

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)

LL. M. Part – I From Academic year 2019-2020

LL. M. Part – II From Academic year 2020-2021

Group – I
Business Laws
LL.M Part – II, Semester – 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 of 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. 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 Act

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 statutes 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 Constitution 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 Commission

- 3.1 Constitution 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, Semester – 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 at least 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 Standi 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.helpline.law.com
3. www.halsbury.com
4. www.legalserviceindia.com

Group – II
Intellectual Property Rights
LL.M Part – II, Semester– 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'AgostinoGuisepina, 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 Unauthorized 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 RamuVedaraman, 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, Defenses.
- 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 statutes 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 Constitution 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 Commission

- 3.1 Constitution 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, Semester - 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 at least 200 to 250 pages.

Objectives of the Course:

To inculcate research skills in the student. 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 Judgments

- 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 Standi 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.helplinelaw.com
- 7. www.halsbury.com
- 8. www.legalserviceindia.com
