

Shivaji University, Kolhapur



Est.: 1962
NAAC 'A' Grade

Two Year Post Graduate Master of Laws (LL.M.) Programme Choice Based Credit System (CBCS) Faculty of Law

(To be implemented from Academic Year 2019-20)

w.e.f. June, 2019

Rules and Regulations

LL.M. R.1: Implementation of Regulations & guidelines:

The Regulations and guidelines shall be implemented as mentioned below -

LL.M. Part – I, Sem I & II from Academic year 2019-20

LL.M. Part – II, Sem III & IV from Academic year 2020-21

LL.M. R.2: LL.M. Course and Duration:

- a) The LL.M. Programme shall be a full time course both at University Departments and P.G. Centres at Law Colleges affiliated to Shivaji University, Kolhapur. The duration of the course shall be of two **years with four semesters**. There shall be a University Examination at the end of each Semester. Each Semester shall have minimum 15 weeks of teaching, excluding the vacation and examination.
- b) **The LL.M. programme shall be offered in two specialized courses:**
 1. Business Laws – Group - I
 2. Intellectual Property Rights – Group II
- c) **Intake Capacity:** Intake capacity for the course shall be as per the sanctioned seats approved by Shivaji University, Kolhapur.

LL.M. R.3: Medium of Course:

The medium of course and examinations shall be in English.

LL.M. R.4: Admission and Eligibility:

- a) Admission to Two Years LL.M. program will be on the basis of merit subject to intake capacity.
- b) The student who has obtained LL.B. Degree under Three Year or Five Year Law Courses under this University or a degree of any other University recognized as equivalent to be LL.B. Degree of this University shall be eligible for admission.
- c) The minimum percentage of marks not below 50% of the total marks in case of General Category Applicants, 45% for OBC category and 40% of the total marks in case of SC / ST Applicants. The reservation policy shall be subject to rules and regulations of Government of Maharashtra from time to time.
- d) The Merit List shall be prepared, based on the highest score obtained by the candidate at the 5 years or 3 years LL.B. Programme.
- e) Admissions will be subject to reservation policy and rules prescribed by the Maharashtra State Government and the Shivaji University from time to time.
- f) Students shall opt for any one of the Specializations offered by the College, at the time of admission to the Programme (Specialisation – I: Business Laws and Specialisation – II: Intellectual Property Rights).
- g) Specialisation once opted by the students in the first semester shall be final and no change shall be allowed thereafter.

LL.M. R.5: Attendance:

- a) Minimum 75% of attendance is mandatory for the grant of term. The attendance relaxation shall be as per the University norms.
- b) The student shall attend all the internal assessment, workshops, seminars, training programmes, projects, study tours, legal aid and literacy camps, etc.

LL.M. R.6: Fee Structure:

The Fee structure shall be as per the norms of Shivaji University.

LLM R.7: Examination Pattern:

- a) The Theory and Internal examinations will have 80: 20. A Student has to obtain 50% marks in both examinations of Theory (80 Marks) and Internal (20 Marks) separately. They must obtain minimum 40 marks in theory (out of 80) and minimum 10 marks in internal assessment (out of 20).
- b) Internal Assessment will be as follows:
 - i) Tutorials/Seminars/Projects - 10 marks
 - ii) Viva - 10 marks
- c) There shall be no written examination for Dissertation.
- d) Internal Assessment for Dissertation will be as follows:
 - i) Dissertation - 150 marks (To be evaluated by Internal and External panel of examiners)
 - ii) Viva - 50 marks (To be conducted by Internal and External Examiner)
- e) Every student shall submit one soft copy in CD and two hard bound copies of the dissertation to the Department/ College in the standard format, at least Four weeks before the end of the final Semester.
- f) Every paper of 4 Credits shall carry 100 marks out of which 80 marks are for the written examination i.e. University Examination & 20 marks for Internal Assessment which shall be conducted by the P.G. Department / College.
- g) Each Skill Enhancement compulsory Course (SEC) of 2 Credits shall be of 50 Marks. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on written examination of 50 marks, for 25 objective type questions of two marks each.

The student shall have to secure minimum 20 marks in each of the Skill Enhancement Course to pass the respective course.

LLM R.8: Credit System:

- i) To be eligible for the award of LL.M. Degree under the Choice Based Credit System (CBCS), a student shall be required to earn a minimum of 64 Credits.
- ii) One Credit Theory Course shall be equivalent to 15 contact hours of learning activities such as lectures, group discussion, seminars, problem solving, tutorials and assessment.
- iii) A Four Credit Course shall have 60 contact hours (4 hours per week x 15 weeks) in a semester.
- iv) The Credits shall comprise of Core Courses, Optional Courses and Dissertation. The Programme shall have compulsory Core Courses of 24 Credits, Optional Courses of 24 Credits and a compulsory dissertation comprising of 8 Credits. (Total 56 Credits)

- v) In addition to this, every student must earn additional 8 credits (2 Credits in every Semester) in Open Electives in CBCS Pattern.
- vi) A student is required to obtain a minimum of 56 Credits from the parent Institute, at which the student is registered; of which 24 would be the minimum number of Core Credits, 24 Optional Papers Credits and Dissertation of 8 credits. The remaining 8 Credits may be earned by the student by choosing from Optional Courses either from the parent Institute or any other Institute. (Total 56+8=64 Credits for LL.M. with CBCS Pattern)
- vii) A student shall be eligible for the award of LL.M. Degree on the successful completion of 64 Credits.

LLM R.9: The System of Evaluation will be as follows:

- a. Each internal assessment and External Examination will be evaluated in terms of marks. The marks for internal assessment and External Examination will be added together and then converted into a grade and later a grade point average.
- b. Results will be declared for each semester.
- c. After the gain of minimum number of credits towards completion of a PG programme, a student will get a grade sheet with total grades earned and a Cumulative Grade Point Average (CGPA).
- d. Marks / Grade / Grade Status and Grade Points shall be as follows:

| Marks | Grade | Grade Status | Grade Point |
|-----------------|----------|--------------|-------------|
| 100 to 75 | O | Outstanding | 6 |
| 74 to 65 | A | Very Good | 5 |
| 64 to 55 | B | Good | 4 |
| 54 to 50 | C | Satisfactory | 3 |
| 49 to 45 | D | Average | 2 |
| 44 to 40 | E | Pass | 1 |
| 39 to 0 | F | Fail | 0 |

Final Grade:

| CGPA/ Grade Point | Grade |
|-------------------|----------|
| 05.00-6.00 | O |
| 04.50-04.99 | A |
| 03.50-04.49 | B |
| 02.50-03.49 | C |
| 01.50-02.49 | D |
| 00.50-01.49 | E |
| 00.00-00.49 | F |

List of Compulsory Papers:

1. Law and Social Transformation in India.
2. Legal Education and Research Methodology.
3. Legal Theory.
4. Judicial Process.
5. Indian Constitutional Law: New Challenges.
6. Legal Concepts.

List of Optional Papers: (Subject Elective)

BUSINESS LAW: GROUP - I

1. Law of Industrial and Intellectual Property
2. Information Technology Law

3. Banking Law
4. Insurance Law
5. Law Related to Consumer Protection and Competition
6. International Trade Law

INTELLECTUAL PROPERTY RIGHTS (IPR): GROUP - II

1. Law of Patents
2. Law of Trademarks
3. Law of Copyrights
4. Law of Designs Integrated Circuits, Geographical indications and confidential information
5. Law of Intellectual Property and Bio diversity
6. Law of Intellectual Property and Information Technology

List of Skill Enhancement Courses (Open Elective):

1. Alternative Disputes Resolution (ADR)
2. Introduction to Human Rights (IHR)
3. Right to Information (RTI)
4. Public Interest Litigation (PIL)

LL.M. R.10: Rules of Promotion: -

- a) The admission of students to the Two Year LL.M Program shall be on the yearly basis.
- b) A student admitted to the First Year of the course who complies with norms of the credit system and internal assessment with minimum 75% of attendance in the first year shall be automatically promoted to the Second year.
- c) The minimum passing criteria shall be 40 out of 80 marks theory and 10 marks out of 20 Internal assessments). The aggregate percentage shall be 50%.
- d) The student has to pass both the heads i.e. theory and internal assessment separately.
- e) The Internal Assessment marks will be carried forward to the next examination of that paper.

LL.M. R.11: Question Paper Model:

The Question Paper of LL.M Course of 80 marks shall consist of total eight questions carrying 16 marks each. Q.No. 8 shall be of short notes with four options out of which any two of 8 marks each shall be attempted. Out of eight questions, the student shall attempt / answer any five questions.

Model Question Paper Format:

**First year of LL.M, (Semester I) CBCS,
Examination, October, 2019**

Sub: _____

Subject Code: _____

Day & Date: _____

Total Marks: 80

Time: _____

Instructions:

1. Attempt any four questions from Q.No. 1 to 7.
2. Q. No. 8 is compulsory.
3. All Questions carry equal marks.
4. Figures to the right indicate full marks.

| | | |
|------|---------------------------------------|------|
| Q.1. | _____ | (16) |
| Q.2. | _____ | (16) |
| Q.3. | _____ | (16) |
| Q.4. | _____ | (16) |
| Q.5. | _____ | (16) |
| Q.6. | _____ | (16) |
| Q.7. | _____ | (16) |
| Q.8. | Write short notes (Any Two): 2 x 8 | (16) |
| | a) _____ | |
| | b) _____ | |
| | c) _____ | |
| | d) _____ | |

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Structure
CBCS Two year LL.M. Programme
LL.M. Business Law
Group –I (Specialisation)

| FIRST YEAR LL.M.: SEMESTER – I | | | | | | |
|---------------------------------------|--------------------|---|----------------|--------------------|--------------------------------|----------------------|
| Courses | Course Code | SUBJECTS | Pattern | Total Marks | Lectures per Week Hours | Total Credits |
| Core Course | CC-101 | Law and Social Transformation in India | 80 : 20 | 100 | 4 | 4 |
| Core Course | CC-102 | Indian Constitutional Law : New Challenges | 80 : 20 | 100 | 4 | 4 |
| Core Course | CC-103 | Legal Theory | 80 : 20 | 100 | 4 | 4 |
| Elective Course | EC-104 | Law of Industrial and / Intellectual Property | 80 : 20 | 100 | 4 | 4 |
| Skill Enhancement Course | SEC-105 | Alternative Disputes Resolution | - | 50 | 2 | 2 |
| Total | | | - | 450 | 18 | 18 |

| FIRST YEAR LL.M.: SEMESTER – II | | | | | | |
|--|--------------------|--|----------------|--------------------|--------------------------------|----------------------|
| Courses | Course Code | SUBJECTS | Pattern | Total Marks | Lectures per Week Hours | Total Credits |
| Core Course | CC-201 | Judicial Process | 80 : 20 | 100 | 4 | 4 |
| Core Course | CC-202 | Legal Education and Research Methodology | 80 : 20 | 100 | 4 | 4 |
| Core Course | CC-203 | Legal Sources and Concepts | 80 : 20 | 100 | 4 | 4 |
| Elective Course | EC-204 | Information Technology Law | 80 : 20 | 100 | 4 | 4 |
| Skill Enhancement Course | SEC-205 | Introduction to Human Rights | - | 50 | 2 | 2 |
| Total | | | - | 450 | 18 | 18 |

| SECOND YEAR LL.M.: SEMESTER – III | | | | | | |
|--|--------------------|---|----------------|--------------------|--------------------------------|----------------------|
| Courses | Course Code | SUBJECTS | Pattern | Total Marks | Lectures per Week Hours | Total Credits |
| Core Course | CC-301 | Banking Law | 80 : 20 | 100 | 4 | 4 |
| Core Course | CC-302 | Insurance Law | 80 : 20 | 100 | 4 | 4 |
| Core Course | CC-303 | Law Relating to Consumer Protection and Competition | 80 : 20 | 100 | 4 | 4 |
| Elective Course | EC-304 | International Trade Laws | 80 : 20 | 100 | 4 | 4 |
| Skill Enhancement Course | SEC-305 | Right to Information Laws | - | 50 | 2 | 2 |
| Total | | | - | 450 | 18 | 18 |

| SECOND YEAR LL.M.: SEMESTER – IV | | | | | | |
|---|--------------------|----------------------------|----------------|--------------------|--------------------------------|----------------------|
| Courses | Course Code | SUBJECTS | Pattern | Total Marks | Lectures per Week Hours | Total Credits |
| Core Course | CC-401 | Dissertation Viva-Voce | 150 : 50 | 200 | 8 | 8 |
| Skill Enhancement Course | SEC-402 | Public Interest Litigation | - | 50 | 2 | 2 |
| Total | | | - | 250 | 10 | 10 |

Structure
LL.M. Intellectual Property Rights (IPR)
Group –II (Specialisation)

| FIRST YEAR LL.M.: SEMESTER – I | | | | | | |
|---------------------------------------|--------------------|--|----------------|--------------------|--------------------------------|----------------------|
| Courses | Course Code | SUBJECTS | Pattern | Total Marks | Lectures per Week Hours | Total Credits |
| Core Course | CC-101 | Law and Social Transformation in India | 80 : 20 | 100 | 4 | 4 |
| Core Course | CC-102 | Indian Constitutional Law : New Challenges | 80 : 20 | 100 | 4 | 4 |
| Core Course | CC-103 | Legal Theory | 80 : 20 | 100 | 4 | 4 |
| Elective Course | EC-104 | Law of Patents | 80 : 20 | 100 | 4 | 4 |
| Skill Enhancement Course | SEC-105 | Alternative Disputes Resolution | - | 50 | 2 | 2 |
| Total | | | - | 450 | 18 | 18 |

| FIRST YEAR LL.M.: SEMESTER – II | | | | | | |
|--|--------------------|--|----------------|--------------------|--------------------------------|----------------------|
| Courses | Course Code | SUBJECTS | Pattern | Total Marks | Lectures per Week Hours | Total Credits |
| Core Course | CC-201 | Judicial Process | 80 : 20 | 100 | 4 | 4 |
| Core Course | CC-202 | Legal Education and Research Methodology | 80 : 20 | 100 | 4 | 4 |
| Core Course | CC-203 | Legal Sources and Concepts | 80 : 20 | 100 | 4 | 4 |
| Elective Course | EC-204 | Law of Trade Marks | 80 : 20 | 100 | 4 | 4 |
| Skill Enhancement Course | SEC-205 | Introduction to Human Rights | - | 50 | 2 | 2 |
| Total | | | - | 450 | 18 | 18 |

| SECOND YEAR LL.M.: SEMESTER – III | | | | | | |
|--|--------------------|---|----------------|--------------------|--------------------------------|----------------------|
| Courses | Course Code | SUBJECTS | Pattern | Total Marks | Lectures per Week Hours | Total Credits |
| Core Course | CC-301 | Law of Copyrights | 80 : 20 | 100 | 4 | 4 |
| Core Course | CC-302 | Law of Designs and Integrated Circuits, Geographical Indications and Confidential | 80 : 20 | 100 | 4 | 4 |

| | | | | | | |
|--------------------------|---------|---|----------|------------|-----------|-----------|
| | | Information | | | | |
| Core Course | CC-303 | Law of Intellectual Property and Bio-Diversity | 80 : 20 | 100 | 4 | 4 |
| Core Course | CC-304 | Law of Intellectual Property and Information Technology | 80 : 20 | 100 | 4 | 4 |
| Skill Enhancement Course | SEC-305 | Right to Information Laws | - | 50 | 2 | 2 |
| Total | | | - | 450 | 18 | 18 |

| SECOND YEAR LL.M.: SEMESTER – IV | | | | | | |
|---|-------------|----------------------------|----------|-------------|-------------------|---------------|
| Courses | Course Code | SUBJECTS | Pattern | Total Marks | Lectures per Week | Total Credits |
| Core Course | CC-401 | Dissertation Viva-Voce | 150 : 50 | 200 | 8 | 8 |
| Subject Elective Course | SEC-402 | Public Interest Litigation | - | 50 | 2 | 2 |
| Total | | | - | 250 | 10 | 10 |

**Syllabus
Group – I
Business Laws
LL.M. Part – I, Semester – I
Paper I
CC-101: Law and Social Transformation in India**

Max. Marks: 100

Objectives of the course: This course aims at:

- (a) Awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and
- (b) A spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society

Syllabus:

Unit I -Law and social change

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

Unit II - Religion and the law

- 2.1. Religion as a divisive factor.
- 2.2. Secularism as a solution to the problem.
- 2.3. Reform of the law on secular lines: Problems.
- 2.4. Freedom of religion and non-discrimination on the basis of religion.
- 2.5. Religious minorities and the law.

Unit III - Language and the law

- 3.1. Language as a divisive factor: formation of linguistic states.

- 3.2. Constitutional guarantees to linguistic minorities.
- 3.3. Language policy and the Constitution: Official language; multi-language system.
- 3.4. Non-discrimination on the ground of language.

Unit IV - Community and the law

- 4.1. Caste as a divisive factor
- 4.2. Non-discrimination on the ground of caste.
- 4.3. Acceptance of caste as a factor to undo past injustices.
- 4.4. Protective discrimination: Scheduled castes, tribes and backward classes.
- 4.5. Reservation; Statutory Commissions., Statutory provisions.

Unit V - Regionalism and the law

- 5.1. Regionalism as a divisive factor.
- 5.2. Concept of India as one unit.
- 5.3. Right of movement, residence and business; impermissibility of state or regional barriers.
- 5.4. Equality in matters of employment: the slogan "Sons of the soil" and its practice.
- 5.5. Admission to educational institutions: preference to residents of a state.

Unit VI - Women and the law

- 6.1. Crimes against women.
- 6.2. Gender injustice and its various forms.
- 6.3. Women's Commission.
- 6.4. Empowerment of women: Constitutional and other legal provisions.

Unit VII - Children and the law

- 7.1. Child labour.
- 7.2. Sexual exploitation.
- 7.3. Adoption and related problems.
- 7.4. Children and education.

Unit VIII - Modernisation and the law

- 8.1. Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
- 8.2. Modernisation of social institutions through law.
 - 8.2.1. Reform of family law
 - 8.2.2. Agrarian reform - Industrialisation of agriculture.
 - 8.2.3. Industrial reform: Free enterprise v. State regulation - Industrialisation v. environmental protection.
- 8.3. Reform of court processes.
 - 8.3.1. Criminal law: Plea bargaining; compounding and payment of compensation to victims.
 - 8.3.2. Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats.
 - 8.3.3. Prison reforms.
- 8.4. Democratic decentralisation and local self-government.

Select Bibliography:

1. Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford,
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
4. U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay.
5. Manushi, A Journal About Women and Society.
6. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
7. H.M. Seervai, Constitutional Law of India (1996), Tripathi.
8. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.

9. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi.
10. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
11. Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988)
12. J.B. Kripalani, Gandhi: His Life and Thought, (1970) Ministry of Information and Broadcasting Government of India
13. M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.

Paper II

CC-102: Indian Constitutional Law: The New Challenges

Max. Marks: 100

Objectives of the Course:

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores (civilization). Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialisation. Obviously, rubrics under this paper require modification and updating from time to time.

Syllabus:

Unit I - Federalism

- 1.1. Creation of new states
- 1.2. Allocation and share of resources - distribution of grants in aid
 - 1.2.1. The inter-state disputes on resources
- 1.3. Rehabilitation of internally displaced persons.
- 1.4. Centre's responsibility and internal disturbance within States.
- 1.5. Directions of the Centre to the State under Article 356 and 365
- 1.6. Federal Comity : Relationship of trust and faith between Centre and State.
- 1.7. Special status of certain States.
 - 1.7.1. Tribal Areas, Scheduled Areas

Unit II - Right to equality: Privatisation and its impact on affirmative action.

- 2.1 Introduction
- 2.2 Equality Before Law
- 2.3 Landmark Judgments

Unit III - Empowerment of women.

- 3.1 Introduction
- 3.2 Empowerment: Meaning and Importance
- 3.3 Empowerment of Women in India
- 3.4 Initiatives by the Judiciary

Unit IV - Freedom of press and challenges of new scientific development

- 4.1. Freedom of speech and right to broadcast and telecast.
- 4.2. Right to strikes, hartal and bandh.

Unit V - Emerging regime of new rights and remedies

- 5.1. Reading Directive Principles and Fundamental Duties into Fundamental Rights
 - 5.1.1. Compensation jurisprudence
 - 5.1.2. Right to education
 - 5.1.2.1. Commercialisation of education and its impact.
 - 5.1.2.2. Brain drain by foreign education market.

Unit VI - Secularism and religious fanaticism.

- 6.1 Secularism
- 6.2 Secularism under Indian Constitution
- 6.3 Right to Religion
- 6.4 Religious Fanaticism

Unit VII - Separation of powers: stresses and strain

- 7.1. Judicial activism and judicial restraint.
- 7.2. PIL: implementation.
- 7.3. Judicial independence.
 - 7.3.1. Appointment, transfer and removal of judges.
- 7.4. Accountability: executive and judiciary.
- 7.5. Tribunals

Unit VIII - Democratic process

- 8.1. Nexus of politics with criminals and the business.
- 8.2. Election
- 8.3. Election commission: status.
- 8.4. Electoral Reforms
- 8.5. Coalition government, 'stability, durability, corrupt practice'
- 8.6. Grass root democracy.

Select Bibliography:

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

Paper III CC-103: Legal Theory

Max. Marks: 100

Objectives of the course:

- a) The course aims at developing an insight into the juristic foundations of a legal system.
- b) To enable understanding of the law as it exists and its functions in a contemporary society.
- c) To inculcate a clear understanding about the new aspects of law and its nature and function.
- d) To create a clear understanding about the impact of law on various other branches of the study and its relationship with ethical aspects of justice.

Syllabus:

Unit I – Introductory Reflections

- 1.1** Meaning, Definitions, place and function of Legal theory
- 1.2** Nature, scope and Importance of Jurisprudence, Relevance of Jurisprudence in Contemporary Era.
- 1.3** Differences and Similarities of Jurisprudence and Legal Theory.
- 1.4** Science and Legal Theory (Methods of Enquiry, Values of Judgments, Policy decisions and the art of judgments)
- 1.5** Law, Justice, Ethics and Social Morality.

Unit II – Natural Law and the Search for Absolute Values

- 2.1 The Problems of Natural Law, Natural Law and its Importance
- 2.2 Theoretical Perceptive of Natural Law:
 - 2.2.1 Natural Law – Ancient Theories
(Plato, Aristotle, Marcus Tullius Cicero, Natural Law

- Ancient Hindu System)
- 2.2.2. Natural Law – Medieval Ages
(Augustine, St. Thomas Aquinas, Francis Bacon, Hugo Grotius, Immanuel Kant)
- 2.2.3 Natural Law – Modern Theories
(John Rawls, John Finnis, John Wild)
- 2.3 Natural Law Social Contract
(Grotius, Hobbes, Locke, Rousseau)
- 2.4 Twilight of Natural Law Ideology
(Montesquieu, Home and Modern Skepticism.
- 2.7 Natural Law – Indian Concept and Perception
- Unit III - The Impact of social Development on Legal Theory**
- 3.1 Historical Evolution as a guide to legal thought
(Friedrich Karl Von Savigny, Sir Henry Maine, Puchta)
- 3.2 Society and Legal Evolution
(Darwin, Herbert Spencer, Augusta Comte, Durkheim, Duguit)
- 3.3 Modern Sociological Theories of Law
(Ihering, Eugene Ehrlich , Dean Roscoe Pound)
- 3.4 Indian Spirit of Historical Perspective
- 3.5 Indian Spirit of Sociological Perspective
- Unit IV – Realistic Theory of Law**
- 4.1 Realism – What exactly it means? Realism - Its features
(Origin of Realistic Thoughts – Merits of Realism)
- 4.2 Basic Features of Realistic School - American Realism
(John William Salmond. Oliver Wendell Homes, Jerome N. Frank, Thurman Wesley Arnold, Karl Llewellyn)
- 4.3 Scandinavian Legal Realism
(Axel Hagerstrom, V. Lundstedt, Karl Olivecrona, Alf Ross)
- 4.4 Contribution of Realistic School to Jurisprudence
- 4.5 Realism in the Indian Context
- Unit V – Positivism and Legal Theory**
- 5.1 Positivism in Modern Philosophy
- 5.2 Bentham Theory of Law
- 5.3 Austin’s Theory of Law
- 5.4 Kelson’s Pure Theory of Law
- 5.5 H. L. A. Hart Theory of Law
- Unit VI – Legal Theory and Contemporary Problems**
- 6.1 Nature and scope of Contemporary problems
- 6.2 Socialistic and Communist Theory of Law
(Karl Marx, Engles)
- 6.3 Legal values of Modern Democracy
- 6.4 Legal theory Public Policy
- 6.5 Legal Theory and International Society
- Unit VII Indian Legal Theory – Past Scenario**
- 7.1 Impact of theory on Hindu Jurisprudence
- 7.2 Ancient Hindu Jurisprudence
- 7.3 Fundamentals of Hindu Legal Theory
- 7.4 Law and the State in Hindu Legal Theory
- 7.5 Traditional Indian Legal Theory – Fundamentals
- Unit VIII – Indian Legal Theory – Present Scenario**
- 8.1 Impact of theory on Indian Constitution
- 8.2 Indian Constitution and Analytical Positivism
- 8.3 Idea of Fundamental Rights in the Indian Constitution
- 8.4 Idea of Directive Principles of State Policy in Indian Constitution

(Welfare State)

8.5 Idea of Fundamental Duties

Select Bibliography:

1. Allen : Law in the Making, Universal Publishers.
2. Mahajan V.D.: Legal Theory and Jurisprudence, Eastern Book Company, Lucknow.
3. Dias : Jurisprudence, Aditya Books.
4. Rama Jois, Legal and Constitutional History of India, Universal Law Publications, Delhi.
5. Dr. S.N. Dhyani – Fundamentals of Jurisprudence – the Indian Approach, Central Law Agency, Allahabad.
6. Dr. B. N. Mani Tripathi - Jurisprudence and Legal Theory, Allahabad Law Agency, Allahabad.
7. Dr. S. R. Mynani – Jurisprudence and Legal Theory, Asia Law House, Hyderabad.
8. Dr. N. V. Paranjape – Studies in Jurisprudence and Legal Theory, Central Law Agency Allahabad.
9. W. Friedmann – Legal Theory, Universal Law Publishing Co., Pvt. Ltd.
10. Salmond: Jurisprudence, Universal Publishers.
11. Paton : Jurisprudence
12. John Rawls -Theory of justice.

Paper IV

EC-104: Law of Industrial and Intellectual Property

Max. Marks: 100

Objectives of the course:

The concept of intellectual property rights as developed in India cannot be divorced from the developments in the international arena as well as in the nation-to-nation relations. The impact of IPR regime on the economic front is emphasised in this paper. In particular, greater attention would be given here to the law relating to unfair and restrictive trade practices as affecting the regime of intellectual property rights. New areas of development, especially plant patenting and patenting of new forms of life (biotechnology) should receive special attention. Evidentiary aspects of infringement and human right dimensions of the regime of intellectual property law will also be addressed.

Syllabus:

Unit I - IPR and International Perspectives

- 1.1 International Treaties and Conventions on Intellectual Property.
- 1.2 Treaties on Classification
- 1.3 Other Special Conventions in the Field of Related Rights.

Unit II - Trademarks and Consumer Protection (Study of UNCTAD report on the subject)

- 2.1 **Evolution of Trade Mark Laws**
 - 2.1.1 Concept of Trade Mark
 - 2.1.2 Types of Trade Marks
 - 2.1.3 Evolution of Trade Marks
 - 2.1.4 Trade Mark Laws in India
- 2.2 **Consumer Protection**
 - 2.2.1 Meaning of Consumer Protection
 - 2.2.2 Problems Faced by Consumers
 - 2.2.3 Need for Consumer Protection
 - 2.2.4 Legal protection to Consumers in India
- 2.3 **Trademark Laws and Consumer Protection**
 - 2.3.1 UNCTAD (United Nations Conference on Trade and Development)

- 2.3.2 What is AIPPI?
- 2.3.2 Trademarks and consumer protection Resolution

Unit III - The Legal Regime of Unfair Trade Practices and of Intellectual Industrial Property

- 3.1. United Nations approaches (UNCTAD, UNCITRAL)
- 3.2. EEC approaches
- 3.3. Position in U.S.
- 3.4. The Indian situation.

Unit IV - Special Problems of the Status of Computer Software in Copyright and Patent Law: A Comparative Study.

- 4.6 Introduction
- 4.7 Intellectual Property and Computer Software
- 4.8 Legislative History and vs. Economic Reality
 - 4.8.1 Evolution of Patent Case Law
 - 4.8.2 Evolution of Copyright Case Law
 - 4.8.3 Software Piracy
 - 4.8.4 Criminal Penalties for Copyright Infringement
- 4.9 Intellectual Property Abroad
 - 4.9.1 Patent Law in Foreign Countries
 - 4.9.2 Copyright Law in Foreign Countries
 - 4.9.3 Trade Secret Law in Foreign Countries
- 4.10 Can Intellectual Property Laws Provide Securities
- 4.11 Trends for the future

Unit V - Biotechnology Patents:

- 5.1. Nature and types of biotechnology patents
- 5.2. Patent over new forms of life : TRIPS obligations
- 5.3. Plant patenting
- 5.4. Sui generis protection for plant varieties
- 5.5. Multinational ownership
- 5.6. Regulation of environment and health hazards in biotechnology patents
- 5.7. Indian policy and position.

Unit VI - Patent Search, Examination and Records:

- 6.1. International and global patent information retrieval systems (European Patent Treaty).
- 6.2. Patent Co-operation Treaty(PCT)
- 6.3. Differences in resources for patent examination between developed and developing societies
- 6.4. The Indian situation

Unit VII - Special Problems of Proof of Infringement:

- 7.1. Status of intellectual property in transit - TRIPS obligation - Indian position.
- 7.2. The evidentiary problems in action of passing off.
- 7.3. The proof of non-anticipation, novelty of inventions protected by patent law
- 7.4. Evidentiary problems in piracy : TRIPS obligation - reversal of burden of proof in process patent
- 7.5. Need and Scope of Law Reforms.

Unit VIII - Intellectual Property and Human Right

- 8.1. Freedom of speech and expression as the basis of the regime of intellectual property right - copyright protection on internet - WCT (WIPO Copyright Treaty, 1996).
- 8.2. Legal status of hazardous research protected by the regime of intellectual property law.
- 8.3. Human right of the impoverished masses intellectual property protection of new products for healthcare and food security
- 8.4. Traditional knowledge - protection- biodiversity convention- right of indigenous people.

Select bibliography:

1. Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.
2. Terence P. Stewart (ed.), The GATT Uruguay Round: A Negotiating History (1986-1994) the End Game (Part - 1)(1999), Kluwer
3. Iver P. Cooper, Biotechnology and Law (1998), Clerk Boardman Callaghan, New York.
4. David Bainbridge, Software Copyright Law (1999), Butterworths
5. Sookman, Computer Law (1998), Carswell
6. Carlos M. Correa(ed.), Intellectual Property and International Trade (1998), Kluwer
7. Patent Co-operation Treaty Hand Book (1998), Sweet and Maxwell
8. Christopher Wadlow, The Law Of Passing-Off (1998), Sweet and Maxwell
9. W.R.Cornish, Intellectual Property Law (1999), Sweet and Maxwell

Paper V**SEC-105: Alternative Dispute Resolution****Max. Marks: 50****Objectives of the Course:**

The main objectives of the Course are:

1. Understand the strengths and weakness of various dispute resolution methods.
2. Explain primary dispute resolution process and functions
3. Develop techniques and skill to make effective use of ADR methods.
4. Describe and explain the ADR movement.
5. Compare and contrast various legal implications of each method.
6. Train participants to be effective Arbitrators, Conciliators and Mediators.
7. Reduce the backing of pending cases
8. Develop Case Management System.
9. Reduce the time pendency of the litigations

Syllabus:**Unit I - Introduction to ADR**

- 1.1 Key Concepts in Dispute Resolution
- 1.2 Disputes - Kinds of Disputes - Justiciable dispute- Dispute Resolution in adversary system, court structure and jurisdiction.

Unit II - Dispute Resolution at grass root level, Lok Adalats, Nyaya Panchayath, Legal Aid, Preventive and Strategic legal aid.

- 2.1 ADR - Meaning and philosophy
- 2.3 Overview of ADR processes,
- 2.3 Legal counselling,
- 2.4 Case - planning strategy,
- 2.5 Conciliation / Mediation,

Unit III – Negotiation:

- 3.1 Theories and Frameworks.
- 3.2 Skills and Behaviour
- 3.4 Barriers to Agreements
- 3.5 Rule of law; Ethics and Policies.

Unit IV - Mediation - I

- 4.1 Introduction Overview
- 4.2 Purposes and Uses.
- 4.3 Skills - Roles of Mediators,
- 4.4 Parties, Lawyers

Unit V – Mediation – II.

- 5.1 Ethics, Fairness, Neutrality, Confidentiality and Personal values

- 5.2 Policies, Controversies.
- 5.3 Practical skills of client interviewing/legal counselling.

Unit VI - ADR Information, Technology

- 6.1 Internet - Cyber space,
- 6.2 Online, cyberspace dispute resolution.

Unit VII – Arbitration - I

- 7.1 Arbitral Proceedings, commencement Roots of procedural evidence, 7.2 "Fast Track" arbitration, statement of claim and defence, hearing and return proceedings-interim measures by Court and by Arbitral Tribunal.
- 7.3 The law of binding Arbitration.
- 7.4 Skills and Ethics of Arbitration.
- 7.5 Arbitral Tribunal - Composition, eligibility and qualifications of arbitrators.
- 7.6 Termination or a mandate of arbitral Tribunal's and of arbitrators, appointment of arbitrators and filling up of vacancies, powers and functions of Arbitral Tribunal's. competence of arbitral Tribunal to rule on its own jurisdiction etc.

Unit VIII – Arbitration – II

- 8.1 Practice and Legal issues; "compulsory" arbitration in courts and contracts.
- 8.2 Evolution of mediation/conciliation as a mode of settlement of disputes, distinction between mediation, conciliation, negotiation and good offices - definition and scope of conciliation, advantages of conciliation
- 8.3 The Arbitration and Conciliation a Act of 1996 - Appointment of conciliators, commencement of conciliation, proceedings - submission of statements - communication between conciliator and parties, suggestions for settlement –
- 8.4 Confidentiality of information
- 8.5 Admissibility of evidence in other proceedings
- 8.6. settlement agreement-status and effect. Termination of conciliation proceedings; costs and deposits.

Select bibliography:

1. The Indian Arbitration and Conciliation Act of 1996.
2. The Fundamentals of Family Mediation by John M. Haynes and Stephanie Charlesworth.
3. The Promise of Mediation, by Robert A Baruch Bush and Joseph Folger
4. Alternative Dispute Resolution, by P. C. Rao and William Sheffield
5. Getting to Yes, by Fisher ADR Getting past, No. by fisher and Ury 7. Mediation in Family Dispute, by Marian Roberts.
6. Family Mediation, by Lisa Parkinson
7. People Skills, by Robert Bolton
8. The Mediator's Handbook by Ruth Chariton and Micheline Dewdney
9. Meidation: Principles, Process, Practice by Laurence Boulle -Butterworths.
10. Living the 7 Habits by Stephen R. Govey
11. The Monk who sold his Ferari by Robin Sharma
12. The Code of Civil Procedure, 1908.

**LL.M. Part – I, Semester II
Paper I
CC-201: Judicial Process**

Max. Marks: 100

Objectives of the course:

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on

Judicial Process is essential in the LL.M curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

Syllabus:

Unit I - Nature of judicial process

- 1.1. Judicial process as an instrument of social ordering
- 1.2. Judicial process and creativity in law - common law model - Legal Reasoning and growth of law - change and stability.
- 1.3. The tools and techniques of judicial creativity and precedent.
- 1.4. Legal development and creativity through legal reasoning under statutory and codified systems.

Unit II - Doctrine of Precedent-Ratio decidendi and Obiter Dictum

- 2.1 Methods of determining ratio- Stare decisis
- 2.2 Eceptions-precedent in common law and Civil law Countries.

Unit III - Special Dimensions of Judicial Process in Constitutional Adjudications.

- 3.1. Notions of judicial review
- 3.2. 'Role' in constitutional adjudication - various theories of judicial role.
- 3.3. Tools and techniques in policy-making and creativity in constitutional adjudication.
- 3.4. Varieties of judicial and juristic activism
- 3.5. Problems of accountability and judicial law-making.

Unit IV - Logic and growth in law

- 4.1 Categories of illusory Reference-legal reasoning (judicial as well as juristic).
- 4.2 New rhetorics - role of judicial Concepts and judicial discretion in judicial reasoning.

Unit V - Judicial Process in India

- 5.1. Indian debate on the role of judges and on the notion of judicial review.
- 5.2. The "independence" of judiciary and the "political" nature of judicial process
- 5.3. Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity.
- 5.4. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges
- 5.5. Institutional liability of courts and judicial activism - scope and limits.

Unit VI- Nature of judicial process

- 6.1 Search for the legislative
- 6.2 intention-methods of judicial interpretation
- 6.3 Role of Philosophy, logic, history tradition and sociology.

Unit VII - The Concepts of Justice

- 7.1. The concept of justice or Dharma in Indian thought
- 7.2. Dharma as the foundation of legal ordering in Indian thought.
- 7.3. The concept and various theories of justice in the western thought.
- 7.4. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

Unit VIII - Relation between Law and Justice

- 8.1. Equivalence Theories - Justice as nothing more than the positive law of the stronger class

- 8.2. Dependency theories - For its realisation justice depends on law, but justice is not the same as law.
- 8.3. The independence of justice theories - means to end relationship of law and justice - The relationship in the context of the Indian constitutional ordering.
- 8.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Select bibliography:

1. Julius Store : The Province and Function of Law, Part II, Chs. 1-8-16 (2000), Universal, New Delhi.
2. Cardozo : The Nature of Judicial Process (1995), Universal, New Delhi
3. Henry J. Abraham : The Judicial Process (1998), Oxford
4. J.Stone : Precedent and the Law : Dynamics of Common Law Growth (1985), Butterworths
5. W. Friedmann : Legal Theory (1960), Stevens, London
6. Bodenheimer : Jurisprudence - The Philosophy and Method of the Law (1997), Universal, Delhi
7. J. Stone : Legal System and Lawyer's Reasoning (1999), Universal, Delhi.
8. U. Baxi : The Indian Supreme Court and Politics (1980), Eastern, Lucknow.

Paper II

CC-202: Legal Education and Research Methodology

Max. Marks: 100

Objectives of the course:

A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organisation of seminars, publication of law journals and holding of legal aid clinics. Law is taught in different ways in different countries. The LL.M course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B level and LL.M level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills. Growth of legal science in India depends on the nature and career of legal research.

Syllabus:

Unit I - Introduction

- 1.1 Objectives of Legal Education
- 1.2 Clinical Legal Education - Legal Aid, Legal Literacy, Legal Survey and Law Reform

Unit II - Methods of Teaching – I

- 2.1 Lecture Method of Teaching
- 2.2 The Problem Method

Unit III - Methods of Teaching – II

- 3.1 The Seminar Method teaching.
- 3.2 Discussion method and its suitability at post graduate level teaching

Unit IV Identification of Problem Research & Research Methods

- 4.1 What is a Research Problem?

- 4.2 Survey of Available Literature and Bibliographical Research
- 4.3 Socio-Legal Research
- 4.4 Doctrinal and Non-Doctrinal
- 4.5 Relevance of Empirical Research
- 4.6 Induction and Deduction

Unit V Preparation of the Research Design - I

- 5.1 Formulation of the Research Problem
- 5.2 Devising tools and techniques for collection of data: Methodology
 - 5.2.1 Methods for the Collection of Statutory and Case materials and Juristic Literature
 - 5.2.2 Use of Historical and Comparative Research Materials

Unit VI - Preparation of the Research Design - II

- 6.1 Use of Observation Studies
- 6.2 Use of Question/Interview
- 6.3 Use of Case Studies
- 6.4 Sampling Procedures - Design of Sample, Types of Sampling to be adopted
- 6.5 Use of Scaling Techniques

Unit VII Preparation of the Research Design - III

- 7.1 Jurimetrics
- 7.2 Computerised Research - A Study of Legal Research Program such as Lexis & West Law Coding

Unit VIII Preparation of the Research Design – IV

- 8.1 Classification and Tabulation of Data - Use of Cards for Data Collection - Rules for Tabulation. Explanation of Tabulated Data.
- 8.2 Analysis of Data

Select Bibliography:

1. High Brayal, Nigel Dunnean and Richard Crimes, Clinical Legal Education:
2. Active Learning in your Law School, (1998) Blackstone P Press Limited, London
3. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
4. N.R. Madhava Menon, (Ed.) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
5. M.O. Price, H. Bitner and Bysiewiez, Effective Legal Research (1978).
6. Pauline V. Young, Scientific Social Survey and Research, (1962)
7. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc-Graw-Hill Book Company, London
8. H.M. Hyman, Interviewing in Social Research (1965)
9. Payne, The Art of Asking Questions (1965).
10. Erwin C. Surrency, B. Fiell and J. Crea, A Guide to Legal Research (1959)
11. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
12. Harvard Law Review Association, Uniform System of Citations
13. ILI Publication, Legal Research and Methodology

Paper III

CC-203: Legal Sources and Legal Concepts

Max. Marks: 100

Objectives of the Study:

The paper highlights the fundamental doctrines of legal process like precedent. It provides a deeper understanding of legal system, hierarchy of courts, ordinances and interpretation of statutes.

Syllabus:

Unit I – Introductory Reflections

- 1.1 Concept of Law
Meaning of Law, Definitions of Law, Nature and Characteristics of Law, Kinds of Law
- 1.2 Sources of law
Meaning of the term source, classifications of sources, ancient and modern sources, Austin, Salmond and Sociological view, other sources.
- 1.3. Legal Concepts
Meaning, importance, concept differs from ideas and notions, understanding and applying legal concepts

Unit II - Custom as Ancient Sources of Law

- 2.1 The origin and binding force of custom
- 2.2 Importance of customary law
- 2.3 Requisite essentials of custom
- 2.4 Kinds of customs
- 2.5 Theories of customary law.

Unit III – Legislation as Modern Sources of Law

- 3.1 Meaning of the Legislation, Importance of Legislation, kinds of Legislation
- 3.2 Codification of laws, merits and demerits of codification
- 3.3 Arguments in favour and against legislation
- 3.4 The need for interpretation
- 3.5 Rules of interpretation of Legislation
(Grammatical Interpretation, Golden Rule of Interpretation, the Mischief Rule, Logical and Strict interpretation)

Unit IV – Judicial Precedent as Modern Sources of Law

- 4.1 Precedent Meaning, General Rules for application of precedent, binding force of precedents)
- 4.2 Kinds of Precedents – Its position in India and England
- 4.3 Merits and Demerits of Precedents
- 4.4 Circumstances which destroy the binding forces of Precedents
- 4.5 Doctrines of precedents – Its role
(Ration decidendi, Obiter Dicta, Stare Decisis, Prospective Overruling)

Unit V – Juridical Concepts – Legal Rights and Duties

- 5.,1 Meaning, Definition, Characteristics, Importance of Legal Rights and Duties
- 5.2 Classification and kinds of Legal rights and Duties
- 5.3 Modes of acquisition of legal rights and duties
- 5.4 Jural relations of legal Rights and Duties
- 5.5 Are rights and duties necessarily co-relative?

Unit VI – Juridical Concepts – Possession and Ownership

- 6.1 Nature of Possession and Legal incidents of Ownership
- 6.2 Development of idea of Possession and Ownership
- 6.3 Theories of Possession and Ownership
- 6.4 Kinds of Possession and Ownership
- 6.5 Distinction between Possession and Ownership

Unit VII – Juridical concepts – Persons and Property

- 7.1 Concept of person and property in Indian Legal System
- 7.2 Kinds of Legal Persons and theory Legal Status
- 7.3 Theories of Corporate Personality
- 7.4 Kinds and modes of Property and its Legal Status
- 7.5 Theories of Property

Unit VIII – Juridical Concepts – Liability and Obligations

- 8.1 Meaning, Definition, Importance of Liability and obligations
- 8.2 Various kinds of liability
- 8.3 Kinds of Negligence, Theories of negligence
- 8.4 Sources of Obligations
- 8.5 Kinds of Obligations

Suggested Reading

1. Cross R, Precedent in English Law
2. Stone Julius, Legal system and Lawyer's Reading [Chapters 6, 7 and 8]
3. Seervai H M, Constitution of India [Chapter on Union Judiciary]
4. Allen C K, Law in the Making [Chapter on subordinate and Automatic legislation]
5. Dickerson R, Interpretation and application of Statutes
6. Mukherjee A R, Parliamentary Procedure in India [Chapter entitle] 'Legislation' and 'Committees']
7. Benjamin N Cardozo, The Nature of the Judicial Process
8. Lloyd D, Introduction to jurisprudence [chapter on 'Judicial Process']
9. Harris J W, Legal philosophies [Chapter 13 & 15]
10. Kaul M N & Shakhder, Procedure and Practices of Parliament
11. Dias, Jurisprudence 15, W Friedmann Legal Theory
12. GW Paton, A text Book of Jurisprudence
13. Bodenheimer, Jurisprudence - The Philosophy and Method of the Law
14. Salmond, Jurisprudence
15. Dr. B. N. Mani Tripathi - Jurisprudence and Legal Theory, Allahabad Law Agency, Allahabad.
16. 10. Dr. S. R. Mynani – Jurisprudence and Legal Theory, Asia Law House, Hyderabad.
17. 11. Dr. N. V. Paranjape – Studies in Jurisprudence and Legal Theory, Central Law Agency Allahabad.
18. G. C. Venkata Subba Rao, Jurisprudence and Legal Theory, Eastern Book Company Lucknow

Paper IV

EC-204: Information Technology Law

Max. Marks: 100

Objective

In present scenario, Computer and Internet has impacted every walk of our lives. Information technology has proved to be boon for humanity and it has benefited the human life in many ways. Since with every positive thing, some negatives also creep in, similarly people also started to misuse the wonders of information technology. In year 2000, information technology Act, 2000 was passed to deal with various matters pertaining to Information Technology, its uses and misuses. Information technology Act, 2000 provides legal recognition to electronic communication, email, digital signatures, computerized documents and it also provides for legal remedies in case of misuse of information technology.

Syllabus:

Unit I - Introduction

- 1.1 Jurisprudence of cyber law
- 1.2 Overview of computer and web technology
- 1.3 Freedom of expression on the internet
- 1.4 Internet and problems of geography

Unit II – Information Technology

- 2.1 The Information Technology Act, 2000 (As amended in 2008)
- 2.2 International Legal Regime
- 2.3 Aims and objects

- 2.4 Overview of the Act
- Unit III –**
- 3.1 Electronic governance
- 3.2 Legal recognition of electronic records and electronic evidence
- Unit IV**
- 4.1 E – Commerce and contract through internet validity
- 4.2 Scope, process and effect
- 4.3 Digital signature
- 4.4 Electronic signature
- Unit V**
- 5.1 Meaning of cyber crimes
- 5.2 Cyber crimes under Indian Penal Code, 1860
- 5.3 Criminal Procedure Code, 1973,
- 5.4 Indian Evidence Act, 1872
- Unit VI**
- 6.1 Cyber crimes under the Information Technology Act, 2000
- 6.2 Cyber crimes under International law
- 6.3 Legal implications of social networking
- 6.4 Investigation and jurisdiction over cyber crimes.
- Unit VII**
- 7.1 Intellectual Property Issues and Cyberspace
- 7.2 The Indian perspective: overview of intellectual property related legislation,
- Unit VIII**
- 8.1 Copyright law and cyberspace
- 8.2 Trademark law and cyberspace
- 8.3 Issue related intellectual properties.
- Select Bibliography:**
1. Seth, Karnika; *Computers Internet and New Technology Laws*; LexisNexis
 2. Gangopadhyay, Shubhashis, Singh, Manisha G. and Singh, Nirvikar; *Waiting to Connect*; LexisNexis
 3. Viswanathan, Aparna; *Cyber Law*; LexisNexis
 4. Bhansali, S.R.; *The Information Technology Act*, Bharat Law House

Paper V
SEC-205: Introduction to Human Rights

Max. Marks: 50

Objective of the Course:

Human rights were conceived rather narrowly as mere freedom from arbitrary government in the past. It was realised later and much more so during last fifty years since the end of the Second World War that the threats to liberty, equality and justice did not emanate from the state alone. Many nations of Asia and Africa came to nationhood during this period. These nations had to bring about their development and they needed capital. Foreign aid and foreign investments were invited but these could very well lead to their second subjugation. Poverty, ignorance, exploitation had to be fought at the global level. Development had to come without the sacrifice of human values. A greater awareness of human rights, not only as negative restrictions on the state but as positive obligations for creating an environment in which man could live with dignity was necessary.

The focus of a course on human rights must be on the national problems with an international or global perspective. The world community's concerns about human rights have been expressed through various conventions. On the national levels, they are contained in

constitutional provisions such as directive principles of state policy, fundamental rights, fundamental duties and judicial, legislative as well as administrative strategies of reconstruction. Human rights are an important parameter for a just society and future lawyers must be able to assess any programme of social transformation with reference to them.

Syllabus:

Unit I - Panoramic View of Human Rights

- 1.1. Human Rights in Non-western Thought
- 1.2. Awareness of Human rights during the nationalist movement
- 1.3. Universal Declaration of Human Rights, Constituent Assembly and Part III, rafting process.
- 1.4. Subsequent developments in International Law and the Position in India (e.g. Convention of Social discrimination, torture, gender discrimination, environment and the two human rights covenants.)

Unit II - Fundamental Rights Jurisprudence as Incorporating Directive Principles

- 2.1. The dichotomy of Fundamental Rights (F.R.) and Directive Principles (D.P.)
- 2.2. The interaction between F.R. and D.P.
- 2.3. Resultant expansion of basic needs oriented human rights in India

Unit III - Right not be Subject to Torture, Inhuman or Cruel Treatment

- 3.1. Conceptions of torture, third-degree methods
- 3.2. "Justifications" for it
- 3.3. Outlawry of torture at international and constitutional law level
- 3.4. Incidence of torture in India
- 3.5. Judicial attitudes
- 3.6. Law Reform - proposed and pending

Unit IV - Minority Rights

- 4.1. Conception of minorities
- 4.2. Scope of protection
- 4.3. The position of minority "Woman" and their basic rights
- 4.4. Communal Riots as Involving violation of Rights.

Unit V - Rights to development of Individuals and Nations

- 5.1. The UN Declaration on Right to Development, 1987
- 5.2. The need for constitutional and legal changes in India from human rights standpoint.

Unit VI - People's Participation in Protection and Promotion of Human Rights

- 6.1. Role of International NGOS
 - 6.2.1. Amnesty International
 - 6.2.2. Minority Rights Groups
 - 6.2.3. International Bars Association, Law Asia
- 6.3. Contribution of these groups to protection and promotion of human rights in India.

Unit VII - Development Agencies and Human Rights

- 7.1. Major international funding agencies and their operations in India
- 7.2. World Bank lending and resultant violation/promotion of human rights
- 7.3. Should development assistance be tied to observance of human rights (as embodied in various UN declarations)

Unit VIII - Freedoms

- 8.1. Free Press - Its role in protecting human rights
- 8.2. Right of association
- 8.3. Right to due process of law
- 8.4. Access and Distributive Justice

Select Bibliography:

1. M.J. Akbar, Riots After Riots (1988)
2. U.Baxi (ed.), The Right to be Human (1986)
3. U.Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi.
4. F.Kazmi, Human Rights (1987)
5. L.Levin, Human Rights (1982)
6. Madhavtirtha, Human Rights (1953)
7. W.P. Gromley, Human Rights and Environment (1976)
8. H. Beddard, Human Rights and Europe (1980)
9. Nagendra Singh, Human Rights and International Co-operation (1969)
10. S.C. Kashyap, Human Rights and Parliament (1978)
11. S.C. Khare, Human Rights and United Nations (1977)
12. Moskowitz, Human Rights and World Order (1958)
13. J.A. Andrews, Human Rights in International Law (1986)
14. Menon (ed.), Human Rights in International Law (1985)
15. A.B. Robertson (ed), Human Rights in National and International Law (1970)
16. Upendra Baxi, "Human Rights, Accountability and Development" Indian Journal of international law 279 (1978)

Group – I
Business Laws
LL.M Part – II, Sem – III
Paper I
CC-301: BANKING LAW

Max. Marks: 100

Objective of the Course:

The banking system provides vital financial services to the society. In the modern age, it is the backbone of the economy. Banks are one the oldest institutions of the economy. The evolutionary process still continues with the global phenomenon of liberalization. This has witnessed the entry of Foreign Banking Companies in the Indian market. The Reserve Bank of India was established under the Reserve Bank of India Act, 1934. This paper aims to acquaint students with the conceptual and operational parameters of banking law, the judicial interpretation, and emerging dimensions of the banking system.

Syllabus:**Unit I - Evolution of Banking System**

- 1.1 Nature and Development of Banking
- 1.2 History of Banking in India, USA and UK
- 1.3 Types of Banks
- 1.4 Functions of Banks
- 1.5 Bank Crisis

Unit II - Law Relating to Banking in India

- 2.1. The Banking Regulation Act, 1949
- 2.2 The Reserve Bank of India, 1934
- 2.3 Payment and Settlement Systems Act 2007
- 2.4 The Banker's Books Evidence Act, 1891
- 2.5 Negotiable Instruments Act, 1881

Unit III - Social Control over Banking

- 3.1 Nationalization of Banks
- 3.2 Private Ownership and Disinvestment
- 3.3 Protection of Depositors
- 3.4 Priority Lending

3.5 Promotion of under Privileged Classes

Unit IV- Deposit Insurance Corporation

4.1 The Deposit Insurance Corporation Act 1961: objects and reasons

4.2 Establishment of Capital of DIC

Unit V - The Central Bank

5.1 Evolution of Central Bank

5.2 Characteristics and Functions

5.3 Economic and Social Objectives

5.4 The Central Bank and the State - as Bankers' Bank

5.5 The Reserve Bank of India as the Central Bank

Unit VI - Relationship of Banker and Customer

6.1 Relationship between Banker and Customer

6.2 Rights and duties of Banker and the Customer

6.3 Protection of Bankers

6.4 Consumer Protection: Banking as Service

Unit VII – Loans and Advances by Banks

7.1 Good lending principles

7.2 Securities for loans and advances

7.3 Repayment of loans: rate of interest, protection against penalty

7.4 Default and recovery: Role of Debt Recovery Tribunal (DRT)

Unit VIII - Recent Trends of Banking System in India

8.1 Net-Banking, Mobile Banking, Tele-Banking , NEFT, IMPS, RTGS, ECS

8.2 Automation and Legal Aspects – Information Technology Act, 2000 (as amended)

8.3 Automatic Teller Machine (ATMs)

8.4 Smart Cards Transactions

8.5 Debit / Credit Cards Transactions – Legal Aspects

Select Bibliography:

1. Basu , A Review of Current Banking Theory and Practice (1998)MacMillan.
2. Ross Cranston , Principles of Banking Law (1997) Oxford.
3. M.L. Goyale, The Law of Banking and Bankers (1995) Eastern Book House.
4. M. L. Tannan's, Tannan's Banking Law and Practice in India (1997) India Law House, New Delhi , 2 volumes.
5. K. C. Shekhar , Banking Theory and Practice (1998)UBS PublisherDistributors Ltd. New Delhi.
6. K Subrahmanyam , Banking Reforms In India (1997) Tata Maigraw Hill ,New Delhi.
7. R. S Narayana , The Recovery of Debts due to Banks and FinancialInstitutions Act, 1993(51 of 1993), Asia Law House, Hyderabad.
8. Mitra, The Law Relating to Bankers' Letters of Credit and Allied Laws,(1998) University Book Agency, Allahabad.
9. Janakiraman Committee Report on Securities Operation of Banks &Financial Institution (1993)
10. Narasimham Committee Report on the Financial System (1991) – SecondReport (1999).
11. RossCranston (ed.) European Banking Law: The Banker-CustomerRelationship(1999) LLP, London.
12. M.A. Mir, The Law Relating to Bank Guarantee in India (1992),Metropolitan Book, New Delhi.
13. R.K. Talwar, Report of Working Group on Customer Service in Banks.

Paper II

CC-302: Insurance Law

Max. Marks: 100

Objective of the Course:

Insurance acts as an important tool in providing social security. The law of Insurance plays a significant role in regulating Insurance Companies and protecting the interest of the policy holder. Insurance is a social device to reduce the impact of risk. Insurance law is the practice of law surrounding insurance, including insurance policies and claims. An insurance policy is a contract that is based on doctrine like utmost good faith etc. This paper aims to acquaint students with the conceptual and operational parameters of Insurance law, the judicial interpretation, and emerging dimensions of the Insurance system.

Syllabus:

Unit I - Introduction

- 1.1 Nature of Insurance Contract, Proposal, Policy, Parties, Consideration, Need for utmost good faith, Insurable Interest, Indemnity.
- 1.2 Insurance Policy, law of contract and law of torts - future of insurance: need, importance and place of insurance.
- 1.3 General Principles of Law of Insurance.
 - 1.3.1 Definition, Nature and History.
 - 1.3.2 The Risk - Commencement, Attachment and Duration.

Unit II- General Insurance

- 2.1 History and development.
- 2.2 The Insurance Act 1938 and the Insurance Regulation Authority Act 2000.
- 2.3 Mutual insurance companies and co-operative life insurance societies.
- 2.4 Double Insurance and re-insurance.

Unit III - Life Insurance

- 3.1 Nature and Scope.
- 3.2 Event insured against Life Insurance Contract.
- 3.3 Circumstances affecting the Risk.
- 3.4 Amount recoverable under Life Policy.
- 3.5 Persons entitled to Payment.
- 3.6 Settlement of Claims and Payment of Money.

Unit IV - Marine Insurance

- 4.1 Nature and Scope.
- 4.2 Classification of Marine Policies.
 - 4.2.1 The Marine Insurance Act, 1963.
 - 4.2.2 Marine Insurance Policy - Condition - Express & Implied Warranties
 - 4.2.3 Voyage -deviation and Perils of the sea.
 - 4.2.4 Assignment of policy and Return of premium.

Unit V - Insurance against Accidents

- 5.1 The Fatal Accidents Act, 1855.
 - 5.1.1 Objects and Reasons.
 - 5.1.2 The Personal Injuries (Compensation Insurance) Act 1963.
 - 5.1.3 Assessment of Compensation.
 - 5.1.4 Contributory Negligence.
 - 5.1.5 Apportionment of Compensation and Liability.
- 5.2.6 Compensation Insurance Scheme under the Act-Compulsory Insurance.

Unit VI - Property Insurance

- 6.1 Fire Insurance.
- 6.2 The Emergency Risks (Factories) Insurance.
- 6.3 The Emergency Risks (Goods) Insurance.

- 6.4 Policies covering Accidental loss, Damage to Property.
- 6.5 Policies covering Risk of Storm and Tempest.
- 6.6 Glass-plate Policies.
- 6.7 Burglary and Theft Policies.
- 6.8 Live Stock Policies.
- 6.9 Goods in Transit Insurance.
- 6.10 Agricultural Insurance.

Unit VII - Insurance Against Third Party Risks-1

- 7.1 The Motor Vehicles' Act, 1988.
 - 7.1.1 Nature and Scope.
 - 7.1.2 Effect of Insolvency or Death on Claims of Insolvency and Death of Parties, Certificate of Insurance.
 - 7.1.3 Claims Tribunal: Constitution, Functions, Application for Compensation, Procedure, Powers and Award.

Unit VIII - Insurance Against Third Party Risks-2

- 8.1 Liability Insurance
 - 8.1.1 Nature and Kinds of such Insurance.
 - 8.1.2 Public Liability Insurance.
 - 8.1.3 Professional Negligence Insurance.
- 8.2 Miscellaneous Insurance Schemes: New Dimensions.
 - 8.2.1 Group Life Insurance.
 - 8.2.2 Mediclaim, Sickness Insurance.

Select Bibliography:

1. Banerjee, Law of Insurance (1994), Asia Law House, Hyderabad.
2. Mitra B.C., Law Relating to Marine Insurance (1997) Asia Law House, Hyderabad.
3. JCB Gilmar and Mustill, Arnold on the Law of Marine Insurance, (1981), Sweet & Maxwell.
4. Birds, Modern Insurance Law (1997) Sweet & Maxwell.
5. Colinvaux's Law of Insurance (1997), Sweet & Maxwell.
6. O'Mary on Marine Insurance (1993), Sweet & Maxwell.
7. Edwin W. Patterson, Cases and Materials on Law of Insurance (1955).
8. E.R. Hardy Ivamy, General Principles of Insurance Law (1979).
9. M.N. Sreenivasan Law and the Life Insurance Contract (1914).
10. International Labour Office, Administration Practice of Social Insurance (1985).

Paper III

CC-303: Law Relating to Consumer Protection and Competition

Max. Marks: 100

Objective of the Course:

The Consumer Protection law protects defines rights of a consumer and protects the consumer from adulterated, substandard goods and deficient services. It provides for procedure for filling a complaint and its Redressal mechanism. Competition is the key which encourages efficient, innovative and responsive markets. The consumers have availability of 'goods' and 'services' in at an affordable price. India has reviewed the Monopolies and Restrictive Trade Practices Act, 1969 and has enacted the Competition Act, 2002. This paper aims to impart the basic knowledge of Laws relating to Consumer Protection and Competition and anti- competitive practices adopted in the commercial world.

Syllabus:

Unit I - An Introduction to Consumer Protection Law and Policies

- 1.1 Development of market and consumer relations.
- 1.2 Globalization and consumerism.

- 1.3 Consumer movement in the global context.
- 1.4 Legal frame work and policy challenges.

Unit II - Consumer Rights

- 2.1 Genesis of the consumer rights – UN role.
- 2.2. Right to safety.
- 2.3 Right to be informed.
- 2.4 Right to choose.
- 2.5 Right to be heard and assured.
- 2.6 Right to redressal
- 2.7 Right to consumer education.

Unit III - Legislative Framework on Consumer Protection in India

- 3.1 Evolutionary steps of Consumer Protection Laws in India- a historical perspective.
- 3.2 Some important provisions in Consumer friendly Legislations:
 - 3.2.1 Prevention of Food Adulteration Act, 1954.
 - 3.2.2 Standards of Weights and Measures Act, 1976.
 - 3.2.3 The Drugs and Magic Remedies (Objectionable Advertisement) Act 1954.
 - 3.2.4 MRTP Act.
 - 3.2.5 Sale of Goods Act, 1930.

Unit IV – Consumer Protection Act, 1986

- 4.1 Definition of Consumer.
- 4.2 Definition of Service.
- 4.3 Deficiency in Service.
- 4.4 Unfair Trade Practices.
- 4.5 Grievance Redressal Mechanism.

Unit V – Introduction to Competition Law

- 5.1 Concept of market, Open market- Regulated market
- 5.2 Nature & Scope of competition law and policy.
- 5.3 Evolution & Growth of competition law.
- 5.4 Constitutional vision of Socio-Economic Justice
- 5.5 Raghavan Committee Report
- 5.5 Competition Act, 2002- overview, definitions and ideas of agreement, dominant position, combination and effects of anti- competitive activities.

Unit VI – Abuse of Dominant Position

- 6.1 Concept, forms and treatment in India.
- 6.2 Essential facilities doctrine.
- 6.3 Refusal and abuse of dominant position.
- 6.4 Pricing strategies and abuse of dominant position.

Unit VII – Competition Commission of India

- 7.1 Composition, powers and function of CCI.
- 7.2 Role of the DG.
- 7.3 Appellate Tribunal.
- 7.4 Penalties and remedies.

Unit VIII – Modern Dimensions of Competition Law

- 8.1 WTO and its impacts on Competition Laws with reference to UNCTAD.
- 8.2 International enforcement and judicial assistance.
- 8.3 Dumping.
- 8.4 State aid.
- 8.5 Recession.

Select Bibliography:

1. Mittal D.P., Taxmann's Competition Law and Practice, 3rd Edition , 2007.
2. Universal Guide to Competition Law in India, Universal Law Publishing Company, New Delhi. 2003.

3. Ramappa. T., Competition Law in India- Policy, Issues and Development Oxford University Press, 3rd Edition, 2013.
4. Aditi P Talati, Nahar. S. Mahala, Competition Act, 2002: Law, Practice and Procedure, Commercial Law Publishers, 2006.
5. Avtar Singh & Harpreet Kaur, Introduction to Law of Tort & Consumer Protection, Lexis Nexis, 2013.
6. Verma S.K. & M. Afzal Wani, A Treatise on Consumer Protection Laws, Indian Law Institute, 2004.
7. Anoop K. Kaushal, Universal's Practical Guide to Consumer Protection Law, Universal law Publishing Company, New Delhi, 2006.
8. Aggarwal, Prof. V. K., Consumer and Protection Law and Practice, 6th Edition, 2008.

Paper IV

EC – 304: International Trade Laws

Max. Marks: 100

Objective of the Course:

To familiarize students with theories and policies that guide international trade. To enable students to get meaningful insights into why international trade is important for a country and how it effects production, profit and the economy.

Syllabus:

Unit I - The History and Development of International Trade, and Financial Institution

- 1.1 History and development of international trade.
- 1.2 International Monetary Fund (IMF), International Bank.
- 1.3 For Reconstruction and Development (IBRD).
- 1.4 International Finance Corporation (IFC), International.
- 1.5 Development Association (IDA), Multilateral Investment Guarantee Agency (MIGA).

Unit II - Theories Related to International Trade

- 2.1 Mercantilism, Theory of absolute advantage of Adam Smith.
- 2.2 Theory of comparative advantage of David Ricardo and its developments.
- 2.3 Marxist notions affecting International Trade.

Unit III - WTO and International Trade Law; Regulation of International Trade in India

- 3.1 Multilateral Agreements on Trade in Goods, GATS, TRIPS Agreement.
- 3.2 Doha Round and aftermath, Institutional Structure.
- 3.3 Foreign trade (Development and Regulation) Act, 1992, Foreign Trade Policy.
- 3.4 Foreign Trade Procedures.

Unit IV - International Sale and Carriage of Goods and International Investment Laws

- 4.1 United Nations Convention on Contracts for the International Sale of Goods, 1980.
- 4.2 Bills of Lading and other Shipping Documents, Documentary Credit and other Payment.
- 4.3 Arrangements, International Contracts Claims before National Courts. Bilateral Investment .
- 4.4 Treaties, Multilateral Investment Guarantee Agency, Agreement on Trade Related Investment Measures, Multilateral Agreement on Investment.

Unit V - Settlement of International Trade Disputes

- 5.1 Consultations, Panel and appellate reviews, Good offices.
- 5.2 Conciliation and Mediation; Arbitration.
- 5.3 Compliance and enforcement.

Unit VI - Non-Discrimination

- 6.1 National Treatment: Concept of "Like products"

- 6.1.1. Difference in treatment of like products and directly competitive and substitutable products.
- 6.1.2 Exceptions to the rule
- 6.2 Most Favored Nation Treatment: Advantages of the MFN rule
 - 6.2.1 Exceptions to the rule
 - 6.2.2 Regional Trade Agreements, Free Trade Areas, etc.
 - 6.2.3 Growing phenomenon of RTAs and FTAs whether a threat to multilateralism?

Unit VII - Protection of Domestic Industry

- 7.1 Antidumping Measures under Article VI of GATT 1994 and the Antidumping Agreement.
- 7.2 Subsidies and Countervailing Duties under Article VI and XVI of GATT 1994 and Agreement on Subsidies and Countervailing Measures.
- 7.3 Safeguard Measures under Article XIX of GATT 1994 and the Safeguards Agreement.

Unit VIII - Regulation of Non-Tariff Barriers

- 8.1 Agreement on Technical Barriers to Trade (TBT).
- 8.2 Agreement on Sanitary and Phytosanitary (SPS) Measures.
- 8.3 Rules of Origin.
- 8.4 Pre-shipment Inspection.
- 8.5 Agreement on Import Licensing.

Select Bibliography:

1. Bhala, Raj Modern GATT Law: A Treatise on the General Agreement on Tariffs and Trade (Thompson, Sweet and Maxwell 2005).
2. Macrory, Patrick F.J. et al The World Trade Organization: Legal, Economic and Political Analysis (Springer, 2005).
3. Matsushita, Mitsuo et al The World Trade Organization: Law Practice and Policy (OUP, 2006).
4. Mavroidis, Petros C. The General Agreement on Tariffs and Trade (OUP 2005).
5. Schnitzer, Simone Understanding International Trade Law (Law Matters Publishing, 2006)

Important Web Sources:

1. www.wto.org.
2. www.nic.in
3. www.worldtradelaw.net
4. www.centad.org

Paper V

SEC – 305: Right to Information Laws

Max. Marks: 50

Objective of the Course:

To familiarize students with their fundamental right to know whether public administration works as per the provisions of laws and statues under which they have been appointed. This course also deals with developing and enhancing skills of enquiry about functioning of Government Authorities as guaranteed by the Constitution of India Art. 19 and 21.

Syllabus:

Unit I – Introduction

- 1.1 Introduction to the Right to information Act. 2005.
- 1.2 Important Definitions.

- 1.3 Statement of Objectives and Reasons.
- 1.4 Right to information Act and obligations of public authorities.

Unit II – The Central Information Commission

- 2.1 Constituion of Central Information Commission.
- 2.2 Term of Office and Conditions of Service.
- 2.3 Removal of the Chief Information Commission.

Unit III – The State Information Commssion

- 3.1 Constituion of State Information Commission.
- 3.2 Term of Office and Conditions of Service.
- 3.3. Removal of the State Chief Information Commission.

Unit IV- Powers and functions of the Information Commissions, appeal and penalties

- 4.1 Duties of the Central Information Commission or State Information Commissions.
- 4.2 Powers of a civil court while trying a suit under the Code of Civil Procedure, 1908.
- 4.3 Appeal
- 4.4. Penalties

Unit V – Miscellaneous

- 5.1 Protection of action taken in good faith.
- 5.2 Act to have overriding effect.
- 5.3 Bar of jurisdiction of courts.
- 5.4 Act not to apply to certain organizations.

Unit VI- Monitoring and Reporting

- 6.1 Appropriate Government to prepare programmes.

Unit VII - Power to make rules by appropriate Government

- 7.1 Laying of rules.
- 7.2 Power to remove difficulties.

Unit VIII – Schedules and Forms

- 8.1 First Schedule.
- 8.2 Second Schedule.
- 8.3 Forms.

Select Bibliography:

1. Right to Information Act, 2005 Bare Act and Commentary.
2. All other sources of Books and Law Reports.

Group – I
Business Laws
LL.M Part – II, Sem –IV
Paper I

CC-401: Dissertation and Viva-Voce

Max. Marks: 150 Marks for Term Work and 50 Marks for Viva Voce. Students are required to select a burning topic based on socio-legal studies for research work and by way of documentary and non-documentary or empirical research methodology and submit the Thesis in hard bound after taking guidance from the allotted supervisor. The Report should be as per the standard format and submit in atleast 200 to 250 pages.

Objectives of the Course:

To inculcate research skills in the students to be able to find out the truth about socio-legal issues. To equip them with critical reasoning and expressing their opinion with a significant research and suggest certain feasible suggestions.

To make the LL.M. program in IPR and Business Laws research oriented every student has to carry out Dissertation work selecting any topic from the subjects taught in the last three semesters applying Legal Research Methodology which is to be submitted for evaluation internally externally has to appear for viva-voce.

Paper II

SEC-402: Public Interest Litigation

Max. Marks: 50

Objective of the Course:

The majority of the people of our Country are Subjected to the denial of 'access to justice' and overtaken by despair and helplessness, they continue to remain victims of an exploitative Society where economic power is Concentrated in the hands of a few and it is used for perpetuation of domination over large masses of human beings. The strategy of public interest litigation has been evolved by the Supreme Court with a view to bringing justice within the easy reach of the poor and disadvantaged sections of the Community. This course aims at training the budding lawyers to be learned citizens who may be able to file PILs which may help the poor, needy and downtrodden people to have justice.

Syllabus:

Unit I – Introduction

- 1.1 Concept of Judicial Activism.
- 1.2 Meaning and Definition of PIL.
- 1.3 Significance of PIL.
- 1.4 Matters

Unit II - Genesis and Evolution of PIL in India: Some Landmark Judgements

- 2.1 Origin and Development of PILs
- 2.2 Mumbai Kamagar Sabha vs. Abdul Thai, 1976.
- 2.3 Hussainara Khatoon vs. State of Bihar (1979) - Right to speedy justice.
- 2.4 S.P. Gupta vs. Union of India – relaxation of Locus Standii Rule.
- 2.5 Indian Banks' Association, Bombay & Ors. vs. M/s Devkala Consultancy Service and Ors
- 2.6 Vishaka v. State of Rajasthan

Unit III - Factors Responsible for the Growth of PIL in India

- 3.1 The character of the Indian Constitution.
- 3.2 The liberal interpretation of locus standi.
- 3.3 Judicial innovations to help the poor and marginalized

Unit IV - Who Can File a PIL and Against Whom?

- 4.1 Any citizen under:
 - 4.1.1 Under Art 32 of the Indian Constitution, in the Supreme Court.
 - 4.1.2 Under Art 226 of the Indian Constitution, in the High Court.
 - 4.1.3 Under sec. 133 of the Criminal Procedure Code, in the Court of Magistrate.
- 4.2 Essential Ingredients for PIL
- 4.3 PIL against State / Central Govt., Municipal Authorities and not any private party.

Unit V - Significance of PIL

- 5.1 Access to Court to seek legal redress
- 5.2 Instrument of Social Change

- 5.3 To make Justice accessible to the poor and the marginalized
- 5.4 Democratizes the access of justice to all
- 5.5 Public participation in judicial review

Unit VI - Certain Weaknesses of PIL

- 6.1 problem of competing rights
- 6.2 Overburden of PIL by vested interest
- 6.3 Judicial Overreach
- 6.4 Inordinate delays in the disposal of PIL cases

Unit VII - Procedure to File a Public Interest Litigation

- 7.1 In High Courts.
- 7.2 In Supreme Court.
- 7.3 Court Fees
- 7.4 Procedure

Unit VIII –Conclusion

- 8.1 Criticism against PIL
- 8.2 PIL: Present Scenario

Select Bibliography:

1. M.P. Jain, 'Indian Constitutional Law', vol-I (5th Ed., 2003, Wadhwa Nagpur).
2. Durga Das Basu, 'Commentary on the Constitution of India', vol-II (8th Ed., 2008, Lexis Nexis, Butterworth Wadhwa).
3. P.N. Bhagwati, "Judicial activism".
4. Jill Cottrell, "Third generation rights and social action litigation," in Adelman and Paliwala, Law and crisis.
5. Ahuja, Sangeeta, People, Law and Justice. A Case Book on PIL, Vol.I, Orient Longman Ltd., New Delhi, 1997.
6. Austin, Granville, The Indian Constitution - Cornerstone of a Nation, Oxford University Press, New Delhi, 1996.
7. Basu, Durga Das, Comparative Constitutional Law, Prentice Hall of India (P) Limited, New Delhi, 1984.

Important Websites:

1. www.wikipedia.com
2. www.helplinelaw.com
3. www.halsbury.com
4. www.legalserviceindia.com

Group – II
LL.M. Part – I Sem – I
Intellectual Property Rights
Paper I

CC-101: Law and Social Transformation in India

Max. Marks: 100

Objectives of the course: This course aims at:

- (a) Awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and
- (b) A spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society

Syllabus:

Unit I - Law and social change

- 1.1. Law as an instrument of social change.

- 1.2. Law as the product of traditions and culture. Criticism and evaluation in the light of colonisation and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

Unit II - Religion and the law

- 2.1. Religion as a divisive factor.
- 2.2. Secularism as a solution to the problem.
- 2.3. Reform of the law on secular lines: Problems.
- 2.4. Freedom of religion and non-discrimination on the basis of religion.
- 2.5. Religious minorities and the law.

Unit III - Language and the law

- 3.1. Language as a divisive factor: formation of linguistic states.
- 3.2. Constitutional guarantees to linguistic minorities.
- 3.3. Language policy and the Constitution: Official language; multi-language system.
- 3.4. Non-discrimination on the ground of language.

Unit IV - Community and the law

- 4.1. Caste as a divisive factor
- 4.2. Non-discrimination on the ground of caste.
- 4.3. Acceptance of caste as a factor to undo past injustices.
- 4.4. Protective discrimination: Scheduled castes, tribes and backward classes.
- 4.5. Reservation; Statutory Commissions., Statutory provisions.

Unit V - Regionalism and the law

- 5.1. Regionalism as a divisive factor.
- 5.2. Concept of India as one unit.
- 5.3. Right of movement, residence and business; impermissibility of state or regional barriers.
- 5.4. Equality in matters of employment: the slogan "Sons of the soil" and its practice.
- 5.5. Admission to educational institutions: preference to residents of a state.

Unit VI - Women and the law

- 6.1. Crimes against women.
- 6.2. Gender injustice and its various forms.
- 6.3. Women's Commission.
- 6.4. Empowerment of women: Constitutional and other legal provisions.

Unit VII - Children and the law

- 7.1. Child labour.
- 7.2. Sexual exploitation.
- 7.3. Adoption and related problems.
- 7.4. Children and education.

Unit VIII - Modernisation and the law

- 8.1. Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
- 8.2. Modernisation of social institutions through law.
 - 8.2.1. Reform of family law
 - 8.2.2. Agrarian reform - Industrialisation of agriculture.
 - 8.2.3. Industrial reform: Free enterprise v. State regulation - Industrialisation v. environmental protection.
- 8.3. Reform of court processes.
 - 8.3.1. Criminal law: Plea bargaining; compounding and payment of compensation to victims.
 - 8.3.2. Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats.
 - 8.3.3. Prison reforms.
- 8.4. Democratic decentralisation and local self-government.

Select Bibliography:

14. Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford,
15. Robert Lingat, The Classical Law of India (1998), Oxford
16. U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
17. U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay.
18. Manushi, A Journal About Women and Society.
19. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
20. H.M. Seervai, Constitutional Law of India (1996), Tripathi.
21. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
22. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi.
23. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
24. Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988)
25. J.B. Kripalani, Gandhi: His Life and Thought, (1970)Ministry of Information and Broadcasting Government of India
26. M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.

Paper II

CC-102: Indian Constitutional Law: The New Challenges

Max. Marks: 100

Objectives of the Course:

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores (civilization). Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialisation. Obviously, rubrics under this paper require modification and updating from time to time.

Syllabus:

Unit I - Federalism

- 1.1. Creation of new states
- 1.2. Allocation and share of resources - distribution of grants in aid
 - 1.2.1. The inter-state disputes on resources
- 1.3. Rehabilitation of internally displaced persons.
- 1.4. Centre's responsibility and internal disturbance within States.
- 1.5. Directions of the Centre to the State under Article 356 and 365
- 1.6. Federal Comity: Relationship of trust and faith between Centre and State.
- 1.7. Special status of certain States.
 - 1.7.1. Tribal Areas, Scheduled Areas

Unit II - Right to equality: privatisation and its impact on affirmative action.

- 2.1 Introduction
- 2.2 Equality Before Law
- 2.3 Landmark Judgments

Unit III - Empowerment of women.

- 3.1 Introduction
- 3.2 Empowerment: Meaning and Importance

- 3.3 Empowerment of Women in India
- 3.4 Initiatives by the Judiciary

Unit IV - Freedom of press and challenges of new scientific development

- 5.1. Freedom of speech and right to broadcast and telecast.
- 5.2. Right to strikes, hartal and bandh.

Unit V - Emerging regime of new rights and remedies

- 6.1. Reading Directive Principles and Fundamental Duties into Fundamental Rights
 - 6.1.1. Compensation jurisprudence
 - 6.1.2. Right to education
 - 6.1.2.1. Commercialisation of education and its impact.
 - 6.1.2.2. Brain drain by foreign education market.

Unit VI - Secularism and religious fanaticism.

- 1.1 Secularism
- 1.2 Secularism under Indian Constitution
- 1.3 Right to Religion
- 1.4 Religious Fanaticism

Unit VII - Separation of powers: stresses and strain

- 7.1. Judicial activism and judicial restraint.
- 7.2. PIL: implementation.
- 7.3. Judicial independence.
 - 7.3.1. Appointment, transfer and removal of judges.
- 7.4. Accountability: executive and judiciary.
- 7.5. Tribunals

Unit VIII - Democratic process

- 8.1. Nexus of politics with criminals and the business.
- 8.2. Election
- 8.3. Election commission: status.
- 8.4. Electoral Reforms
- 8.5. Coalition government, 'stability, durability, corrupt practice'
- 8.6. Grass root democracy.

Select Bibliography:

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

Paper III CC-103: Legal Theory

Max. Marks: 100

Objectives of the course:

- e) The course aims at developing an insight into the juristic foundations of a legal system.
- f) To enable understanding of the law as it exists and its functions in a contemporary society.
- g) To inculcate a clear understanding about the new aspects of law and its nature and function.
- h) To create a clear understanding about the impact of law on various other branches of the study and its relationship with ethical aspects of justice.

Syllabus:

Unit I – Introductory Reflections

- 1.6 Meaning, Definitions, place and function of Legal theory

- 1.7 Nature, scope and Importance of Jurisprudence, Relevance of Jurisprudence in Contemporary Era.
- 1.8 Differences and Similarities of Jurisprudence and Legal Theory.
- 1.9 Science and Legal Theory (Methods of Enquiry, Values of Judgments, Policy decisions and the art of judgments)
- 1.10 Law, Justice, Ethics and Social Morality.

Unit II – Natural Law and the Search for Absolute Values

- 2.1 The Problems of Natural Law, Natural Law and its Importance
- 2.2 Theoretical Perceptive of Natural Law:
 - 2.2.1 Natural Law – Ancient Theories
(Plato, Aristotle, Marcus Tullius Cicero, Natural Law - Ancient Hindu System)
 - 2.2.2. Natural Law – Medieval Ages
(Augustine, St.Thomas Aquinas, Francis Bacon, Hugo Grotius, Immanuel Kant)
 - 2.2.3 Natural Law – Modern Theories
(John Rawls, John Finnis, John Wild)
- 2.3 Natural Law Social Contract
(Grotius, Hobbes, Locke, Rousseau)
- 2.4 Twilight of Natural Law Ideology
(Montesquieu, Home and Modern Skepticism.
- 2.7 Natural Law – Indian Concept and Perception

Unit III - The Impact of social Development on Legal Theory

- 3.1 Historical Evolution as a guide to legal thought
(Friedrich Karl Von Savigny, Sir Henry Maine, Puchta)
- 3.6 Society and Legal Evolution
(Darwin, Herbert Spencer, Augusta Comte, Durkheim, Duguit)
- 3.7 Modern Sociological Theories of Law
(Ihering, Eugene Ehrlich , Dean Roscoe Pound)
- 3.8 Indian Spirit of Historical Perspective
- 3.9 Indian Spirit of Sociological Perspective

Unit IV – Realistic Theory of Law

- 4.12 Realism – What exactly it means? Realism - Its features
(Origin of Realistic Thoughts – Merits of Realism)
- 4.13 Basic Features of Realistic School - American Realism
(John William Salmond. Oliver Wendell Homes, Jerome N. Frank, Thurman Wesley Arnold, Karl Llewellyn)
- 4.14 Scandinavian Legal Realism
(Axel Hagerstrom, V. Lundstedt, Karl Olivecrona, Alf Ross)
- 4.15 Contribution of Realistic School to Jurisprudence
- 4.16 Realism in the Indian Context

Unit V – Positivism and Legal Theory

- 5.1 Positivism in Modern Philosophy
- 5.2 Bentham Theory of Law
- 5.3 Austin’s Theory of Law
- 5.4 Kelson’s Pure Theory of Law
- 5.5 H. L. A. Hart Theory of Law

Unit VI – Legal Theory and Contemporary Problems

- 6.6 Nature and scope of Contemporary problems
- 6.7 Socialistic and Communist Theory of Law
(Karl Marx, Engles)
- 6.8 Legal values of Modern Democracy
- 6.9 Legal theory Public Policy
- 6.10 Legal Theory and International Society

Unit VII Indian Legal Theory – Past Scenario

- 7.1 Impact of theory on Hindu Jurisprudence
- 7.2 Ancient Hindu Jurisprudence
- 7.3 Fundamentals of Hindu Legal Theory
- 7.4 Law and the State in Hindu Legal Theory
- 7.5 Traditional Indian Legal Theory – Fundamentals

Unit VIII – Indian Legal Theory – Present Scenario

- 8.1 Impact of theory on Indian Constitution
- 8.2 Indian Constitution and Analytical Positivism
- 8.3 Idea of Fundamental Rights in the Indian Constitution
- 8.4 Idea of Directive Principles of State Policy in Indian Constitution (Welfare State)
- 8.5 Idea of Fundamental Duties

Select Bibliography:

1. Allen : Law in the Making, Universal Publishers.
2. Mahajan V.D.: Legal Theory and Jurisprudence, Eastern Book Company, Lucknow.
3. Dias : Jurisprudence, Aditya Books.
4. Rama Jois, Legal and Constitutional History of India, Universal Law Publications, Delhi.
5. Dr. S.N. Dhyani – Fundamentals of Jurisprudence – the Indian Approach, Central Law Agency, Allahabad.
6. Dr. B. N. Mani Tripathi - Jurisprudence and Legal Theory, Allahabad Law Agency, Allahabad.
7. Dr. S. R. Mynani – Jurisprudence and Legal Theory, Asia Law House, Hyderabad.
8. Dr. N. V. Paranjape – Studies in Jurisprudence and Legal Theory, Central Law Agency Allahabad.
9. W. Friedmann – Legal Theory, Universal Law Publishing Co., Pvt. Ltd.
10. Salmond: Jurisprudence, Universal Publishers.
11. Paton : Jurisprudence
12. John Rawls -Theory of justice.

Paper IV

EC-104: Law of Patents (Paper – I)

Max. Marks: 100

Objectives of the course:

Law of Patents is the branch of intellectual property providing protection to new inventions. The paper exposes students to the evolution of patents in India, treaties and conventions. It provides insight into the concept of patentable and non patentable inventions, procedure of filing application and rights of the patentee.

Syllabus:

Unit I – Introduction

- 1.1 Concept of Patent
- 1.2 Origin and Development of Patent: National and International Scenario
- 1.3 International Character of Patents
- 1.4 Subject matter of Patents – Patentable and non-Patentable inventions
- 1.5 Advantages of patent to the inventor

Unit II – How to Obtain Patent

- 2.1 Who may apply?
- 2.2. Procedure – Pre-requisites
- 2.3. Term of Patent
- 2.4 Provisional and Complete Specification

- 2.5 Examination, publication, Opposition, grant of patent
- 2.5 Patent of addition

Unit III – Rights and Obligations of Patentee

- 3.1 Nature of patent rights
- 3.2 Limitations of Patentee's Rights
- 3.3 Obligations of Patentee

Unit IV – Transfer of Patent Rights

- 4.1 Assignments
- 4.2 License
- 4.3 Compulsory Licenses, Licenses of Rights and Revocation for Non-working
- 4.4 Government use of Inventions
- 4.5 Revocation and Surrender of Patents

Unit V – Infringement of Patents

- 5.1 What constitutes infringement?
- 5.2 Action for Infringement
- 5.3 Defenses
- 5.4 Reliefs / remedies

Unit VI - Threat of Infringement Proceedings

- 6.1 Concept of threat
- 6.2 Burden of Proof
- 6.3 Persons aggrieved
- 6.4 Injunction
- 6.5 Damages

Unit VII – Offenses and Penalties and Miscellaneous Matters

- 7.6 Offenses
- 7.7 Inventions relevant for defense purposes
- 7.8 Convention countries and reciprocity arrangements
- 7.9 Patent Agents
- 7.10 The Intellectual Property Appellate Board, Power, Constitution, jurisdiction

Unit VIII – Patent and emerging issues

- 8.1 Emerging Issues
- 8.2 Patents & Computer Programs
- 8.3 Bio-Informatics Patents,
- 8.4 Patent and Human Right Issues

Select bibliography:

1. Richard Miller, Guy Burkill, Hon Judge Birss, Douglas Campbell, Terrell on the Law of Patents, Sweet and Maxwell, 2010
2. Feroz Ali Khader, The Touchstone Effect: The Impact Of Pre-Grant Opposition On Patents, Lexis Nexis, 2009
3. Donald S Chisum, Chisum on Patents (17 Volumes), Lexis Nexis, 2012
4. Janice M. Mueller, Patent Law, Wolters Kluwer, 2013
5. Martin J. Adelman et al., Patent Law in a Nutshell, West, 2013
6. Amy L. Landers, Understanding Patent Law, Lexis Nexis, 2012.
7. Ananth Padmanabhan, Intellectual Property Rights Infringement and Remedies, Lexis Nexis, 2012

Paper V

SEC-105: Alternative Dispute Resolution

Max. Marks: 50

Objectives Of The Course:

The main objectives of the Course are:

- 1 Understand the strengths and weakness of various dispute resolution methods.
2. Explain primary dispute resolution process and functions

3. Develop techniques and skill to make effective use of ADR methods.
4. Describe and explain the ADR movement.
5. Compare and contrast various legal implications of each method.
6. Train participants to be effective Arbitrators, Conciliators and Mediators.
7. Reduce the backing of pending cases
8. Develop Case Management System.
9. Reduce the time pendency of the litigations

Syllabus:

Unit I - Introduction to ADR

1.1 Key Concepts in Dispute Resolution

1.2 Disputes - Kinds of Disputes - Justiciable dispute- Dispute Resolution in adversary system, court structure and jurisdiction.

Unit II - Dispute Resolution at grass root level, Lok Adalats, Nyaya Panchayath, Legal Aid, Preventive and Strategic legal aid.

- 2.1 ADR - Meaning and philosophy
- 2.3 Overview of ADR processes,
- 2.3 Legal counselling,
- 2.4 Case - planning strategy,
- 2.5 Conciliation / Mediation,

Unit III – Negotiation:

- 3.1 Theories and Frameworks.
- 3.2 Skills and Behaviour
- 3.4 Barriers to Agreements
- 3.5 Rule of law; Ethics and Policies.

Unit IV - Mediation - I

- 4.1 Introduction Overview
- 4.2 Purposes and Uses.
- 4.3 Skills - Roles of Mediators,
- 4.4 Parties, Lawyers

Unit V – Mediation – II.

- 5.1 Ethics, Fairness, Neutrality, Confidentiality and Personal values
- 5.2 Policies, Controversies.
- 5.3 Practical skills of client interviewing/legal counselling.

Unit VI - ADR Information, Technology

- 6.1 Internet - Cyber space,
- 6.2 Online, cyberspace dispute resolution.

Unit VII – Arbitration - I

- 7.1 Arbitral Proceedings, commencement Roots of procedural evidence, 7.2 "Fast Track" arbitration, statement of claim and defence, hearing and return proceedings-interim measures by Court and by Arbitral Tribunal.
- 7.3 The law of binding Arbitration.
- 7.4 Skills and Ethics of Arbitration.
- 7.5 Arbitral Tribunal - Composition, eligibility and qualifications of arbitrators.
- 7.6 Termination or a mandate of arbitral Tribunal's and of arbitrators, appointment of arbitrators and filling up of vacancies, powers and functions of Arbitral Tribunal's. competence of arbitral Tribunal to rule on its own jurisdiction etc.

Unit VIII – Arbitration – II

- 8.1 Practice and Legal issues; "compulsory" arbitration in courts and contracts.
- 8.2 Evolution of mediation/conciliation as a mode of settlement of disputes, distinction between mediation, conciliation, negotiation and good offices - definition and scope of conciliation, advantages of conciliation

- 8.3 The Arbitration and Conciliation Act of 1996 - Appointment of conciliators, commencement of conciliation, proceedings - submission of statements - communication between conciliator and parties, suggestions for settlement –
- 8.4 Confidentiality of information
- 8.5 Admissibility of evidence in other proceedings
- 8.6 settlement agreement-status and effect. Termination of conciliation proceedings; costs and deposits.

Select bibliography:

- 13. The Indian Arbitration and Conciliation Act of 1996.
- 14. The Fundamentals of Family Mediation by John M. Haynes and Stephanie Charlesworth.
- 15. The Promise of Mediation, by Robert A Baruch Bush and Joseph Folger
- 16. Alternative Dispute Resolution, by P. C. Rao and William Sheffield
- 17. Getting to Yes, by Fisher ADR Getting past, No. by fisher and Ury 7. Mediation in Family Dispute, by Marian Roberts.
- 18. Family Mediation, by Lisa Parkinson
- 19. People Skills, by Robert Bolton
- 20. The Mediator's Handbook by Ruth Chariton and Micheline Dewdney
- 21. Mediation: Principles, Process, Practice by Laurence Boulle -Butterworths.
- 22. Living the 7 Habits by Stephen R. Covey
- 23. The Monk who sold his Ferrari by Robin Sharma
- 24. The Code of Civil Procedure, 1908.

Group – II
LL.M. Part – I Sem – I
Intellectual Property Rights
Paper I
CC-201: Judicial Process

Max. Marks: 100

Objectives of the course:

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LL.M curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

Syllabus:

Unit I - Nature of judicial process

- 1.1. Judicial process as an instrument of social ordering
- 1.2. Judicial process and creativity in law - common law model - Legal Reasoning and growth of law - change and stability.
- 1.3. The tools and techniques of judicial creativity and precedent.
- 1.4. Legal development and creativity through legal reasoning under statutory and codified systems.

Unit II - Doctrine of Precedent-Ratio decidendi and Obiter Dictum

- 2.1 Methods of determining ratio- Stare decisis

2.2 Exceptions-precedent in common law and Civil law Countries.

Unit III - Special Dimensions of Judicial Process in Constitutional Adjudications.

3.1. Notions of judicial review

3.2. 'Role' in constitutional adjudication - various theories of judicial role.

3.3. Tools and techniques in policy-making and creativity in constitutional adjudication.

3.4. Varieties of judicial and juristic activism

3.5. Problems of accountability and judicial law-making.

Unit IV - Logic and growth in law

4.1 Categories of illusory Reference-legal reasoning (judicial as well as juristic).

4.2 New rhetorics - role of judicial Concepts and judicial discretion in judicial reasoning.

Unit V - Judicial Process in India

5.1. Indian debate on the role of judges and on the notion of judicial review.

5.2. The "independence" of judiciary and the "political" nature of judicial process

5.3. Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity.

5.4. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges

5.5. Institutional liability of courts and judicial activism - scope and limits.

Unit VI- Nature of judicial process

6.1 Search for the legislative

6.2 intention-methods of judicial interpretation

6.3 Role of Philosophy, logic, history tradition and sociology.

Unit VII - The Concepts of Justice

7.1. The concept of justice or Dharma in Indian thought

7.2. Dharma as the foundation of legal ordering in Indian thought.

7.3. The concept and various theories of justice in the western thought.

7.4. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

Unit VIII - Relation between Law and Justice

8.1. Equivalence Theories - Justice as nothing more than the positive law of the stronger class

8.2. Dependency theories - For its realisation justice depends on law, but justice is not the same as law.

8.3. The independence of justice theories - means to end relationship of law and justice - The relationship in the context of the Indian constitutional ordering.

8.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Select bibliography:

1. Julius Store : The Province and Function of Law, Part II, Chs. -8-16 (2000), Universal, New Delhi.
2. Cardozo : The Nature of Judicial Process (1995), Universal, New Delhi
3. Henry J. Abraham : The Judicial Process (1998), Oxford
4. J.Stone : Precedent and the Law : Dynamics of Common Law Growth (1985), Butterworths
5. W. Friedmann : Legal Theory (1960), Stevens, London
6. Bodenheimer : Jurisprudence - The Philosophy and Method of the Law (1997), Universal, Delhi
7. J. Stone : Legal System and Lawyer's Reasoning (1999), Universal, Delhi.
8. U. Baxi : The Indian Supreme Court and Politics (1980), Eastern, Lucknow.

Paper II
CC-202: Legal education and research methodology

Max. Marks: 100

Objectives of the course:

A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organisation of seminars, publication of law journals and holding of legal aid clinics. Law is taught in different ways in different countries. The LL.M course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B level and LL.M level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills. Growth of legal science in India depends on the nature and career of legal research.

Syllabus:

Unit I - Introduction

- 1.1 Objectives of Legal Education
- 1.2 Clinical Legal Education - Legal Aid, Legal Literacy, Legal Survey and Law Reform

Unit II - Methods of Teaching – I

- 2.1 Lecture Method of Teaching
- 2.2 The Problem Method

Unit III - Methods of Teaching – II

- 3.1 The Seminar Method teaching.
- 3.2 Discussion method and its suitability at post graduate level teaching

Unit IV Identification of Problem Research & Research Methods

- 4.1 What is a Research Problem?
- 4.2 Survey of Available Literature and Bibliographical Research
- 4.3 Socio-Legal Research
- 4.4 Doctrinal and Non-Doctrinal
- 4.5 Relevance of Empirical Research
- 4.6 Induction and Deduction

Unit V Preparation of the Research Design - I

- 5.1 Formulation of the Research Problem
- 5.2 Devising tools and techniques for collection of data: Methodology
 - 5.2.1 Methods for the Collection of Statutory and Case materials and Juristic Literature
 - 5.2.2 Use of Historical and Comparative Research Materials

Unit VI - Preparation of the Research Design - II

- 6.1 Use of Observation Studies
- 6.2 Use of Question/Interview
- 6.3 Use of Case Studies
- 6.4 Sampling Procedures - Design of Sample, Types of Sampling to be adopted
- 6.5 Use of Scaling Techniques

Unit VII Preparation of the Research Design - III

- 7.1 Jurimetrics
- 7.2 Computerised Research - A Study of Legal Research Program such as Lexis & West Law Coding

Unit VIII Preparation of the Research Design – IV

- 8.1 Classification and Tabulation of Data - Use of Cards for Data Collection - Rules for Tabulation. Explanation of Tabulated Data.
- 8.2 Analysis of Data

Select Bibliography:

10. High Brayal, Nigel Dunnean and Richard Crimes, Clinical Legal Education:
11. Active Learning in your Law School, (1998) Blackstone P Press Limited, London
12. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
13. N.R. Madhava Menon, (Ed.) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
14. M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978).
15. Pauline V. Young, Scientific Social Survey and Research, (1962)
16. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc-Graw-Hill Book Company, London
17. H.M. Hyman, Interviewing in Social Research (1965)
18. Payne, The Art of Asking Questions (1965).
10. Erwin C. Surrency, B. Fiell and J. Crea, A Guide to Legal Research (1959)
11. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
12. Harvard Law Review Association, Uniform System of Citations
13. ILI Publication, Legal Research and Methodology

Paper III

CC-203: Legal Sources and Legal Concepts

Max. Marks: 100

Objectives of the Study:

The paper highlights the fundamental doctrines of legal process like precedent. It provides a deeper understanding of legal system, hierarchy of courts, ordinances and interpretation of statutes.

Syllabus:

Unit I – Introductory Reflections

- 1.1 Concept of Law
Meaning of Law, Definitions of Law, Nature and Characteristics of Law, Kinds of Law
- 1.2 Sources of law
Meaning of the term source, classifications of sources, ancient and modern sources, Austin, Salmond and Sociological view, other sources.
- 1.3. Legal Concepts
Meaning, importance, concept differs from ideas and notions, understanding and applying legal concepts

Unit II - Custom as Ancient Sources of Law

- 2.1 The origin and binding force of custom
- 2.2 Importance of customary law
- 2.3 Requisite essentials of custom
- 2.4 Kinds of customs
- 2.5 Theories of customary law.

Unit III – Legislation as Modern Sources of Law

- 3.1 Meaning of the Legislation, Importance of Legislation, kinds of Legislation
- 3.2 Codification of laws, merits and demerits of codification
- 3.3 Arguments in favour and against legislation
- 3.4 The need for interpretation
- 3.5 Rules of interpretation of Legislation
(Grammatical Interpretation, Golden Rule of Interpretation, the Mischief Rule, Logical and Strict interpretation)

Unit IV – Judicial Precedent as Modern Sources of Law

- 4.1 Precedent Meaning, General Rules for application of precedent, binding force of precedents)
- 4.2 Kinds of Precedents – Its position in India and England
- 4.3 Merits and Demerits of Precedents
- 4.4 Circumstances which destroy the binding forces of Precedents
- 4.5 Doctrines of precedents – Its role
(Ration decidendi, Obiter Dicta, Stare Decisis, Prospective Overruling)

Unit V – Juridical Concepts – Legal Rights and Duties

- 5.1 Meaning, Definition, Characteristics, Importance of Legal Rights and Duties
- 5.2 Classification and kinds of Legal rights and Duties
- 5.3 Modes of acquisition of legal rights and duties
- 5.4 Jural relations of legal Rights and Duties
- 5.5 Are rights and duties necessarily co-relative?

Unit VI – Juridical Concepts – Possession and Ownership

- 6.1 Nature of Possession and Legal incidents of Ownership
- 6.2 Development of idea of Possession and Ownership
- 6.3 Theories of Possession and Ownership
- 6.4 Kinds of Possession and Ownership
- 6.5 Distinction between Possession and Ownership

Unit VII – Juridical concepts – Persons and Property

- 7.11 Concept of person and property in Indian Legal System
- 7.12 Kinds of Legal Persons and theory Legal Status
- 7.13 Theories of Corporate Personality
- 7.14 Kinds and modes of Property and its Legal Status
- 7.15 Theories of Property

Unit VIII – Juridical Concepts – Liability and Obligations

- 8.6 Meaning, Definition, Importance of Liability and obligations
- 8.7 Various kinds of liability
- 8.8 Kinds of Negligence, Theories of negligence
- 8.9 Sources of Obligations
- 8.10 Kinds of Obligations

Suggested Reading

1. Cross R, Precedent in English Law
2. Stone Julius, Legal system and Lawyer's Reading [Chapters 6, 7 and 8]
3. Seervai H M, Constitution of India [Chapter on Union Judiciary]
4. Allen C K, Law in the Making [Chapter on subordinate and Automatic legislation]
5. Dickerson R, Interpretation and application of Statutes
6. Mukherjee A R, Parliamentary Procedure in India [Chapter entitle] 'Legislation' and 'Committees']
7. Benjamin N Cardozo, The Nature of the Judicial Process
8. Lloyd D, Introduction to jurisprudence [chapter on 'Judicial Process']
9. Harris J W, Legal philosophies [Chapter 13 & 15]
10. Kaul M N & Shakhder, Procedure and Practices of Parliament
11. Dias, Jurisprudence 15, W Friedmann Legal Theory
12. GW Paton, A text Book of Jurisprudence
13. Bodenheimer, Jurisprudence - The Philosophy and Method of the Law
14. Salmond, Jurisprudence
15. Dr. B. N. Mani Tripathi - Jurisprudence and Legal Theory, Allahabad Law Agency, Allahabad.
16. Dr. S. R. Mynani – Jurisprudence and Legal Theory, Asia Law House, Hyderabad.
17. Dr. N. V. Paranjape – Studies in Jurisprudence and Legal Theory, Central Law Agency Allahabad.
18. G. C. Venkata Subba Rao, Jurisprudence and Legal Theory, Eastern Book Company Lucknow

Paper IV
EC-204; Law of Trademark

Max. Marks: 100

Objective

The paper provides student understanding of the law of trademarks. It provides knowledge on international convention and development on the subject. It examines the process of registration, infringement and remedies.

Unit I – Introduction

- 1.1 What is Trade Mark
- 1.2 Functions of a Trade Mark
- 1.3 Evolution of Trade Mark Law
- 1.4 Service Marks
- 1.5 Collective Trade Marks

Unit II – Trade Marks Registry and Register of Trade Marks

- 2.1 The jurisdiction of Trade Mark Offices
- 2.2 Registrar of Trade Marks
- 2.3 Trade Marks Journal

Unit III – Property in a Trade Marks and Registration of Trade Marks

- 3.1 Property in Trade Mark
- 3.2 What marks are registrable
- 3.3 Procedure for Registration of Trade and Service Marks
- 3.4 Opposition to registration
- 3.5 Duration and Renewal of Trade Marks
- 3.6 Marks not registrable

Unit IV – Similar, Near Resemblance and Deceptively Similar Marks

- 4.1 General
- 4.2 Factors to be taken into consideration
- 4.3 Word and Devisive Marks

Unit V – Assignment and Transmission, Licensing of Trade Marks

- 5.1 Procedure for Assignment and Transmission
- 5.2 Registration of assignment and transmission
- 5.3 Licensing - Permitted use and Registered user
- 5.4 How far licensing is possible

Unit VI – Infringement, Threat and Trade Libel

- 6.1 Rights conferred by registration of Trade Marks
- 6.2 Infringement of Trade Marks
- 6.3 Action for infringement
- 6.4 Threat of legal proceedings
- 6.5 Trade Libel

Unit VII – Passing Off

- 7.1 Classification formulation of passing off
- 7.2 Distinguish between infringement and passing off
- 7.3 Defenses in Passing Off
- 7.4 Reliefs available in Passing Off Actions

Unit VIII – Offenses and Penalties

- 8.1 Nature of Offenses
- 8.2 Defense available to the accused
- 8.3 Offenses by companies
- 8.4 Criminal Proceedings
- 8.5 Miscellaneous matters

Select Bibliography:

1. David T Keeling, David Llewelyn, *Kerley's law of Trade Marks and Trade Names, Sweet and Maxwell*, 15th Edition, 2014.
2. P.. Narayanan, *Trade Marks and Passing Off*, Eastern Law House, 2004

3. Ananth Padmanabhan, *Intellectual Property Rights Infringement and Remedies*, Lexis Nexis, 2012
4. Christopher Wadlow, *The Law of Passing Off: Unfair Competition by Misrepresentation*, Sweet and Maxwell, 2011.
5. David Lindsay, *International Domain Name Laws*, Hart Publishing, 2007.
6. Kerly on Trade Marks and Trade Names, 13th Ed. 2001, Sweet & Maxwell.
7. Dr. B. L. Wadehra, Patents, Trade Marks, Copyright, Designs & Geographical Indications, Universal Law Publishing Co., Pvt., Ltd.

Paper V
SEC-205: Introduction to Human Rights

Max. Marks: 50

Objective of the Course:

Human rights were conceived rather narrowly as mere freedom from arbitrary government in the past. It was realised later and much more so during last fifty years since the end of the Second World War that the threats to liberty, equality and justice did not emanate from the state alone. Many nations of Asia and Africa came to nationhood during this period. These nations had to bring about their development and they needed capital. Foreign aid and foreign investments were invited but these could very well lead to their second subjugation. Poverty, ignorance, exploitation had to be fought at the global level. Development had to come without the sacrifice of human values. A greater awareness of human rights, not only as negative restrictions on the state but as positive obligations for creating an environment in which man could live with dignity was necessary.

The focus of a course on human rights must be on the national problems with an international or global perspective. The world community's concerns about human rights have been expressed through various conventions. On the national levels, they are contained in constitutional provisions such as directive principles of state policy, fundamental rights, fundamental duties and judicial, legislative as well as administrative strategies of reconstruction. Human rights are an important parameter for a just society and future lawyers must be able to assess any programme of social transformation with reference to them.

Syllabus:

Unit I - Panoramic View of Human Rights

- 1.1. Human Rights in Non-western Thought
- 1.2. Awareness of Human rights during the nationalist movement
- 1.3. Universal Declaration of Human Rights, Constituent Assembly and Part III, rafting process.
- 1.4. Subsequent developments in International Law and the Position in India (e.g. Convention of Social discrimination, torture, gender discrimination, environment and the two human rights covenants.)

Unit II - Fundamental Rights Jurisprudence as Incorporating Directive Principles

- 2.1. The dichotomy of Fundamental Rights (F.R.) and Directive Principles (D.P.)
- 2.2. The interaction between F.R. and D.P.
- 2.3. Resultant expansion of basic needs oriented human rights in India

Unit III - Right not be Subject to Torture, Inhuman or Cruel Treatment

- 3.1. Conceptions of torture, third-degree methods
- 3.2. "Justifications" for it
- 3.3. Outlawry of torture at international and constitutional law level
- 3.4. Incidence of torture in India
- 3.5. Judicial attitudes
- 3.6. Law Reform - proposed and pending

Unit IV - Minority Rights

- 4.1. Conception of minorities
- 4.2. Scope of protection
- 4.3. The position of minority "Woman" and their basic rights
- 4.4. Communal Riots as Involving violation of Rights.

Unit V - Rights to development of Individuals and Nations

- 5.1. The UN Declaration on Right to Development, 1987
- 5.2. The need for constitutional and legal changes in India from human rights standpoint.

Unit VI - People's Participation in Protection and Promotion of Human Rights

- 6.1. Role of International NGOS
 - 6.2.1. Amnesty International
 - 6.2.2. Minority Rights Groups
 - 6.2.3. International Bars Association, Law Asia
- 6.3. Contribution of these groups to protection and promotion of human rights in India.

Unit VII - Development Agencies and Human Rights

- 7.1. Major international funding agencies and their operations in India
- 7.2. World Bank lending and resultant violation/promotion of human rights
- 7.3. Should development assistance be tied to observance of human rights (as embodied in various UN declarations)

Unit VIII - Freedoms

- 8.1. Free Press - Its role in protecting human rights
- 8.2. Right of association
- 8.3. Right to due process of law
- 8.4. Access and Distributive Justice

Select Bibliography:

1. M.J. Akbar, Riots After Riots (1988)
2. U.Baxi (ed.), The Right to be Human (1986)
3. U.Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi.
4. F.Kazmi, Human Rights (1987)
5. L.Levin, Human Rights (1982)
6. Madhavirtha, Human Rights (1953)
7. W.P. Gromley, Human Rights and Environment (1976)
8. H. Beddard, Human Rights and Europe (1980)
9. Nagendra Singh, Human Rights and International Co-operation (1969)
10. S.C. Kashyap, Human Rights and Parliament (1978)
11. S.C. Khare, Human Rights and United Nations (1977)
12. Moskowitiz, Human Rights and World Order (1958)
13. J.A. Andrews, Human Rights in International Law (1986)
14. Menon (ed.), Human Rights in International Law (1985)
15. A.B. Robertson (ed), Human Rights in National and International Law (1970)
16. Upendra Baxi, "Human Rights, Accountability and Development" Indian Journal of international law 279 (1978)

Group – II
Intellectual Property Rights
LL.M Part – II, Sem – III
Paper I
CC-301: Law of Copyrights

Max. Marks: 80

Objective of the Course:

Copyright law has evolved as a response to the change in the new technology and hence it is complex in character. This course aims to expose the students to the concept copyright and a procedure of protection of the rights of the author of copyrighted material. They will also get

an exposure to the practical aspects of drafting licensing agreements and the procedure for registration of copyright.

Syllabus:

Unit I – Introduction

- 1.1 Meaning of Copyright
- 1.2 Characteristics of Copyright
- 1.3 Copyright Act, 1957
- 1.4 Subject-matter of Copyright

Unit II – Author and Ownership of Copyright

- 2.1 Ownership of Copyright
- 2.2 Rights Conferred by Copyright
- 2.3 Nature of Rights
- 2.4 Scope of Rights
- 2.5. Joint Ownership

Unit III –Term of Copyright

- 3.1 Term of Copyright in various subject-matters.

Unit IV – Assignment / License of Copyright

- 4.1 Assignment of Copyright
- 4.2 Licensing of a copyright

Unit V –Infringement of Copyright

- 5.1 Acts constituting Infringements
- 5.2 Infringement in various Copyrighted works

Unit VI –Remedies Against Infringement of Copyright

- 6.1 Kinds of remedies
- 6.2 Protection of authors special rights
- 6.3 Civil remedies
- 6.4 Criminal remedies

Unit VII –Registration of Copyright

- 7.1 The steps for registration
- 7.2 Appeal

Unit VIII –Regulatory Authorities

- 8.1 Register of copyright
- 8.2 Copyright Board

Select Bibliography:

1. Adeney, Elizabeth. *The Moral Rights of Authors and Performers: An International Comparative Analysis*. London: Oxford University Press, 2006.
2. Alain Strowel, *Peer to peer File Sharing and Secondary Liability in Copyright Law*, Edward Elgar, 2009.
3. Cohen, Loren et.al, *Copyright in the Global Information Economy*, Aspen, 2nd ed., 2006.
4. Copinger and Skone James on Copyright, Vol. 1, Sweet & Maxwell, 2010.
5. Cornish, Graham P., *Copyright: Interpreting the Law for Libraries, Archives and Information Service*, Facet Publishing, London, 2009.
6. D’AgostinoGuiseppina, *Copyright, Contracts, Creators: New Media, New Rules*, Edward Elgar, 2010.
7. ElezabethAdeney, *The Moral Rights of Authors and Performers: An International and Comparative Analysis*, OUP, 2006.
8. Gervais, *Collective management of Copyright and Related Rights*, Kluwer, 2010.
9. Goldstein on Copyright Law, Kluwer, 2000.

Paper II
CC-302: Law of Designs and Integrated Circuits,
Geographical Indications and Confidential Information

Max. Marks: 80

Objective of the Course:

To expose the students about the significance of laws relating to designs which are applied to the commercial products, Integrated Circuits used in computers and other electronic devices, Geographical Indication which gives protection to the production and /or cultivation of products in a specific geographical area and the Confidential Information protected and preserved by the original authors or owners.

Syllabus:

Unit I –Industrial Designs

- 1.1 Introduction, Meaning and Definition
- 1.2 Evolution and Justification of Designs
- 1.3 International Treaties:
 - 1.3.1 Paris Convention
 - 1.3.2 Hague Agreement
 - 1.3.3 Locarno Agreement
 - 1.3.4 TRIPs
- 1.4 Industrial Design Act, 2000
- 1.5 Subject Matter of Designs
- 1.6 Conditions for a registered design
- 1.4 Procedure for registration of Design
 - 1.4.1 Who may apply?
 - 1.4.2 Procedure for registration of designs
 - 1.4.3 Rights conferred by Law of Designs
- 1.5 Interface between Design, Copyrights and Trademarks

Unit III – Infringement of Registered Design

- 3.1 Fraudulent / obvious imitation
- 3.2 Judicial remedy
- 3.3 Burden of Proof
- 3.4 Defenses by the defendant

Unit IV –Semiconductor Integrated Circuits and Layout Designs

- 4.1 Introduction
- 4.2 Evolution
- 4.3 Justification
- 4.4 International Treaties:
 - 4.4.1 Washington Treaty
 - 4.4.2 TRIPS
- 4.5 The Semiconductor Integrated Circuits Layout-Designs Act, 2000

Unit V – Geographical Indications - I

- 5.1 Introduction
- 5.2 Evolution
- 5.3 Justification
- 5.4 International Treaties:
 - 5.4.1 Paris Convention
 - 5.4.2 Madrid Agreement
 - 5.4.3 Lisbon Agreement
 - 5.4.4 TRIPS Agreement

Unit VI- Geographical Indications-II

- 6.1 Protection of GI at National Level
- 6.2 Geographical Indication of Goods (Protection & Registration) Act, 1999
- 6.3 Higher Level of Protection of GIs and TRIPS, Article 23 Controversy
- 6.4 Genericides of Geographical Indications

Unit VII – Geographical Indications– III

- 7.1 Effects of Registration of GIs
- 7.2 Appeals and Appellate Boards
- 7.3 Offences, Penalties and Procedure

Unit VIII –Confidential Information

- 8.1 Introduction
- 8.2 Confidential Information as Property
- 8.3 Patent, Copyright and Confidential Information
- 8.4 Subject matter of Confidential Information
- 8.5 Confidential obligations
- 8.6 Unauthorised Use and Remedies

Select Bibliography:

1. Dr. B. L. Wadehra, Law relating to Patents, Trade Marks, Copyright, Designs and Geographical Indications, Second Edition, Universal Law Publishing Co. Pvt. Ltd., 2002.
2. Ashwani Kumar Bansal, Design Law, Universal Law Publishing Company, 2012.
3. Latha R Nair & Rajendra Kumar, Geographical Indications: A Search For Identity, Lexis Nexis, 2005.
4. Tapan Kumar (Ed.), WTO, TRIPS and GIs, New Century Publications, 2014.
5. DevGangjee, Relocating the Law of GI, Cambridge University Press, 2012.
6. K C Kailasam and Ramu Vedaraman, Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, Lexis Nexis, 2013.
7. P. Narayanan, Intellectual Property Law, Third Edition, Eastern Law House, 2001.
8. Nithyananda, K V. (2019). Intellectual Property Rights: Protection and Management. India, IN: Cengage Learning India Private Limited.
9. Neeraj, P., & Khusdeep, D. (2014). Intellectual Property Rights. India, IN: PHI learning Private Limited.
10. Ahuja, V K. (2017). Law relating to Intellectual Property Rights. India, IN: Lexis Nexis.
11. Subramanian, N., & Sundararaman, M. (2018). Intellectual Property Rights – An Overview. Retrieved from <http://www.bdu.ac.in/cells/ipr/docs/ipr-eng-ebook.pdf>
12. World Intellectual Property Organisation. (2004). WIPO Intellectual property Handbook. Retrieved from https://www.wipo.int/edocs/pubdocs/en/intproperty/489/wipo_pub_489.pdf.
12. Journal of Intellectual Property Rights (JIPR): NISCAIR.

Useful Websites:

13. Cell for IPR Promotion and Management (<http://cipam.gov.in/>).
14. World Intellectual Property Organisation (<https://www.wipo.int/about-ip/en/>).
15. Office of the Controller General of Patents, Designs & Trademarks (<http://www.ipindia.nic.in/>).

Paper III

CC-303: Law of Intellectual Property and Bio-Diversity

Max. Marks: 80

Objective of the Course:

To expose the students about the significance of laws relating to IPR and Bio-Diversity which have become most significant to be part of the study of any discipline as it relates to our

environmental protection and sustainable development. The students and other stakeholders must realize the importance of preserving our bio-diversity with the help of bio-technology to make use of the same and reasonably without compromising the needs of our future generation.

Syllabus:

Unit I –Biological Diversity Protection: National and Global Scenario

- 1.1 Biodiversity and Sustainable Development in the world
- 1.2 Biodiversity and Sustainable Development in India
- 1.2 Genetic Resources and Biotechnology
- 1.3 Benefit Sharing
- 1.4 Bonn Guidelines

Unit II - Biotechnology and Bioethical Implication of IPR

- 2.1 Bridging IPR and Bio-Diversity
- 2.2 Moral Issues in Patenting Biotechnological Inventions
- 2.3 Human Genomes
- 2.4 Biotechnology and Law

Unit III –Recent Developments in Bio-Diversity

- 3.1 Bio-Diversity and Bio-Technology
- 3.2 Techniques Involved in Biotechnology

Unit IV - Applications of Biotechnology

- 4.1 Rationale for Intellectual Property Protection
- 4.2 Patenting Biological Invention

Unit V - Concept of Novelty in Biotechnological Inventions

- 5.1 Concept of Inventive Step in Biotechnological Inventions
- 5.2 Microorganisms as Biotechnological Inventions

Unit VI - Plant Varieties Protection

- 6.1 Justification for Protection
- 6.2 Plant Protection Varieties in India

Unit VII - Food Security, Genetic Engineering and Biotechnology

- 7.1 Biotechnology and International Treaties
- 7.2 UPOV

Unit VIII - Convention on Biological Diversity

- 8.1 TRIPs
- 8.2 ITPGRFA
- 8.3 Future Prospective and Suggestions

Select Bibliography:

1. William H. Lesser and Robert T. Masson, An Economic Analysis of the Plant Variety Protection Act, 1983.
2. Pat Roy Mooney, The Law of the Seed: Another Development and Plant Genetic Resources, Development Dialogue, 1983.
3. Iver P. Cooper, Biotechnology and the Law, 1996.
4. Francesco Franioni and Tullio Scovazzi (Edited), Biotechnology and International Law, (2006), Hart Publishing, Oxford and Portland, Oregon.
5. Francesco Franioni (Edited), Biotechnologies and International Human Rights 2006), Hart Publishing, Oxford and Portland, Oregon.
6. Dr. T. Ramakrishan (Edited), Biotechnology and Intellectual Property Rights (2003), CIPRA, NLSIU, Bangalore.
7. Silke von Lewinski (Edited), Indigenous Heritage and Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore, 2nd Edition, (2008), Wolters Kluwer.
8. Paul L.C. Torremans (edited), Intellectual Property and Human Rights, Enhanced edition of Copyright and Human Rights, (2008), Wolters Kluwer.

Paper IV
CC-304: Law of Intellectual Property and Information Technology

Max. Marks: 80

Objective of the Course:

To expose the students about the significance of laws relating to IPR and Information Technology Laws. The knowledge about IPR and Cyber Crimes has become need of the hour. Technology is changing day by day due to development in science and technology and due to globalization and liberalization, technology sharing needs the attention of protection of technology by way of adequate legislations.

Syllabus:

Unit I - Information Technology Related IPRs

- 1.1 Computer Software and Intellectual Property
- 1.2. Copyright Protection, Reproducing, Defences.
- 1.3 Patent Protection.

Unit II - Database and Data Protection

- 2.1 Need for Protection
- 2.2 UK Data Protection Act, 1998
- 2.3 US Safe Harbor Principle, Enforcement.
- 2.4 Position in India

Unit III - Domain Name Protection

- 3.1 Domain Name and Intellectual Property
- 3.2 Registration of Domain Names
- 3.3 Disputes under Intellectual Property Rights
- 3.4 Jurisdictional Issues and International Perspective.

Unit IV - Cyber Law

- 4.1 Basic Concepts of Technology and Law
- 4.2 Understanding the Technology of Internet
- 4.3 Scope of Cyber Laws

Unit V - Cyber Jurisprudence Law of Digital Contracts

- 5.1 The Essence of Digital Contracts
- 5.2 The System of Digital Signatures
- 5.3 The Role and Function of Certifying Authorities
- 5.4 The Science of Cryptography Intellectual Property Issues in Cyber Space

Unit VI - Unit Domain Names and Related Issues

- 6.1 Copyright in the Digital Media
- 6.2 Patents in the Cyber World.
- 6.3 Unit Rights of Netizens and e-Governance
- 6.4 Privacy and Freedom Issues in the Cyber World
- 6.5 e-Governance
- 6.6 Cyber Crimes and Cyber Laws

Unit-VII - Information Technology Act, 2000 - I

- 7.1 Information Technology Act, 2000 (Sec. 1 to 13)
- 7.2 Information Technology Act, 2000 (Sec. 14 to 42 and Certifying authority Rules)
- 7.3 Information Technology Act, 2000 (Sec. 43 to 45 and Sec. 65 to 78)

Unit VIII - Information Technology Act, 2000 – II

- 8.1 Information Technology Act, 2000(Sec. 46 to Sec. 64 and CRAT Rules)
- 7.4 Information Technology Act, 2000 (Sec 79 to 90)
- 7.5 Information Technology Act, 2000 (Sec. 91-94)
- 7.6 Amendments in 2008.

Select Bibliography:

1. Information Technology Act, 2000 (as Amended) Bare Act.
2. David Bainbridge, *Information Technology and Intellectual Property Law*, Bloombury Professional.
3. Hideyasu Sasaki, *Information Technology for Intellectual Property Protection: Interdisciplinary Advancements*, Ritsumeikan University, Japan.

Paper V**SEC – 305: Right to Information Laws**

Max. Marks: 50

Objective of the Course:

To familiarize students with their fundamental right to know whether public administration works as per the provisions of laws and statues under which they have been appointed. This course also deals with developing and enhancing skills of enquiry about functioning of Government Authorities as guaranteed by the Constitution of India Art. 19 and 21.

Syllabus:**Unit I – Introduction**

- 1.5 Introduction to the Right to information Act. 2005.
- 1.6 Important Definitions.
- 1.7 Statement of Objectives and Reasons.
- 1.8 Right to information Act and obligations of public authorities.

Unit II – The Central Information Commission

- 2.1 Constituion of Central Information Commission.
- 2.2 Term of Office and Conditions of Service.
- 2.3 Removal of the Chief Information Commission.

Unit III – The State Information Commssion

- 3.1 Constituion of State Information Commission.
- 3.2 Term of Office and Conditions of Service.
- 3.3. Removal of the State Chief Information Commission.

Unit IV- Powers and functions of the Information Commissions, appeal and penalties

- 4.1 Duties of the Central Information Commission or State Information Commissions.
- 4.2 Powers of a civil court while trying a suit under the Code of Civil Procedure, 1908.
- 4.3 Appeal
- 4.4. Penalties

Unit V – Miscellaneous

- 5.1 Protection of action taken in good faith.
- 5.2 Act to have overriding effect.
- 5.3 Bar of jurisdiction of courts.
- 5.4 Act not to apply to certain organizations.

Unit VI- Monitoring and Reporting

- 6.1 Appropriate Government to prepare programmes.

Unit VII - Power to make rules by appropriate Government

- 7.1 Laying of rules.
- 7.2 Power to remove difficulties.

Unit VIII – Schedules and Forms

- 8.1 First Schedule.
- 8.2 Second Schedule.
- 8.3 Forms.

Select Bibliography:

3. Right to Information Act, 2005 Bare Act and Commentary.
4. All other sources of Books and Law Reports.

Group – II
Intellectual Property Rights
LL.M Part – II, Sem - IV
Paper I

CC-401: Dissertation and Viva-Voce

Max. Marks: 150 Marks for Term Work and 50 Marks for Viva Voce. Students are required to select a burning topic based on socio-legal studies for research work and by way of documentary and non-documentary or empirical research methodology and submit the Thesis in hard bound after taking guidance from the allotted supervisor. The Report should be as per the standard format and submit in atleast 200 to 250 pages.

Objectives of the Course:

To inculcate research skills in the students to be able to find out the truth about socio-legal issues. To equip them with critical reasoning and expressing their opinion with a significant research and suggest certain feasible suggestions.

To make the LL.M. program in IPR and Business Laws research oriented every student has to carry out Dissertation work selecting any topic from the subjects taught in the last three semesters applying Legal Research Methodology which is to be submitted for evaluation internally externally has to appear for viva-voce.

Paper II

SEC-402: Public Interest Litigation

Max. Marks: 50

Objective of the Course:

The majority of the people of our Country are Subjected to the denial of ‘access to justice’ and overtaken by despair and helplessness, they continue to remain victims of an exploitative Society where economic power is Concentrated in the hands of a few and it is used for perpetuation of domination over large masses of human beings. The strategy of public interest litigation has been evolved by the Supreme Court with a view to bringing justice within the easy reach of the poor and disadvantaged sections of the Community. This course aims at training the budding lawyers to be learned citizens who may be able to file PILs which may help the poor, needy and downtrodden people to have justice.

Syllabus:

Unit I – Introduction

- 1.5 Concept of Judicial Activism.
- 1.6 Meaning and Definition of PIL.
- 1.7 Significance of PIL.
- 1.8 Matters

Unit II – Genesis and Evolution of PIL in India: Some Landmark Judgements

- 4.1 Origin and Development of PILs
- 4.2 Mumbai Kamagar Sabha vs. Abdul Thai, 1976.
- 4.3 Hussainara Khatoon vs. State of Bihar (1979) – Right to speedy justice.
- 4.4 S.P. Gupta vs. Union of India – relaxation of Locus Standii Rule.
- 4.5 Indian Banks’ Association, Bombay & Ors. vs. M/s Devkala Consultancy

Service and Ors

4.6 Vishaka v. State of Rajasthan

Unit III – Factors Responsible for the Growth of PIL in India

3.4 The character of the Indian Constitution.

3.5 The liberal interpretation of locus standi.

3.6 Judicial innovations to help the poor and marginalized

Unit IV – Who Can File a PIL and Against Whom?

4.2 Any citizen under:

4.1.1 Under Art 32 of the Indian Constitution, in the Supreme Court.

4.3.2 Under Art 226 of the Indian Constitution, in the High Court.

4.3.3 Under sec. 133 of the Criminal Procedure Code, in the Court of Magistrate.

4.4 Essential Ingredients for PIL

4.5 PIL against State / Central Govt., Municipal Authorities and not any private party.

Unit V – Significance of PIL

5.6 Access to Court to seek legal redress

5.7 Instrument of Social Change

5.8 To make Justice accessible to the poor and the marginalized

5.9 Democratizes the access of justice to all

5.10 Public participation in judicial review

Unit VI – Certain Weaknesses of PIL

6.1 problem of competing rights

6.2 Overburden of PIL by vested interest

6.3 Judicial Overreach

6.4 Inordinate delays in the disposal of PIL cases

Unit VII – Procedure to File a Public Interest Litigation

7.1 In High Courts.

7.2 In Supreme Court.

7.3 Court Fees

7.4 Procedure

Unit VIII – Conclusion

8.1 Criticism against PIL

8.2 PIL: Present Scenario

Select Bibliography:

8. M.P. Jain, 'Indian Constitutional Law', vol-I (5th Ed., 2003, Wadhwa Nagpur).

9. Durga Das Basu, 'Commentary on the Constitution of India', vol-II (8th Ed., 2008, Lexis Nexis, Butterworth Wadhwa).

10. P.N. Bhagwati, "Judicial activism".

11. Jill Cottrell, "Third generation rights and social action litigation," in Adelman and Paliwala, Law and crisis.

12. Ahuja, Sangeeta, People, Law and Justice. A Case Book on PIL, Vol.I, Orient Longman Ltd., New Delhi, 1997.

13. Austin, Granville, The Indian Constitution – Cornerstone of a Nation, Oxford University Press, New Delhi, 1996.

14. Basu, Durga Das, Comparative Constitutional Law, Prentice Hall of India (P) Limited, New Delhi, 1984.

Important Websites:

5. www.wikipedia.com

6. www.helpinelaw.com

7. www.halsbury.com

8. www.legalserviceindia.com

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