

Master of Laws (LL.M.) : Post Graduate Degree Course
Intellectual Property Rights and Cyber Laws
 (Two Year) Semester Pattern
 (Effective from the Academic Year 2022 -2023)

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Master of Laws (LL.M.) : Post Graduate Degree Course
Intellectual Property Rights and Cyber Laws
(Two Year) Semester Pattern
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First Year

First Semester – Papers

Common Paper	01	Indian Constitutional law : The New Challenges
Common Paper	02	Research Methodology
Specialization Paper	01	Intellectual Property Rights and Copyright Law
Specialization Paper	02	Cyber Space, E-Commerce and E-Governance

Second Semester – Papers

Common Paper	03	Law and Social Transformation in India
Common Paper	04	Jurisprudence and Legal Theory
Specialization Paper	03	Law Relating to Trademarks and Geographical Indications
Specialization Paper	04	Cyber Law and Its Application In India

Second Year

Third Semester – Papers

Common Paper	05	Legal Education and Research Methodology II (Practical Paper)
Specialization Paper	05	Law of Patents and Designs
Specialization Paper	06	Contemporary issues and New Trends

Fourth Semester – Papers

Common Paper	06	Dissertation
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Krishna University
REGULATIONS AND SYLLABUS RELATING TO MASTER OF LAWS
(LL.M.,)
POST GRADUATE DEGREE COURSE
INTELLECTUAL PROPERTY RIGHTS AND CYBER LAWS
(TWO YEAR) SEMESTER PATTERN:
(Effective from the Academic Year 2022-2023)

Krishna University
REGULATIONS AND SYLLABUS RELATING TO MASTER OF LAWS (LL.M.,)
POST GRADUATE DEGREE COURSE
(TWO YEAR) SEMESTER PATTERN:
(Effective from the Academic Year 2022-2023)

Admission: Candidates admitted into 2 year LL.M. course should have;

- i. Passed the Bachelor of Law Degree examination of this University or an examination of any other university recognized as equivalent thereto.
 - ii. Qualified in the AP PG LAW CET (Entrance Test) conducted in the year for which the candidate seeks admission.
- For the award of LL.M. Degree: A candidate shall be required to have i) received instruction and training for the prescribed course of study as a full-time student for two academic years, and ii) qualified all the examinations prescribed for the award of the two Year LL.M. Degree.
 - **Duration:** LL.M Course has to be pursued in four semesters stretching over two academic years. Each academic year comprises being two Semesters. Each semester shall be a duration of 16 weeks.
 - **Specializations:** The course is offered in two specializations i.e.,
Branch A: Constitutional and Administrative Laws,
Branch B: Intellectual Property and Cyber Laws
 - Medium of Instruction will be in English language only
 - **Attendance:** In order to be eligible to take the examination in any subject, candidate is required to put in 75% of attendance in each subject which includes lectures, tutorials and practical training.

If a student for any unforeseen reason fails to attend 75% of the classes held in any subject, she/he may be condoned for the shortage of attendance provided the student concerned attended at least 66% of the classes held in the subject concerned subject to the payment of the fine prescribed from time to time by the University.

- **Course Structure & Content:** LL.M Course is subject to UGC norms prescribed from time to time and as on today it is not subject to regulatory regime of B.C.I.

LL.M Course is to be pursued in a selected branch of specialization offered by the University.

The course consists of 4 Foundation Course theory papers (Foundation Courses) and 2 Foundation course Practical papers i.e. one practical Paper (Socio-Legal Project work and Law Teaching) and Dissertation which are common to all LL.M students and 6 papers of specialization opted by the candidate..

In the first semester, the candidate has to offer two Foundation course theory papers i.e., common papers (FC 1&2) and two Papers from the branch of specialization i.e. Branch Papers (A1&A2) or (B1&B2).

In the second semester, the candidate has to offer two Foundation Course theory papers i.e. Common Papers (FC3&F4) and two Papers from the branch of specialization i.e. Branch papers. (A3&A4 or B3&B4)

In the third semester, the candidate has to offer two papers exclusively from the selected branch of specialization i.e. Branch papers A5 & A6 or B5 & B6 and practical examination comprising empirical socio-legal project work and Law teaching (FC5). In the fourth semester s/he has to complete the Dissertation (F6) in partial fulfillment of the LL.M degree.

SEMESTER	COMPULSORY FOUNDATION COURSE PAPERS	SPECIALIZATION /BRANCH PAPERS	TOTAL PAPERS	MARKS
First	2	2	4	400
Second	2	2	4	400
Third	1 (Practical)	2	3	300
Fourth	1 Dissertation		1	200
				1300

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FOUNDATION COURSE PAPERS COMMON TO ALL BRANCHES:

1. Indian Constitutional Law: the New Challenges
2. Research Methodology: I
3. Law and Social Transformation in India
4. Jurisprudence & Legal Theory
5. Legal Education and Research Methodology: II (Practical)
6. Dissertation

- Practical Papers with the following components:

Non-Doctrinal Research: Socio-Legal Project

The student would be asked to go outside the college campus for conducting a empirical study of a problem which has social, economic moral or political dimension. Field data can be collected through any model of data collection.

Clinical Work:

The modalities can be evolved by the college. One method is that the legal aid clinic of the college can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint themselves with court proceedings, working of a business organization, drafting of business or other deeds and with public interest litigation.

Law Teaching

A topic would be assigned to the student in advance. He/she is required to handle a class for 25 to 30 minutes. Where LL.B. programme co-exists with LL.M. programme, the students may be asked to teach the LL.B. students.

Dissertation:

Dissertation of a minimum length of 120 pages has to be prepared and submitted by the candidate in the area of his/her area of specialization in fourth semester. Dissertation shall be evaluated internally and externally through viva-voce.

- Marks Distribution for External Theory Examination:

External Theory Paper : 70 marks

Internal Assessment : 30 marks. They are to be distributed as per the following criteria

- Home Assignments : 10
- Seminars/Group Discursion/Quiz/MCQs online : 10
- Unit Tests : 10

Practical Examination:

The practical examination shall be held at the end of the third semester on Research Methodology, Law Teaching and Clinical Work (FC5) and also at the end of Fourth Semester i.e. Dissertation.

Marks Distribution for FC 5 paper:

- Doctrinal and Non-doctrinal research (Socio-Legal Project) -50 Marks (25 marks each for doctrinal and non – doctrinal research)
- Law teaching -25 Marks
- Clinical work - 25 Marks

Marks Distribution for FC 6 paper:

- Marks distribution for doctrinal research i.e., Dissertation (FC6):

Dissertation and viva-voce: Dissertation carries 150 marks and viva-voce for 50 marks. The dissertation shall be evaluated by the internal resource person as well as an external expert appointed by the university, carrying 150 marks and accordingly viva -voce shall be conducted by same committee, carrying 50 marks.

Dissertation: 150 marks

Viva : 50 marks

Question Paper Pattern:

For semester end external written examinations in theory, the question paper shall carry 70 marks. This paper will consist of Part – A and Part – B. Part - A shall carry 20 marks consisting of 9 short questions and out of which the examinee should write 5 questions. Each question carries 4 marks. Part – B shall carry 50 marks consisting of 9 essay questions out of which the examinee should write 5 questions. Each question carries 10 marks.

Examination and Award of Degree

- o Candidate shall take examination in each of the subjects prescribed for study at the end of the semester by registering for that semester examination and obtaining hall ticket for the same. Duration of the examination shall be three hours.
- o The semester end examination shall be based on the question paper set by an external paper setter.
- o A candidate shall be declared to have passed in each paper concerned, provided she/he secured a minimum of 50 per cent in external & internal assignment subject to securing of not less than 40 per cent in external exams.
- o **Division**
 Pass Division : 50% in aggregate
 Second Division : above 50% and less than 60%
 First Division : 60% and above
 Distinction : Above 70%
- o **Award of the Degree:** After successful completion of all the requisite papers prescribed, the University will award Post Graduate Degree of Master of Laws (LL.M) with the branch of specialization and along with the division obtained by the successful students.

LL.M Course Pattern

FIRST SEMESTER

Sl.No	PaperNo	Title of the Paper	Hours per week			Max Marks	
			L	T	P	E	I
FOUNDATION COURSE 1	FC1	Indian Constitutional Law: the New Challenges	4	2	-	70	30
FOUNDATION COURSE 2	FC2	Research Methodology -I	4	2	-	70	30
BRANCH PAPERS (BRANCH: B)	B1	Intellectual Property Rights & Copyright Law	4	2	-	70	30
3	B2						
4		Cyber Space, E-Commerce and E-Governance	4	2	-	70	30

L-Lectures,

T-Tutorials,

P-Practicals,

E-External,

I-Internal

SECOND SEMESTER

Sl.No	PaperNo	Title of the Paper	Hours per week			Max Marks	
			L	T	P	E	I
FOUNDATION COURSE 03	FC 3	Law & Social Transformation in India	4	2	-	70	30
FOUNDATION COURSE 04	FC 4	Jurisprudence & Legal Theory	4	2	-	70	30
BRANCH PAPERS (BRANCH: B) 03 04	B3	Law relating to Trademarks, Designs and Related Aspects	4	2	-	70	30
	B4	Cyber Law and Its application in India					

L-Lectures, T-Tutorials, P-Practicals, E-External, I- Internal

THIRD SEMESTER

Sl.No	PaperNo	Title of the Paper	Hours per week			Max Marks	
			L	T	P	E	I
FOUNDATION COURSE 5	FC5	Legal Education and Research Methodology -II: Socio-Legal Project work : 50 marks (25 marks each for doctrinal and non-doctrinal research) Clinical exposure : 25 Law Teaching : 25			2		100
BRANCH PAPERS (BRANCH: B)			4	2	-	70	30
05	B5	Patent Law	4	2	-	70	30
06	B6	Cyber Law: Contemporary Issues and New Trends					

L-Lectures, T-Tutorials, P-Practicals, E-External, I- Internal

FOURTH SEMESTER

Sl.No	PaperNo	Title of the Paper	Hours per week			Max Marks	
			L	T	P	E	I
1		Dissertation + Viva			2	150	50
		TOTAL				1300	

DETAILED SYLLABUS
FIRST SEMESTER
FOUNDATION COURSE SUBJECTS
FC1: INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

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. 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 specialization. Obviously, rubrics under this paper require modification and updating from time to time.

Syllabus

UNIT -I_: FEDERAL SYSTEM

- Creation of new federal state
- Features of unitary, quasi and federal polities
- Directions of the Centre to the State under Article 356 and 365.
- Federal Comity: Relationship of trust and faith between Centre and State.
- Tribal Areas, Scheduled Areas

UNIT -II: DEFINATION OF STATE

- Concept of State
- Origin of State
- Elements of State

- Definition of State under Indian Constitution
- Need for widening the definition in the wake of liberalization.

UNIT -III: RIGHT TO EQUALITY

- Right to equality: privatization and its impact on affirmative action.

UNIT -IV: RIGHT TO FREEDOM OF SPEECH

- Freedom of press and challenges of new scientific development,
- Freedom of speech and right to broadcast and telecast

UNIT -V: EMERGING REGIME OF NEW RIGHTS AND REMEDIES

- Reading Directive Principles and Fundamental Duties into Fundamental Rights
- Compensation jurisprudence
- Right to education

UNIT -VI: RIGHTS OF MINORITIES

- Constitutional guarantees to Linguistic minorities
- Rights of minorities to establish and administer educational institutions and State control.

UNIT -VII: INDEPENDENCE OF JUDICIARY

- Judicial independence.
- Appointment, transfer and removal of judges.
- Judicial activism and judicial restraint.
- Locus standi
- PIL: its origin, scope and the guidelines formulated by the Apex Court

UNIT - VIII : ELECTORAL REFORMS:

- Election commission: status, powers and functions
- The role of Apex Court in promoting electoral reforms
- Grass root democracy- Local Self Governments

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 paper and lastly contemporary emerging ethos impacting on constitutional values.

Suggested Readings:

H.M. Seervai, *Constitutional Law of India* (1993), Tripathi, Bomaby.

Shiva Rao: *Making of Indian Constitution*

Constitutional Assembly Debates

FC2: RESEARCH METHODOLOGY

Objectives of the course

A post-graduate student of law should get an insight into the objectives of legal education. S/he should have an exposure to programmes like organization 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 and future law teachers with better competence and expertise, and as such it is imperative that the student should familiarize himself or herself with the different systems of legal education. The lecture method- both at LL.B., and LL.M. levels 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 an effective 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. The syllabus is designed to develop also skills in research and writing in a systematic manner.

Syllabus

UNIT-I -LEGAL RESEARCH

- Scientific Methods
- Purpose of Social Science Research
- Scope of Legal Research
- Doctrinal and non-doctrinal
- Relevance of empirical research

- Social Legal Research
- Induction and deduction
- Concepts , variables, definitions
- Research Problem
- Formulation of Research Problem

UNIT -II: HYPOTHESIS

- Hypothesis, its role and functions
- Criteria for good hypothesis and its sources
- Research Design
- Forms and techniques of Research Design
- Major steps in the preparation of Research Design

UNIT III: LEGAL RESEARCH DESIGN

- Sampling Techniques
- Its uses and advantages in research
- Random Sampling, Simple random, stratified random, systematic random
- Non-random, sampling hazards, availability and purpose sampling
- Research tools
- Observation, Participant and non-participant observation
- Questionnaire
- Schedule
- Interview

UNIT IV: SOURCES OR SURVEY OF LEGAL MATERIAL FOR LEGAL RESEARCH

- Survey
- Case study
- Content analysis
- Protective Techniques

- Data Processing and Analysis
- Use of Statistics in the analysis and interpretation of data

UNIT V: RESEARCH REPORT OR DRAFTING A LEGAL RESEARCH TEXT

- Findings
- Appendices
- Guidelines to prepare the research text
- Sentence Structures
- Verb Patterns
- Subject Patterns
- Verb Patterns

Paragraph Development

- Start a New Approach
- Using Punctuation in Research Text
- Punctuation in Sentences – how to Use it Correctly
- The Purpose of Punctuation
- Appropriate use of Punctuation Marks
- Use of en Dash

The Reference Material

Book by more than two authors

Article of a Journal

Article in an encyclopedia

Appendices

Footnotes

Bibliography

A Comparison of Bibliography and Foot – note Form

Bibliography

High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London.

S.K.Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.

N.R.Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.

M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978) Pauline V. Young Scientific Social Survey and Research , (1962)

William J. Grade and Paul K.Hatt, Methods in Social Research, Mc Graw-Hill Book Company, London

H.M.Hyman, Interviewing in Social Research (1965)

Payne, The Art of Asking Questions (1965)

Erwin C.Surrency, B.Fielf and J.Crea, A Guide to Legal Research (1959) Morris L.Cohan, Legal Research in Nutshell, (1996), West Publishing Co. Havard Law Review Association, Uniform System of Citations.

ILI Publication, Legal Research and Methodology.

BRANCH SUBJECTS FOR GROUP B: INTELLECTUAL PROPERTY AND CYBER LAWS

B1: INTELLECTUAL PROPERTY RIGHTS AND COPYRIGHT LAW

Objective

Intellectual property has increasingly assumed a vital role with the rapid pace of technological and scientific innovations that we are witnessing today. Further, the emerging technologies like A I, machine learning, chat Bots etc., have further widened the scope and ambit of intellectual property rights. Moreover, changes in the global economic environment have influenced the development of innovative models where intellectual property is a central element establishing value and potential growth. In India several new legislations for the protection of intellectual property rights (IPRs) have been passed to meet the international obligations under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

Intellectual property has therefore grown into one of the world's biggest and fastest-growing fields and the knowledge of these laws is much necessary to deal IPR issues. IPR therefore assumed centrl importance throughout the world in the recent past.

The course content has been prepared to provide the students with a wide perspective and outline of knowledge in intellectual property to enable them to get grounding in the legislative framework, practice and procedure of the intellectual property protected through patents, trademarks, copyrights, designs and geographical indications.

UNIT 1 - INTRODUCTION

- Intellectual Property - Meaning, Genesis, Relevance and Protection
- Theories of Intellectual Property
- Classification of Intellectual Property Rights - Copyright, Trademarks, Patents, Designs, Trade Secrets and Geographical Indications
- WTO - TRIPS Agreement
- The World Intellectual Property Organization (WIPO)

UNIT II: COPYRIGHT: CONCEPT, EVOLUTION AND IMPORTANCE

- Meaning, characteristics and significance of copyright
- Values and Interests behind copyright protection
- Requirements of copyright
- Basic principles of copyright
- Essential conditions for copyright existence and protection
- Copyright issues and concerns
- International Instruments relating to Copyright
- UNIT III: INDIAN COPYRIGHT LAW:
- Development of Copyright Law in India
- Main features of Copyright Act, 1957
- Amendments to Copyright Act
- Import definitions
- Subject matter of copyright
- Works in which Copyright does not subsist
- Registration of copyright
-

UNIT IV: OWNERSHIP AND AUTHORSHIP OF COPYRIGHT:

- First Owner of copyright
- Author of copyright
- Ownership in case of literarily, dramatic and artistic works,
- Ownership in case of musical and cinematography works

- Ownership under Section 17
- Rights of the Owners
- Moral Rights of the Authors
- Term of Copyright
-

UNIT V: ASSIGNMENT AND LICENSING OF COPYRIGHT

UNIT VI: INFRINGEMENT OF COPYRIGHT:

- What constitutes Infringement
- Principles for determination of infringement
- Acts do not constitute Infringement
- Common forms of Infringement
- Remedies against Infringement
-

UNIT VII: AUTHORITIES AND INSTITUTIONS UNDER THE COPYRIGHT ACT

- Copyright Office
- Copyright Board
- Copyright Societies

Suggested Readings & References:

- 1) Cornish, W.R.- Intellectual Property (1981) , Second Indian Reprint, 1993, Universal Book Traders, Delhi.
- 2) Vashishtha - Law and Practice of Intellectual Property in India, 1999.
- 3) P. Narayanan- Intellectual Property (2nd Edn.) 1999.
- 5) Pearson and Miller- Commercial Exploitation of Intellectual Property 1 st Edition, 1990.
- 6) Gopalkrishnan, N.S.- Intellectual Property and Criminal Law , 1st Edn, 1994, National Law School of India University, Bangalore.

B2: CYBER SPACE, E-COMMERCE AND E-GOVERNANCE

Information Technology (IT) is one of the critical sectors that rides on and resides in cyberspace. It has emerged as one of the most significant catalysts for the growth and rapid social transformation. The increase in usage of cyberspace by the Government, Public / Private sector has enhanced interaction of common man in cyber world. This has opened up opportunities for the cybercrimes as cyberspace is vulnerable to a wide variety of cyber-attack. Most of the times, the victims suffers because of lack of awareness about cyber safety. Acquaintance with the legal framework, rapid identification, information exchange, investigation and coordinated response is essential to mitigate the damage caused by malicious cyberspace activity. Therefore, to create more awareness and to acclimatize with concepts of cybercrime this elective paper is introduced. Further, Digital India campaign opened up lots of opportunity to young graduates having expertise in Cyber Security and IT Law and according to NASSCOM, India needs one million cyber law and security experts by 2020

UNIT - 1: THE EVOLUTION OF CYBERSPACE

- Introduction
- Origin of Cyberspace
- World Wide Web
- Growth and Significance of Information Technology
- Regulation of the Internet
- Cyberspace jurisdiction

UNIT - 2: E-CONTRACT & LEGAL ISSUES

- Introduction
- Meaning
- Contract – Offline and Online
- Fundamental requirements of Contract

- Forming E-Contract through websites
- Clickwrap
- Browsewrap
- Shrinkwrap Contracts
-

UNIT - 3: E- COMMERCE

- Meaning and definition of E commerce
- Evolution of E commerce
- Types of E commerce
- UNCITRAL Model of on E commerce and its implementation
- Legal Aspects of E commerce relating to Digital Signatures
- Technical and Legal issues of E commerce
- Trends and Prospects of E commerce
- E taxation, E banking, payment mechanism in cyber space
- Online publishing, online payment
- Legal Aspects relating to payment mechanism in cyber space
- International Approach to E-Commerce – United States; Europe;

UNIT 4: E-GOVERNANCE AND LEGAL ASPECTS

- Concept and significance of E-governance
- Evolution of E- governance, its scope and content
- Components of E-governance UNCITRAL model
- E-governance in India
- The National E-governance Plan
- Present global trends of growth in E-governance

Select Bibliography

Justice Yatindra Singh: Cyber Laws, Karnika Seth: Computers, Internet and New Technology Laws, Vakul Sharma: Information Technology Law and Practice, Satish Chandra: Cyber Law in India, Satish Mali: Cyber Law and Cyber Crime, Pavan Duggal: Cyber Law

SECOND SEMESTER
FOUNDATION COURSE SUBJECTS
FC 3: LAW AND SOCIAL TRANSFORMATION IN INDIA

Objectives of the course

This course is to be designed to offer (a) awareness of India 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 India society.

SYLLABUS

UNIT I : LAW AND SOCIAL CHANGE

- Law as an instrument of social change.
- Law as a product of traditions, customs and culture.
- 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 : MINORITIES AND THE LAW

- Freedom of religion and non-discrimination on the basis of religion.
- Religious minorities and the law
- Constitutional guarantees to Linguistic minorities

UNIT III : SOCIO-ECONOMIC TRANSFORMATION AND EVOLUTION OF LAW

- The impact of social reform movements on the evolution of Social and Labour Legislations in India
- The impact of economic policy changes in the Indian Society on the evolution of economic legislations

UNIT IV: GENDER JUSTICE - EQUITY

- Empowerment of women: Constitutional provisions.
- Women's Commission.
- Protection of the Rights of LGBT community

UNIT V : CHILDREN AND THE LAW

- Child labour
- Sexual exploitation

UNIT VI : MODERNIZATION AND THE LAW

- Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
- Criminal law: Plea bargaining; compounding and payment of compensation to victims
- Civil law: (ADR) Confrontation v.consensus; mediation and conciliation; Lok adalats

Select Bibliography

Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford. Robert Lingat, The Classical Law of India (1988), Oxford. U.Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi. U.Baxi (ed.), Law and Poverty Critical Essays (1988), Tripathi, Bombay. Manushi, A Journal about Women and Society.

Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi. H.M. Seervai, Constitutional Law of India (1996), Tripathi.

D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India(P) Ltd., New Delhi. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (1997), Sage.

India Law Institute, Law and Social Change: Indo-American Reflections, Tripathi (1988) J.B. Kripalani, Gandhi: His life and Thought, (1970) Ministry of Information and Broadcasting, Government of India.

M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay

Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford.

F4: JURISPRUDENCE & LEGAL THEORY

Objectives of the course

The aim of the course is to provide the students with basic knowledge, abilities and skills in the area of law. The students will study the specifics of law, interaction of law and moral, other social regulations. Studying of law as an instrument of the government, the students understand the interdependency of law, politics and economics. The students study main legal categories (law, sources of law, system of law, law enforcement, etc.). They understand the difference between basic legal categories in the countries with different legal cultures. The question “what is law?” has many answers. The students will be suggested to make comparisons of main legal theories, modern legal trends. This objective can be achieved only by providing the understanding of main legal methods, approaches to law, and of the balance between Law, Rights and Justice. As the result of the course, the students may resolve typical legal conflicts, select and interpret codes and other current legislation (for example, in family law, labour law, contract law). The student may defend their rights in conflicts with the governmental bodies, officials, other individuals (private and public persons). They develop logical ability to find legal arguments for supporting a position in a hypothetical conflict. The students develop the ability to write simple legal documents (for example, labour contract or other contracts, complaint or sue to a court). They are suggested to find the difference between enforcement of codes and cases. The basic knowledge in law includes the knowledge of using the sources of law, modern computer systems and Internet. The students may compare different computer software for systematization of current legislation.

Syllabus

UNIT I: LAW AND JUSTICE

- Scope, purview and extent of Jurisprudence: The concept of Law.
- Utility of Jurisprudence
- The Relation of Justice to Law and Ethics, Morality and Legal Theory

- Law and Morals - Mills, Hart Devlin Debate.

UNIT II: NATURAL LAW THEORIES

- Historical Development in Ancient, Medieval and Renaissance Period
- Twentieth Century Natural Law Revival.
- Hart on Natural Law.
- Fuller and Morality of Law.
- Finnis and Restatement of Natural Law

UNIT III: POSITIVISM AND ANALYTICAL THEORIES OF LAW

- Jeremy Bentham's Utilitarianism and Analytical Positivism.
- Austin's Theory of Law
- The Pure Theory of Law: Kelson's Theory.
- Positivism-Meaning by Prof. Hart and Dworkin.
- Analytical Positivism and its application to the Indian Legal System.

UNIT IV: HISTORICAL AND ANTHROPOLOGICAL THEORIES

- The German Historical School-Savigny and Volkgeist.
- The English Historical School - Sir Henry Maine.

UNIT V: SOCIOLOGICAL JURISPRUDENCE

- Roscoe Pound's Theory of Social Engineering and Theory of Interest.
- Laswell and McDaugal, Parsons, Selznick.
- Jhering, Max Weber, Durkheim, Ehrlich.

UNIT VI. ECONOMIC SCHOOL

Marxian theory

Neo - Marxian theory

UNIT VII. REALIST SCHOOL

Holms theory

Jeremy Frank theory

Gray theory etc.

Scandinavian Jurists & their theories

UNIT VIII:. The JUDICIAL PROCESS AND THEORIES OF ADJUDICATION:

- The nature of judicial process and the institution of adjudication.
- Doctrine of Precedent-Stare Decisis
- Ratio Decidendi and Obiter Dicta
- Precedent as a Source of Law.

UNIT VIII: LEGAL CONCEPTS

Concept of Liability- moral, political and legal

Theories of liability

Fault Liability

No-Fault Liability and

Strict Liability

Reference Books:

- 1) Friedman W. -Legal Theory. (Fifth Edition), Universal Law Publishing Co-Pvt. Ltd.
- 2) Wayne Morrison - Jurisprudence from the Greek to Post - Modernism (1997).
- 3) Holand Sir R.W.M. - Thomas Erskine Holland The Elements of Jurisprudence 2001, Universal law Publishing Co Pvt. Ltd.
- 4) Freeman M.D.A. Lloyd's, Introduction to Swet and Maxwell Jurisprudence (7th Edition).
- 5) Dias Jurisprudence (Fifth Edition), Aditya Books, Butterworths.
- 6) P.J. Fitzgerald, Salmond on Jurisprudence (12th Edition) Universal Law Publishers
- 7) Rajeev Dhawan and Alice Jacob, Selection and Appointment of Superme Court Judges - a Case Study (1978
- 8) Bodenheimer, Edgar Jurisprudence The Philosophy and Method of the Law, (Revised Edition) 1996 Universal Book Traders, New Delhi.

**BRANCH SUBJECTS FOR GROUOP B:
INTELLECTUAL PROPERTY AND CYBER LAWS**

B3: LAW RELATING TO TRADEMARKS AND GEOGRAPHICAL INDICATIONS

UNIT I: CONCEPT AND EVOLUTION:

- Meaning and significance of Trade Mark
- Functions of Trade mark
- Need for Trademark law
- Features of Trademarks
- Kinds
- Interface between Trademarks and Internet domain names
- International instruments relating to Trademarks., designs and Geographical indications

UNIT II: TRADE MARK LAW IN INDIA:

- History of Trade mark legislation
- Salient features of the Trademark Act 1999
- Important definitions
- Statutory framework
- Trademark Authorities

UNIT III: ACQUISTION OF TRADE MARK:

- Procedure for Registration of Trade Mark
- Conditions for registration
- Grounds for refusal of registration
- Rights conferred by registration of trade mark

UNIT IV: INFRINGEMENT AND REMEDIES:

- Acts constitution Infringement

- Acts do not constitute infringement
- Concept of Deceptive Similarity
- Statutory Remedies for Infringement of Registered Trade Mark
- Passing off

UNIT V: LAW RELATING TO GEOGRAPHICAL INDICATIONS:

- Meaning and Concept of Geographical Indications
- Difference between G.I & T.M
- Features of G.I
- Features of Geographical Indications of Goods (Registration and Protection Act, 1999
- Procedure of Registration of G.I
- Rights conferred by registration
- Infringement and Remedies

Books Suggested for Reading :

- 1) Cornish, W.R.- Intellectual Property (1981) , Second Indian Reprint, 1993, Universal Book Traders, Delhi.
- 2) Vashishtha - Law and Practice of Intellectual Property in India, 1999.
- 3) P. Narayanan- Intellectual Property (2nd Edn.) 1999.
- 4) Sangal P.S. and Kishore Singh - Indian Patent System and Paris Convention : Legal Perspectives (1987).
- 5) Pearson and Miller- Commercial Exploitation of Intellectual Property 1 st Edition, 1990.
- 6) Gopalkrishnan, N.S.- Intellectual Property and Criminal Law , 1st Edn, 1994, National Law School of India University, Bangalore.
- 7) T.A. Blanco white - Patents for Inventions, 5th Edn, 1983. Stevens and Sons.
- 8) P. Ganguli - Clearing up for Patents - Indian Scenario, Universal Press

B4: CYBER LAW AND ITS APPLICATION IN INDIA

UNIT I: FUNDAMENTALS OF CYBER LAW

- Basics of Law, Source of Laws, Types of Laws
- Constitutional System in India, Role of Court system
- Fundamental Rights & IT Laws in India
- Landmark cases
- Conceptual and theoretical perspective of cyber law.
- Cyber Jurisdiction
- Development of Cyber Law – National and International Perspective

UNIT II: CYBER LAW: E-GOVERNANCE

- Definitions, objectives of Information Technology Act, 2000
- Data Protection, Cyber Security
- Legal recognition of Digital Evidence
- Recognition of liability in the digital world
- E-Contract, E-Auditing, Digital Signatures & Authentication under IT Act, 2000
- E-Governance
- Appointment of Controller
- Legal Aspects of Certifying Authorities, Subscribers

UNIT III: CYBER CRIME AND INVESTIGATION PROCEDURE

- Cyber Crime : freedom of speech in cyber space and human rights issues
- Investigation of Cyber Crime
- Investigation of malicious application
- Agencies for investigation in India, their powers and their constitution as per Indian Laws.
- Procedure followed by the first responders
- Search and Seizure Procedure for digital evidence
- Securing the scene, documenting the scene evidence collection and transportation:
- Data acquisition
- Data analysis
- Reporting
- Digital forensics
- Computer
- Mobile forensics

- Forensic Tools
- Anti- forensics
- Electronic / Digital Evidence Laws and Case Laws

UNIT IV: CYBER LAW – JUDICIAL SYSTEM

- Adjudicating Officer, Adjudicating of Cyber Cases
- Cyber Appellate Tribunal
- Land Mark Cases

UNIT V: CYBER LAW – OFFENCES UNDER INFORMATION TECHNOLOGY ACT, 2000

- Personating, data theft, Cyber Stalking, Prohibition of Obscenity
- Violation of Privacy
- DDOS Attack
- Penalty, Damages & Compensation under IT Act, 2000
- Computer Related Offences
- Cyber Terrorism & Sedition
- Other Offences
- Cyber Espionage
- Cyber Offences and fundamental rights

Suggested Readings:

Justice Yatindra Singh: Cyber Laws

Karnika Seth: Computers, Internet and New Technology Laws

Vakul Sharma: Information Technology Law and Practice

Satish Chandra: Cyber Law in India

Satish Mali: Cyber Law and Cyber Crime

Pavan Duggal: Cyber Law

THIRD SEMESTER
FOUNDATION COURSE PAPERS
FC 5: LEGAL EDUCATION AND RESEARCH METHODOLOGY II (PRACTICAL
PAPER)

Socio-Legal Project work / viva : 50 Marks

Clinical Legal work : 25 marks

Law Teaching : 25 marks

Total : 100 marks

This is based on non-doctrinal (Empirical) research methods. The Students are expected to be familiar with social science research methods and techniques and the basic research skills for conducting empirical research and preparation of research designs. The students will be required to process and interpret the research data based upon such empirical research surveys in select areas of law as might be assigned to them by the Supervisor in consultation with the Head of the Department. The projects/research work will be assigned to the students in the Second Semester. Students are expected to write a project report incorporating the data gathered on the basis of field studies and interviews. Students will be examined at viva-voce on the basis of written material or project report by a committee constituted with Senior Faculty Members by the Principal/H.o.D. The project work and viva-voce will carry 50 marks.

Step by step procedure to be followed for Socio-Legal Research:

- 1) Approval of the title
- 2) Collection of material
- 3) Review of literature
- 4) Problem

- 5) Objectives
- 6) Rationale
- 7) Hypothesis
- 8) Chapterization
- 9) Detuning the Universe of the study
- 10) Sampling Design
- 11) Research Questions/Interview Schedule
- 12) Collection of Data
- 13) Data Processing
- 14) Analysis and Interpretation of data
- 15) Report Writing
- 16) Preparation of Bibliography
- 17) Preparation of List of cases
- 18) Abbreviation Paper

Socio-Legal Research Project work shall have the following structure :

Cover

Cover page

Certificate

Acknowledgement

List of Case Laws.

List of Tables

List of Maps

Abbreviations

Contents

i. Chapter I : Theoretical Background

ii. Chapter II : Research Methodology (As given in A)

iii. Chapter III : Analysis and Interpretation of Data

Chapter IV : Major Findings, Conclusions and Suggestion.

Bibliography

Annexures:

Interview Schedules / Questionnaires

Master Charts

Acts, Bills, Maps, etc.

Clinical Work

The modalities can be evolved by the law school. One method is that the legal aid clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint themselves with court proceedings, working of a business organization, tackling of labour disputes, drafting of business or other deeds and with public interest litigation.

Law Teaching

A topic would be assigned to the student in advance. He is required to handle a class for 25 to 30 minutes. Where LL.B. programme co-exists with LL.M. programme, the students may be asked to teach the LL.B. students.

BRANCH B : INTELLECTUAL PROPERTY AND CYBER LAWS**B5: LAW OF PATENTS AND DESIGNS****UNIT I: CONCEPT, EVOLUTION AND SIGNIFICANCE**

- Meaning & definition
- Significance and relevance of Patents
- Features & types
- Novelty, Usefulness and non-obviousness
- International Legal Framework over Patents

UNIT II: INDIAN LAW RELATING TO PATENTS

- Development of Patent Legislation
- Amendments in compliance with International Instruments and W.T.O
- Important definitions
- Salient features
- Statutory framework

UNIT III: PROCEDURE FOR PROCURING PATENT:

- Patentable and non-patentable Inventions
- Who can apply for Patent? How to apply?
- Steps involved in examination of the application
- Powers of the Controller of Patents, Designs and Trademarks
- Grant of Patent
- Term of Patent
- Revocation and surrender of patent
- International patent

UNIT IV: RIGHTS OF THE PATENTEE AND LIMITATIONS ON THE RIGHTS

UNIT V: LAW RELATING TO DESIGNS:

- Essential features of Designs
- Meaning of Design
- Features of the Designs Act 2000
- Registration of Design
- Rights of the Design Holder
- Infringement and Remedies

UNIT VI: INFRINGEMENT OF PATENT AND REMEDIES

Injunctions and anti – suit injunctions

UNIT VII: ISSUES AND CONCERNS:

- Traditional knowledge and patent regime
- Biological Diversity Act 2002 vis-à-vis the Indian Patent Act, 1970
- Patenting of micro organisms

Books Suggested for Reading :

- 1) Cornish, W.R.- Intellectual Property (1981) , Second Indian Reprint, 1993, Universal Book Traders, Delhi.
- 2) Vashishtha - Law and Practice of Intellectual Property in India, 1999.
- 3) P. Narayanan- Intellectual Property (2nd Edn.) 1999.
- 4) Sangal P.S. and Kishore Singh - Indian Patent System and Paris Convention : Legal Perspectives (1987).
- 5) Pearson and Miller- Commercial Exploitation of Intellectual Property 1 st Edition, 1990.
- 6) Gopalkrishnan, N.S.- Intellectual Property and Criminal Law , 1st Edn, 1994, National Law School of India University, Bangalore.
- 7) T.A. Blanco white - Patents for Inventions, 5th Edn, 1983. Stevens and Sons. , 8) P. Ganguli - Clearing up for Patents - Indian Scenario, Universal Press

B6: CYBER LAW : CONTEMPORARY ISSUES AND NEW TRENDS**UNIT I: DOMAIN NAME AND TRADE MARK LAW****UNIT I: DOMAIN NAME AND TRADE MARK LAW**

- Introduction
- Domain Name
- Types of Domain Name
- Issues and Challenges
- Law in other countries
- Relation between Domain Name and Trade Mark
- Impact of cyber warfare on privacy, identity theft
- Online privacy, Copyright piracy, Cyber Bullying
- Trademark Related issues in the Context of Cyber Law, Cyber Squatting, Landmark Cases
- Online Intermediaries in the governance of Internet, Liability of Intermediaries under IT Act, 2000
- Crypto currency and Cyber Laws
- Dark Web and Legal Challenges
- Social Networking Sites & Cyber Security Challenges

UNIT II: CYBER SECUIRTY

- Data base security
- Operating system security
- E-Commerce and M – Commerce security
- Advance computers, Network and Mobile security
- E-mail security : Web authentication, SSL&SET
- Malicious code
- Concept of Fire Wall security

UNIT III: CHILD PORNOGRAPHY

- POCSO Act, 2012
- IT Act, 2000

UNIT IV: VIOLATION OF RIGHT TO PRIVACY AND DATA PROTECTION

- Indian penal code
- Indian Evidence Act
- Information Technology Act, 2000
- Consumer protection Act, 2019
- Indian Contract Act, 1872
- The Personal Data Protection Bill, 2019

UNIT V: DATA PROTECTION ON CYBER SPACE

- Data Protection in Cyber Law
- National Data Protection Policy
- Data Protection under General Data Regulations (GDPR)
 - a. Right to erasure
 - b. Right to Data Portability
- Data Protection Laws in India
 - a. Indian Constitution
 - b. Information Technology Act, 2000
 - c. Indian Telegraph Act
 - d. Indian Pinal Code
 - e. Indian Copy Rights Act
 - f. Indian Contract Act
 - g. Consumer Protection Act

- h. Specific Relief Act, 1963
 - Data Protection under foreign law
- a. USA
- b. CANADA
 - UNESCO'S principles on personal data protection and privacy

UNIT VI: REGULATION OF SOCIAL MEDIA AND NETWORKING

- Introduction
- Characteristics of social media
- Role of social media in India
- Variants of social media
 - a. Social Networking
 - b. Blogs
 - c. Micro Blogs
 - d. Vlogs and Video sharing sites
 - e. Wikis
 - f. Photo Sharing
- National Security and Social Media
- Statutory provisions relating to social media
 - a. IT Act, 2000 (Amendment in 2008)
 - b. Relevant provisions of IPC and CRPC

Suggested Readings:

Justice Yatindra Singh: Cyber Laws
 Karnika Seth: Computers, Internet and New Technology Laws
 Vakul Sharma: Information Technology Law and Practice
 Satish Chandra: Cyber Law in India
 Satish Mali: Cyber Law and Cyber Crime
 Pavan Duggal: Cyber Law

FOURTH SEMESTER**F6: DISSERTATION**

Candidates are required to submit a dissertation of about 150-200 pages on a topic from the optional group offered by them. The dissertation is expected to be an in depth and critical analysis of a legal problem of contemporary significance in the field chosen by the candidate and must incorporate copious reference to judicial decisions, law review articles, books, monographs relevant to the topic in the form of footnotes. The candidates will be examined at an oral examination (viva) on the strength of the dissertation (written work.) The dissertation will carry 200 marks (150 Marks for dissertation and 50 marks for viva voce) and it should be submitted (two copies) to Head of the Department one month before the Semester ends i.e. the Fourth Semester. The students will be assigned the topic for dissertation by their supervisor in consultation with the Head of the Department within a month after the Semester has started.

The Dissertation submitted by the Students shall be evaluated by the external examiner appointed by the University or Board of Studies in Law as well as the Head of the Department who acts as an internal examiner and the marks obtained in both evaluations are aggregated and averaged. Accordingly, Viva-Voce may also be conducted by an external appointed by the university and the head of the Institution. The examiner shall evaluate the dissertation taking into account the following points:

- a) Coverage of subject matter.
- b) Arrangement and presentation.
- c) Research Methodology
- d) Nature of references and materials used.
- e) Critical appreciation, novelty, analytical skills and originality

Written Work -150 Marks

Viva Voce - 50 Marks

GUIDELINES FOR DOCTRINAL RESEARCH.

A. Research scholars are required to follow the steps given below for preparation of Doctrinal Research

Research Methodology:

Doctrinal Research shall have the following structure :

Cover

Cover page

Certificate

Acknowledgement

List of Case Laws.

List of Tables

Abbreviations

Contents

Chapter I : Introduction

A. Theoretical Background

B. Research Methodology - Research Problem, scope of study, hypothesis, methodology etc.

Chapter II

Chapter III

Chapter IV

Chapter V: Conclusions and Suggestions

Bibliography

(Books, Journals (Articles) News papers, Websites, Research Reports, Magazines. etc.)

Annexures:

Acts, Bills, Maps, etc.

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