Technology on Human Rights

- Right to environment in the development of science and technology
- Right to development in the advancement of science and technology
- Right to human health and impact of developments in medical sciences

UNIT III: Medicine and the Law

- Organ transplantation
- Experimentation on human beings
- Euthanasia (mercy killing)
- Gene therapy

UNIT IV: Issue of Human Rights Ethics in Scientific and Technological Development

- Sex determination test
- Induced abortion
- Reproductive technology

- Cloning
- Invitro fertilization Law 395
- Artificial insemination
- Surrogate motherhood

Impact of Scientific and Technological Progress on Human Rights: Normative Response of the International Community

Right to life, Right to privacy, Right to physical integrity, Right to information, Right to benefit from scientific and technological progress, Right to adequate standard of living

REFERENCE BOOKS:

1. Adwin W. Patterson, Law in a Scientific Age, (1963)
2. Akbar, M.J., Roits After Riots, (1988)
3. Baxi, U. (ed.), Rights to be Human, (1986)
4. D.P.Mittal, Law of Information Technology (Cyber Law), (2000).
5. Diane Rowland, Elezabeth Macdonald, Information Technology Law, (1997).
6. Galtung, Human Rights in Another Key, (1994)
7. Kamenka, E., Ideas and Ideologies Human Rights (1978)
8. Michael Chissick, Alistair Kelman, Electronic Commerce, Law and Practice, (1999).
9. Steve Jones, Borin Van Leon, Genetics for Beginners, (1993).
10. Suresh T. Viswanathan, The Indian Cyber Law, (2000).
11. The International Dimensions of Cyberspace Law (2000), UNESCO Publication.
12. Weeramantry, C.G., Human Rights and Scientific and Technology Development, 1990

SLAW 785	BASICS OF COMPUTER & CYBER WORLD	L	T	P	C
		0	0	0	2

UNIT I:-

- Computer Hardware, computer software, backup, restoration, hard disk cloning
- Networking concept: network, network topology, switches, routers

UNIT II

- Cryptography : introduction, symmetric and Asymmetric Key Cryptography
- Data encryption standard, Advanced encryption standard

UNIT III

- Forensics : Introduction to computer, mobile and network

UNIT IV

- Emerging Cyber concept : cloud computing, Solid State Devices, Flash memory

REFERENCE BOOKS:

1. Cyber Law- Indian And International Perspectives On Key Topics Including Data Security, E-Commerce, Cloud Computing And Cyber Crimes Hardcover – 2012 by by [Aparna Viswanathan](#)
2. Information Technology Law and Practice- Cyber Laws and Laws Relating to E-Commerce Paperback – 1 Nov 2016 by [Vakul Sharma](#)
3. Legal Framework on Electronic Commerce and Intellectual Property Rights in Cyberspace Hardcover – 2014by Duggal Pavan
4. Text Book on Cyber Law : Pawan Duggal

SLAW 786	REGULATORY FRAMEWORK OF THE CYBER WORLD	L	T	P	C
		0	0	0	2

UNIT I

- Role of law in cyber world- Regulation of Cyber space in India
- Cyber law Jurisprudence- an Overview

UNIT II

- General principles of Contract law with reference to online contract
- Cyber Space and Government Regulation

UNIT III

- Cyber Space, Democracy and Sovereignty
- Freedom of Speech & Expression & Cyber law

UNIT-IV

- E-Governance
- Cyber Appellate Tribunal with reference to the Cyber Regulation Appellate Tribunal(Procedures) Rules 2000

REFERENCE BOOKS:

1. Cyber Law- Indian And International Perspectives On Key Topics Including Data Security, E-Commerce, Cloud Computing And Cyber Crimes Hardcover – 2012 by by Aparna Viswanathan
2. Information Technology Law and Practice- Cyber Laws and Laws Relating to E-Commerce Paperback – 1 Nov 2016 by Vakul Sharma
3. Legal Framework on Electronic Commerce and Intellectual Property Rights in Cyberspace Hardcover – 2014by Duggal Pavan
4. Text Book on Cyber Law : Pawan Duggal

SLAW 787	IPR IN THE CYBER WORLD	L	T	P	C
		0	0	0	2

UNIT I

- International Connection on Copyright
- Berne Convention, Universal Copyright Convention, Rome Convention, WIPO Copyright Treaty, TRIPS agreement
- Scope of Copyright protection in the digital environment under the Copyright Act- Copyright in computer software, multimedia, Digital Music, Apps

UNIT II

- Protecting Trademarks in Digital Environment
- International Conventions on Trademark Law

UNIT III

- Domain Names and Cyber Squatting – Domain Name Disputes, Online Dispute Resolution, Role of ICANN in administering the Domain Name System(DNS), ICANN's Uniform Dispute Resolution Policy

UNIT IV

- International Conventions on Patents
- Application on Patents to computer Technology and digital Environment: Business method Patents and Software Patents
- Technology Transfer and Cross Border Licensing

REFERENCE BOOKS:

1. Cyber Law- Indian And International Perspectives On Key Topics Including Data Security, E-Commerce, Cloud Computing And Cyber Crimes Hardcover – 2012 by by [Aparna Viswanathan](#)

2. Information Technology Law and Practice- Cyber Laws and Laws Relating to E-Commerce Paperback – 1 Nov 2016 by [Vakul Sharma](#)
3. Legal Framework on Electronic Commerce and Intellectual Property Rights in Cyberspace Hardcover – 2014by Duggal Pavan
4. Text Book on Cyber Law : Pawan Duggal

SLAW 788	E-COMMERCE	L	T	P	C
		0	0	0	2

UNIT I: Introduction to E-commerce

- Overview of UNCITRAL Model law of E-commerce
- Meaning, Concept and significance
- E-commerce and Networking
- Electronic Data Interchange

UNIT II:

- E-Commerce Application: Advantages and Disadvantages
- E-Commerce v/s Traditional Commerce
- Types of Software Contract, Software as product or service

UNIT III

- E-Commerce and E-Business models and Approaches
- Business to business(B2B)
- Business to Customers (B2C)
- Customers to customers (C2C)
- Consumer to Business(C2B)
- E-Governance in India

UNIT IV

- E-Commerce- Online Payment, E-banking
- Disintermediation and re-intermediation
- Bitcoins
- Internet and Mobile Banking
- Online Payment gateways (UPI and others)

- Electronic cheques

REFERENCE BOOKS:

1. Cyber Law- Indian And International Perspectives On Key Topics Including Data Security, E-Commerce, Cloud Computing And Cyber Crimes Hardcover – 2012 by Aparna Viswanathan
2. Information Technology Law and Practice- Cyber Laws and Laws Relating to E-Commerce Paperback – 1 Nov 2016 by Vakul Sharma
3. Legal Framework on Electronic Commerce and Intellectual Property Rights in Cyberspace Hardcover – 2014by Duggal Pavan
4. Text Book on Cyber Law : Pawan Duggal

SLAW 790	INFORMATION TECHNOLOGY ACT, 2000	L	T	P	C
		0	0	0	2

UNIT I:

- IT Act, 2000
- Amendments to various enactments like IPC, 1860, Indian Evidence Act, 1872, Bankers Book Evidence Act, 1891, RBI Act, 1934

UNIT II

The Information Technology (Procedures and Safeguards for Interception, Monitoring and Decryption of Information) Rules, 2009 and Corresponding International Legislation in US, UK and Europe

UNIT III

The Information Technology (Procedures and Safeguards for Blocking the access of Information by Public) Rules, 2009 and Corresponding International Legislation in US, UK and Europe

UNIT IV

The Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2009 and Corresponding International Legislation in US, UK and Europe

REFERENCE BOOKS:

1. Cyber Law- Indian And International Perspectives On Key Topics Including Data Security, E-Commerce, Cloud Computing And Cyber Crimes Hardcover – 2012 by Aparna Viswanathan
2. Information Technology Law and Practice- Cyber Laws and Laws Relating to E-Commerce Paperback – 1 Nov 2016 by Vakul Sharma
3. Legal Framework on Electronic Commerce and Intellectual Property Rights in Cyberspace Hardcover – 2014 by Duggal Pavan
4. Text Book on Cyber Law : Pawan Duggal

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UNIT I

- Cyber crimes and cyber offences
- Kinds of cyber offences

UNIT II

- Ethical Hacking
- Concept and process of Ethical Hacking

UNIT III

- Online Advertising
- Social Media and its role in Cyber world
- Defamation

UNIT IV

- Online Dispute Resolution and Jurisdiction
- Role of RBI and legal issues in case of e-commerce
- Security issues- debit cards, credit cards, ATM's, Secure Electronic Transactions

REFERENCE BOOKS:

1. Text Book on Cyber Law : Pawan Duggal
2. Cyber Law- Indian And International Perspectives On Key Topics Including Data Security, E-Commerce, Cloud Computing And Cyber Crimes Hardcover – 2012 by Aparna Viswanathan
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