

# Learning Outcomes-based Curriculum Framework (LOCF) for Post-graduate Programme



**Name of the Programme:** LL.M IN PUBLIC LAW AND INTELLECTUAL  
PROPERTY RIGHTS

(Syllabus effective from 2020 Admission onwards)



**UNIVERSITY OF KERALA**

2020

# **UNIVERSITY OF KERALA**

## **Department of Law**

**2020**

### **PREAMBLE**

The role of higher education is vital in securing the gainful employment and providing further access to higher education comparable to the best available in the world-class institutions elsewhere. The improvement in the quality of higher education, therefore, deserves to be given top-most priority to enable the young generation of students to acquire skill, training and knowledge to enhance their thinking, comprehension and application abilities and prepare them to compete, succeed and excel globally. Sustained initiatives are required to reform the present higher education system for improving and upgrading the academic resources and learning environments by raising the quality of teaching and standards of achievements in learning outcomes across all undergraduate programs in science, humanities, commerce and professional streams of higher education.

One of the significant reforms in the undergraduate education is to introduce the Learning Outcomes-based Curriculum Framework (LOCF) which makes it student-centric, interactive and outcome-oriented with well-defined aims, objectives and goals to achieve. The University Grants Commission (UGC) took the initiative of implementing the LOCF in the Colleges and the Universities of the country. Accordingly, the University of Kerala has decided to implement the LOCF in all its departments under the auspices of Internal Quality Assurance Cell (IQAC). A series of teacher training workshops were organized by IQAC and the office of the Credit and Semester System (CSS), and the departments have revised the syllabus accordingly, through workshops and in consultation with academic experts in the field.

### **GRADUATE ATTRIBUTES (GAs)**

The Graduate Attributes (GAs) reflect particular qualities and abilities of an individual learner including knowledge, application of knowledge, professional and life skills, attitudes and human values that are required to be acquired by the graduates of University of Kerala. The graduate attributes include capabilities to strengthen one's professional abilities for widening current knowledge and industry-ready skills, undertaking future studies for global and local application, performing creatively and professionally, in a chosen career and ultimately playing a constructive role as a socially responsible global

citizen. The Graduate Attributes define the characteristics of learners and describe a set of competencies that are beyond the study of a particular area and programme.

### **The GAs of University of Kerala**

- Continue life-long learning as an autonomous learner
- Continuously strive for excellence in education
- Apply and nurture critical and creative thinking
- Promote sustainable development practices
- Promote co-operation over competition
- Balance rights with responsibilities
- Understand and respect diversity & difference
- Not be prejudiced by gender, age, caste, religion, or nationality.
- Use education as a tool for emancipation and empowerment of humanity

### **BRIEF HISTORY OF THE DEPARTMENT**

Department of Law, established in 1988, is actively engaged in post graduate teaching and research. Department currently offers a One Year LLM Degree Programme in Public Law and Intellectual Property Rights . Every year 100% pass in the examination with either distinction or first class.40% of the students are qualifying the National Eligibility Test of University Grants Commission to selection of teachers. 50% of the law teachers in Kerala recruited after 2005 are from the Department. Department is actively engaged in extension activities like giving legal aid to poor through permanently established Kerala University Legal Services Clinic, Legal Literacy camps, training programmes seminars and workshops.

Ample opportunities are delivered at the research centre for research-interested students to enhance their research abilities and partake dynamically in innovative research studies through Ph.D programmes. The ongoing areas of research includes Public Law, Election Law, Health Care Law, Intellectual Property Law, Cyber Law, Human Rights, Women's Rights, Rights of Disabled, Family Law, Sports Law and Judicial Process. Dr. B.R Ambedkar Chair ( Centre for Human Rights and Social Justice) is working under the auspices of the Department of Law. It offers a P.G Diploma in Human Rights and a Certificate Course in Human Rights.



## UNIVERSITY OF KERALA

### Syllabus for LL.M IN PUBLIC LAW AND INTELLECTUAL PROPERTY RIGHTS

<b>Programme Specific Outcomes (PSO) for LL.M In Public Law And Intellectual Property Rights</b>	
<b>PSO 1</b>	Understand the characteristics and significance of Intellectual Property Right and Public Law
<b>PSO 2</b>	Develop a thorough analytical understanding with respect to constitutional principles and structure, the nature of civil and political rights by making a comparative study with different jurisdictions, to make aware the students the importance of governmental organisation, the nature of its functioning, it's affairs and their relationship with the individuals
<b>PSO 3</b>	Create an in-depth understanding among the students about the importance of intellectual creations and the respective rights that follows which is a requisite in the contemporary world involved with knowledge creation.
<b>PSO 4</b>	Internalize among the students about the need and importance of research, and involve them in a practical training process to make them knowledgeable as how to make an effective research design to carry out a research process that can result in legal materials of excellent research value

## Programme Structure of LL.M in Public Law And Intellectual Property Rights

Semester	Course Code	Name of the course	Core Courses (CC)	Discipline-Specific Elective (DE)	Generic Course (GC)	Skill Enhancement Elective (SEE)	Credits
<b>I</b>	LAW-C C-511	Research Methods and Legal Writing	+				3
	LAW-C C-512	Comparative Public Laws/Systems of Governance	+				3
	LAW-CC- 513	Law and Justice in a Globalizing World	+				3
	LAW-CC-514	Basic Principles of Intellectual Property Rights	+				2
	LAW-C C-515	Law Relating to Copyrights and Design	+				2
<b>II</b>	LAW-C C- 521	Law Relating to Patents, Law Relating to Geographical Indications, and Traditional Knowledge	+				2
	LAW-C C-522	Law Relating to Trademarks, Passing Off and Trade Secrets	+				2

	LAW-C C-523	Administrative Law Principles for Protecting Citizens from unlawful government interference	+				2
	LAW-C C-524	Constitutional System of Governance in India and Social Justice.	+				2
	LAW-D E-525	Environmental Law		+			2
	LAW-D E-526	Law and International Conflict Resolution		+			2
	LAW- CC 527	Dissertation	+				5
<b>TOTAL</b>							30

<b>SEMESTER I</b>	<b>Course Code: LAW C 511</b>	<b>Credits: 2</b>
-------------------	-------------------------------	-------------------

**NAME OF THE COURSE: RESEARCH METHODS & LEGAL WRITING**

**Course Outcomes:**

**C01:** To Identify and familiarize with basics of research and the research process.

**C02:**To develop adequate knowledge in the different classification of research and enable in utilising in the research activity at various platforms.

**C03:**To discuss and justify the basic components of the research design relevant to tackle a research problem by framing a hypothesis.

**C04:** To impart knowledge for enabling students to develop data analytics and meaningful interpretation of data to solve a Research problem

**C05:**Evaluate the practical implications in realising a credible legal research

**C06:**To familiarize students in conducting research work and formulating research synopsis and report.

**COURSECONTENT**

**Module I: FOUNDATION OF RESEARCH AND ITS OBJECTIVES**

Basics of Research --Meaning,Objectives and Motivations for Research -Foundations of Research Methodology – Comparison of Research methods vis a vis Research Methodology- Legal Research - Meaning, scope and purpose - Relation between law and society

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Develop understanding of basics of research and different definitions of research.

M01: Enable student to understand what research is and what is not

M01: Introduce the objectives of doing a research and set the motivation in research.

M01: Enunciate on what is the difference between a method and methodology is

M01: Exhibit some aspects of debate about the nature of knowledge and the values of scientific method

M01: Discuss the strong interlink between law and society

M01: Critically evaluate the vitality of conducting a legal research.

## **Module II: CLASSIFICATION OF RESEARCH**

Types/kinds of Research -Doctrinal and Non-Doctrinal (empirical); Applied, fundamental; Library research, field research and laboratory research, analytical, descriptive, conceptual; Participatory and Non-Participatory; Comparative, historical, statistical, critical, socio-legal; Mono disciplinary and Trans disciplinary; quasi disciplinary, inter-disciplinary (multi- disciplinary) research; Quantitative and qualitative, one time and longitudinal, clinical or diagnostic research. Research for legal reform

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M02: Enumerate on the different classification of research.

M02: Critically evaluate and analyse its significance and applicability.

M02: Enunciate on the criteria of good research.

M02: Critically evaluate the significance of the diverse scope of applicability of the kinds of research in respect of legal reform platform.

## **Module III: RESEARCH METHOD & RESEARCH DESIGN**

Various Steps in Research: Research Process Research Problem: Identification and Formulation Hypothesis Use of Library Use of Modern Technology/ Computer Assisted Research

### **Module Outcome:**



*After Completion of this module, the student should be able to:*

M03: Prepare a preliminary research design for projects in their subject matter areas

M03: Discuss what a research problem is

M03: Review and analyse research findings that affect their agency

M03: Develop a hypothesis and a research problem

M03: Framing the problem with correct research methodology

M03: Evaluating feasibility of a research proposal

M03: Presenting data to support programs to decision makers and the population sample.

M03: Understand the meaning of what sampling is.

M03: Explain the tents of various methods of sampling.

M03: Display why a hypothesis is important in research

M03: Enumerate the good characteristics of hypothesis

M03: Enriched with using digital technologies for implementing research techniques.

#### **Module IV: DATA COLLECTION & REPORT WRITING**

Tools and Techniques for Collection of Data · Primary and Secondary Sources · Literature Review · Observation Method · Questionnaire · Interview · Case study · Sampling · Jurimetrics Analysis and Interpretation of Data - Use of Deductive and Inductive Methods in Research      Preparation of Research Report and Writing of Research report - Budgeting of Research      Ethical and Legal Issues: Plagiarism and Copyright Violation

#### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M04: Understand the varied methods of data collections.

M04: Using data to make decisions.

M04: Accurately collect, analyse and report data.

M04: Explain how a researcher opts for a specific data collection method.

M04: Identify what the tenets of each one of the studies data collection methods are.

M04: Developing themes, topics, schedules for subsequent interviews and/or questionnaires

M04: Generating and evaluating data from different sub-groups of a population

M04: Develop a Research paper taking into concern the copyright and plagiarism concern.

## **Module V: RESEARCH METHODS IN LEGAL RESEARCH**

Sources of Authority - Kinds: Informative, Persuasive- Doctrinal and Non-Doctrinal Research Method Research Method - Socio- Legal Research Methods: Need and Significance- the various steps Research Question, Title, Identifying relevant areas of law, Identifying Literature and Case Laws, Analysis, Discussion, Recommendations and Conclusion - Qualities of a Good Researcher- Criteria for a Good Research -Obstacles to Good Research in India

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M05: Identify the applicability of doctrinal and non-doctrinal method in a legal research

M05: Orient the themes and vitality of identifying the areas of law which demand for an alarming transformation

M05: Critically generate hypothesis for developing a quality legal research.

## **Module VI: ACADEMIC & LEGAL RESEARCH WRITING**

Legal Writing and Essentials of Good Legal Writing- Structured Legal Writing: Organization of Legal Materials Framing of Write Up -Writing for Individual Purposes; Writing for Academic Purpose; Writing for Court Purposes: Briefs, Plaints etc.; Writing for Publication: reviews, articles, books etc.; Judicial writing Citation, Reference and Footnoting – Blue Book Citations –APA Citation Format – MLA Format - Bibliography Editing and Proof reading - Writing of Research Proposal Dissertation/ Thesis Writing ( Case- Statute- Project- )Evaluation criteria-

(Methodology- control –style of presentation)

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M06: Understand and identify the structure of drafting a legal research writing.

M06: Develop ability to utilise the citation formatting tool and techniques

M06: Compare the differences in styles of writing a judicial writing and academic -legal writing

M06: Organise the form and structure that necessitate an organised research writing.

### **ACTIVITIES, LEARNING RESOURCES & ASSESSMENT**

#### **Suggested Class Room Activities:**

- Assignments
- Seminar Presentation on selected topics
- Formulate a Research Problem and a Hypothesis and Design a research paper

### **LEARNING RESOURCES**

#### **References**

- ANWARUL YAQIN LEGAL RESEARCH AND WRITING METHODS (Lexis Nexis 2008).
- C.R. KOTHARI, RESEARCH METHODOLOGY: METHODS AND TECHNIQUES (New Age International Pvt. Ltd, 2013)
- DAVID L MORGAN, INTEGRATING QUALITATIVE AND QUANTITATIVE METHODS (Sage 2014).
- PROF THUSHAR KANTHI SAHA, TEXT BOOK ON LEGAL METHODS, LEGAL SYSTEMS AN RESEARCH (2<sup>nd</sup> Ed Universal Law Publishers 2015).
- RANJITH KUMAR, RESEARCH METHODOLOGY (Sage Texts 2014).
- RATTAN SINGH, LEGAL RESEARCH METHODOLOGY (2edn. Lexis Nexis 2016).
- ROBERT WATT, FRANCIS JOHNS, CONCISE LEGAL RESEARCH (6<sup>th</sup> Ed Universal Law Publishing Company 2012)
- VIJAY K. GUPTA, DECISION MAKING IN THE SUPREME COURT OF INDIA (A JURIMETRIC STUDY) – ALTERNATIVES IN JUDICIAL RESEARCH (Kaveri Books Delhi, 1995).
- AGRAWAL S.K., LEGAL EDUCATION IN INDIA, Tripathi Publishers, Bombay (1973)
- ANDERSON J DURSTAN; B. H. POOLI, THESIS AND ASSIGNMENT WRITING, Eastern Books Limited, New

Delhi, (1977)

- BRAYNE H., N. DUNCAN, R. GRIMES, CLINICAL LEGAL EDUCATION ACTIVE LEARNING IN YOUR LAW SCHOOL, Oxford, (1998)
- GOODE W. J., HATT P.K., METHODS OF SOCIAL RESEARCH, McGraw Hill, New York, (1962)
- JAIN S.N., LEGAL RESEARCH & METHODOLOGY, INDIAN LAW INSTITUTE PUBLICATION, (Ed) Tripathi Pvt. Ltd., Bombay (1983)
- PROF. TUSHAR KANTI SAHA, TEXTBOOK ON LEGAL METHODS, LEGAL SYSTEMS AND RESEARCH, Universal Law Publishing Co., New Delhi (2010).

<b>SEMESTER I</b>	<b>Course Code: LAW CC 512</b>	<b>Credits: 3</b>
-------------------	--------------------------------	-------------------

**NAME OF THE COURSE: COMPARATIVE PUBLIC LAW/ SYSTEMS OF GOVERNANCE**

**Course Outcomes:**

**C01:** Compare the various constitutions and constitutional principles.

**C02:** Detecting constitutionalism from various constitutions and comparing essential features of constitutionalism.

**C03:**Comparatively analyse the structure of government, legislative process and the role of the judiciary to have better understanding of the Indian polity.

**C04:** Understand and analyse the two foundational concepts of Rule of Law and Separation of Powers

**C05:** Critically analyse the different systems of governance and the relevance of democratic decentralization

**C06:** Explain the scope and extent of Constitutional Review

**C07:** Comparatively analysing the methods and limitation in amending a constitution and the role of Basic structure in it.

**COURSE CONTENT**

**MODULE I: PUBLIC LAW: CONCEPTUAL FOUNDATION**

Public Law – Constitution and Administrative Law- Relation between - Concept of Constitution Meaning and Idea of Constitution, Nature and Goals Living Constitution Constitution as Supreme Law- Study of Comparative Constitutional Law Relevance Problems and Concerns in Using Comparison Constitutionalism Concept,

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Realize Administrative Law And Constitutional Law.

M01: Differentiate Administrative Law And Constitutional Law.

M01: Evaluate the relevance of Living constitution.

M01: critiquing various provisions of Indian constitution with other constitutions of the world.

### **MODULEII: PUBLIC LAW: CONSTITUTIONAL FOUNDATION**

Distinction between Constitution and Constitutionalism Essential features of Constitutionalism  
-Written Constitution, Separation of Powers, Fundamental Rights, Independence of Judiciary and  
Judicial Review-Concept of Sovereignty - Transparency and Accountability in governance-

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M02: Realize Constitution and Constitutionalism.

M02: Differentiate Constitution and Constitutionalism.

M02: Evaluate the relevance of Separation of Powers and compare separation of powers under Indian constitution and other constitutions in the world.

M02: comparing the concept of independence of judiciary and judicial review in India with other jurisdiction.

M02: Evaluate the changing trends in traditional concept of sovereignty.

### **Module III: CONSTITUTIONAL FOUNDATIONS OF POWERS**

Constitutional foundations of powers - Supremacy of Legislature in Law Making -Rule of law :  
Dicey's Concept of Rule of Law, Modern Concept of Rule of Law , Social and economic rights as

part of rule of law - Separation of powers - Concept of Separation of Powers - Checks and Balances - Separation of Powers or Separation of Function

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M03: Understand and articulate the changing concept of rule of law.

M03: Analyse the concept of Separation of Powers and evaluate the various checks and balances available.

**Module IV: CONSTITUTIONAL FOUNDATIONS OF POWERS**

Forms of Governments - Federal and Unitary Forms :Features, Advantages and Disadvantages , Models of Federalism and Concept of Quasi-federalism, Role of Courts in Preserving Federalism - Parliamentary and Presidential Forms of Government- International Organization and institutions – public participation in governance- Democratic Decentralization

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M04: Understand the different forms of government

M04: Evaluate unitary and federal forms of government

M04: Develop an understanding on the role of the courts in preserving federalism

M04: Evaluate the role of public participation in governance and design a model of democratic decentralization

**Module V: CONSTITUTIONAL REVIEW**

Methods of Constitutional Review : Judicial and Political Review, Concentrated and Diffused Review, Anticipatory and Successive Review - Concept and Origin of Judicial Review -Limitations on Judicial Review

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M05: Evaluate the various methods of constitutional review and decide on which authority the power must be entrusted to.

M05: Analyse the scope and extent of judicial review.

**Module VI: AMENDING POWERS UNDER THE CONSTITUTION**

Amendment of Constitution -Various Methods of Amendment- Limitations on Amending Power: Comparative Perspective - Theory of Basic Structure- Origin and Development.

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M06: Explain the various methods of amendment of constitution

M06: Comparatively analyse the limitations of amending power

M06: Evaluate the origin and development of Basic Structure

**ACTIVITIES, LEARNING RESOURCES & ASSESSMENT****Suggested Class Room Activities:**

- Assignments
- Seminar Presentation on selected topics
- Debates

LEARNING RESOURCES

**REFERENCES**

- A LAKSHMINATH, BASIC STRUCTURE AND CONSTITUTIONAL AMENDMENTS: LIMITATIONS AND JUSTICIABILITY (Deep & Deep Publications, 2010)
- A.V.DICEY- AN INTRODUCTION TO THE STUDY OF THE CONSTITUTION (Springer



Publications, 1959)

- ANUP CHANDRA KAPUR, K.K. MISRA, SELECT CONSTITUTIONS (S Chand Publications, 2016).
- CHRISTOPHER FORSYTH, MARK ELLIOTT, SWATI JHAVERI, EFFECTIVE JUDICIAL REVIEW: A CORNERSTONE OF GOOD GOVERNANCE (Oxford University Press, 2010).
- D.D. BASU, COMPARATIVE CONSTITUTIONAL LAW. (Lexis Nexis, 2015)
- DAVID STRAUSS, THE LIVING CONSTITUTION (Oxford University Press, 2010)
- DR. SUBHASH C KASHYAP, FRAMING OF INDIAN CONSTITUTION (2004)
- ELIZABETH GIUSSANI, CONSTITUTIONAL AND ADMINISTRATIVE LAW (2008).
- ERWIN CHEMERINSKY, CONSTITUTIONAL LAW, PRINCIPLES AND POLICIES (2006)
- GARY SLAPPER AND DAVID KELLY, ENGLISH LEGAL SYSTEM (2015).
- GRANVILLE AUSTIN THE INDIAN CONSTITUTION-CORNER STONE OF A NATION.(Oxford India Paper Back, 1996)
- M.V. PYLEE, CONSTITUTION OF THE WORLD (Lexis Nexis, 2006)

<b>SEMESTER I</b>	<b>Course Code: LAW CC 513</b>	<b>Credits: 3</b>
-------------------	--------------------------------	-------------------

**NAME OF THE COURSE: LAW AND JUSTICE IN A GLOBALIZING WORLD**

**Course Outcomes:**

**C01:** Critically analyse the concept of Globalization and Its Impacts.

**C02:** compare various concepts of Theories of Justice.

**C03:** Evaluate the practical implication of cosmopolitanism.

**C04:** Identify the impact of globalization on judicial process.

**C05:** Examine the impact of Law on social change.

**C06:** Understand the art of judicial process.

**COURSE CONTENT**

**MODULE I: GLOBALIZATION: MEANING, REACH AND FORM**

Social, Political, and Economic Dimensions of Globalization. Emergence of Transnational Law in a Globalizing World. Impact of Globalization on Sovereignty of States. Impacts of Globalization on Federalism and Democratic Law Making.

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Explain the concept of Globalisation.

M02: Analyse the changes in traditional concept of sovereignty.

M03: Critically evaluate Globalisation and its impact on federalism.

M04: Examine the impact on Transnational Corporation on sovereignty.

## **MODULE II: GLOBALIZATION AND ITS IMPACTS ON HUMAN RIGHTS**

Impacts of Globalization on Human Rights. Globalization and Free Market, Impact on welfare state, Natural Resources, Environment Displacement for Development, Problem of Unemployment.

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Understand basic Human Rights.

M02: Critically evaluate Globalisation and its impact on Human Rights.

M03: Describe welfare state.

M04: Analyse the impact of globalization and free market on welfare state.

## **MODULE III: CONCEPT OF JUSTICE IN A GLOBALIZING WORLD**

Globalization and Universal Values      Concept of Global Justice, Cosmopolitanism  
Globalization and Social Justice/ Global Distributive Justice.

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Recognise universal values.

M02: Evaluate Globalisation and universal values.

M03: understand cosmopolitanism.

M04: Examine the relevance of cosmopolitanism.

M05: Evaluate various theories relating to justice.

## **MODULE IV: IMPACT OF GLOBALIZATION ON SOCIAL CHANGE**

Impact of Globalization on Judicial Process and administration of Justice- Law and society- Social basis of law- social functions of law- Law as the framework of social life- Law as an instrument of social change.

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Recognise social change.

M02: Evaluate law and its Impact on social change.

M03: Analyse Alternative Legal Strategies for social change.

M04: Evaluate the Impact of Globalization on judicial Process.

## **MODULE V: JUDICIAL PROCESS AS PART OF THE ENTIRE DISPUTE RESOLVING PROCESS IN THE COMMUNITY**

Philosophical content of judicial process the process of judicial reasoning- uses and abuses of logic in the judicial process- social philosophy of judge and its impact on judicial decisions- committed judiciary-Power of Dissent - Judicial creativity.

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: understand how the outlook on life affects the way judges make decisions.

M02: Evaluate various judicial decisions on the basis of logic in judicial process.

M03: Examine the importance of dissenting judgements.

M04: critically evaluate a recent judgement.

M05: Understand to write a judicial decision.

## **MODULE VI: CONSTITUTIONAL DIMENSIONS TO JUSTICE**

Judicial Activism and Judicial Self Restraint Judicial Independence and Accountability Precedent and Social change- Doctrine of Stare Decisis in England and India- Common law judicial achievement- reconciling change with stability within the system of precedent. Access to Justice- Legal Literacy, Legal Aid, Lokadalats.

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: understand judicial activism and judicial self restraint.

M02: compare Judicial Activism and Judicial Restraint.

M03: Examine the importance of judicial accountability.

M04: Evaluate the importance of precedents.

M05: Compare doctrine of stare decisis in England and India.

M06: Able to conduct Legal Literacy Class.

## **ACTIVITIES, LEARNING RESOURCES & ASSESSMENT**

### **Suggested Class Room Activities:**

- Assignments
- Seminar Presentation on selected topics
- Debates
- Case study

## **LEARNING RESOURCES**

### **References**

- ANDHYARJUINA T.R. JUDICIAL ACTIVISM AND CONSTITUTIONAL DEMOCRACY
- ANDREW KUPER, DEMOCRACY BEYOND BORDERS: JUSTICE AND REPRESENTATIONS IN GLOBAL INSTITUTIONS (2006).
- ANTHONY MCGREW, DAVID HELD (EDS.), GOVERNING GLOBALIZATION: POWER, AUTHORITY AND GLOBAL GOVERNANCE (POLITY PRESS 2002).
- BASU, ECONOMIC ANALYSIS OF LAW IN INDIA (2010)
- BOAVENTURA DE SOUSA SANTOS, CESAR A. RODRIGUEZ-GARAVITO (EDS.), LAW AND GLOBALIZATION FROM BELOW (CAMBRIDGE UNIVERSITY PRESS, 2005).
- CAPPELLETI AND GARTH- ACCESS TO JUSTICE
- CARDOZO THE NATURE OF JUDICIAL PROCESS
- CHINNAPPA REDDY, THE COURT AND THE CONSTITUTION (2010)
- DAVID B. GOLDMAN, GLOBALIZATION AND THE WESTERN LEGAL TRADITION: RECURRING PATTERNS OF LAW AND AUTHORITY (CAMBRIDGE UNIVERSITY PRESS, 2008).
- DAVID HELD, A GLOBALIZING WORLD? CULTURE, ECONOMICS, POLITICS (2004).
- DAVID KINLEY, CIVILISING GLOBALISATION (2009)
- DAVID KINLEY, CIVILIZING GLOBALIZATION: HUMAN RIGHTS AND THE GLOBAL ECONOMY (CAMBRIDGE UNIVERSITY PRESS, 2009)
- DAVID SCHNEIDERMAN, CONSTITUTIONALIZING ECONOMIC GLOBALISATION (2008)
- DAVID SCHNEIDERMAN, CONSTITUTIONALIZING ECONOMIC GLOBALIZATION: INVESTMENT

RULES AND DEMOCRACY'S PROMISE (CAMBRIDGE UNIVERSITY PRESS, 2008).

- DHAVAN, JUDGES AND JUDICIAL POWER
- FRIEDMAN- LAW IN A CHANGING SOCIETY
- GALANTER LAW SOCIETY AND MODERN INDIA
- ISHWARA BHATT-LAW AND SOCIAL TRANSFORMATION 2012(EBC)
- JAYAKUMAR N.K. JUDICIAL PROCESS IN INDIA
- JEAN-MARC COICAUD, MICHAEL W. DOYLE ET AL (EDS.), THE GLOBALIZATION OF HUMAN RIGHTS (UNITED NATIONS UNIVERSITY PRESS, 2003).
- JEROME FRANK COURTS ON TRIAL
- JOHN BAYLIS, STEVE SMITH, ET AL (EDS.) THE GLOBALIZATION OF WORLD POLITICS: AN INTRODUCTION TO INTERNATIONAL RELATIONS (OUP, 2008).
- JULIS STONE, LEGAL SYSTEM AND LAYERS REASONING
- JULIUS STONE PRECEDENT AND THE LAW
- JULIUS STONE SOCIAL DIMENSIONS OF LAW AND JUSTICE
- KARL-HEINZ LADEUR (ED.), PUBLIC GOVERNANCE IN THE AGE OF GLOBALIZATION (2004).
- KERMIT ROOSEVELT III- THE MYTH OF JUDICIAL ACTIVISM (FIRST INDIAN REPRINT 2008)
- L.M.SINGHVI , LAW AND POVERTY
- LAKSHMI NATH, PRECEDENT IN INDIAN LEGAL SYSTEM
- LAURA VALENTINI, JUSTICE IN A GLOBALIZING WORLD: A NORMATIVE FRAMEWORK (OUP, 2011).
- 12. M. ABOUHARB, DAVID CINGRANELLI, HUMAN RIGHTS AND STRUCTURAL ADJUSTMENT (CAMBRIDGE UNIVERSITY PRESS 2007).
- LEVI, INTRODUCTION TO LEGAL REASONING
- M.N.SRINIVAS-LAW AND SOCIAL CHANG
- PABLO DE GREIFF AND CIARAN CRONIN (EDS.), GLOBAL JUSTICE AND TRANSNATIONAL POLITICS: ESSAYS ON THE MORAL AND POLITICAL CHALLENGES OF GLOBALIZATION (MIT PRESS, 2002).
- PERCY E. CORBETT, THE GROWTH OF WORLD LAW 184 (1971).
- PETER GERANGELOS, THE SEPARATION OF POWERS AND LEGISLATIVE INTERFERENCE IN JUDICIAL PROCESS.(2010)
- R.DHAVAN, THE SUPREME COURT OF INDIA
- RICHARD NEELS HOW COURTS GOVERNS AMERICA
- ROSALYN HIGGINS, DEVELOPMENT OF INTERNATIONAL LAW THROUGH THE POLITICAL ORGANS OF THE UNITED NATIONS (1963).
- RUPERT CROSS PRECEDENT IN ENGLISH LAW
- SHAMAN, EQUALITY AND LIBERTY IN THE GOLDEN AGE OF STATE CONSTITUTIONAL LAW(2010)
- SHAPIRO LAW AND POLITICS IN THE SUPREME COURT.
- SIMON CONEY, JUSTICE BEYOND BORDERS: A GLOBAL POLITICAL THEORY (OXFORD UNIVERSITY PRESS, 2005).
- SOCIAL SCIENCES APPROACHES TO THE JUDICIAL PROCESS A SYMPOSIUM
- UPENDRABAXI- MARX LAW AND JUSTICE
- UPENDRABAXI, THE CRISIS OF INDIAN LEGAL SYSTEM
- UPENDRABAXI, THE FUTURE OF HUMAN RIGHTS (OUP, 2002).
- 18. WARNER MENSKI, COMPARATIVE LAW IN GLOBAL CONTEXT: THE LEGAL SYSTEMS OF ASIA AND AFRICA (CAMBRIDGE UNIVERSITY PRESS, 2006).
- WENHUA SHAN, PENELOPE SIMONS ET AL., REDEFINING SOVEREIGNTY IN INTERNATIONAL ECONOMIC LAW (HART PUBLISHING, 2008).
- WILLIAM TWINING, GENERAL JURISPRUDENCE: UNDERSTANDING LAW FROM A GLOBAL PERSPECTIVE (CAMBRIDGE UNIVERSITY PRESS, 2009).
- WORLD COMMISSION ON SOCIAL DIMENSION OF GLOBALIZATION, A FAIR GLOBALIZATION: CREATING OPPORTUNITIES FOR ALL (2004)
- YASHGAI, THE POLITICAL ECONOMY OF LAW

### **On-line Sources**

<http://www.jstor.org/stable/>

<https://home.heinonline.org/>

<https://www.prsindia.org/>

<https://main.sci.gov.in/>

<http://www.jstor.org/stable/>

<b>SEMESTER I</b>	<b>Course Code: LAW CC 514</b>	<b>Credits: 2</b>
-------------------	--------------------------------	-------------------

**NAME OF THE COURSE: BASIC PRINCIPLES OF INTELLECTUAL PROPERTY RIGHTS**

**Course Outcomes:**

**C01:** Critically analyse the theoretical and philosophical underpinnings of the Intellectual property system

**C02:** Use constitutional foundation for legitimising Intellectual Property

**C03:** Identify the relationship between IP and Human rights

**C04 :** Compare the IP and competition regime and analyse its compatability

**C05:** Evaluate the practical implications in the attempts to harmonise IPR Standards.

**C06:** Evaluation of IP regime in India

**COURSECONTENT**

**Module I: UNDERSTANDING INTELLECTUAL PROPERTY**

An introduction to IPR-Need for IPR- Understanding the nature if IP – What is IP- Importance and Difficulties in defining IP- Origin and Development of IP Law- History

Discussing the different types of IP - Identifying the Features of the various types of IP – their commonalities and differences- New Dimensions and expanding IP

IP as a property- its relationship with traditional property- changing notions of property- concept of intangibility- How much property is there in IP - Justifying IP as a property

**Module Outcome:**

*After Completion of this module, the student should be able to:*

**M01:** Explain the commonalities and various types of IP



M01: State an exhaustive definition to Intellectual Property

M01: Analyse the changing notions of Intellectual Property

M01: Critically evaluate, how far is intellectual property a property

## **Module II: JUSTIFYING INTELLECTUAL PROPERTY**

Philosophical Justifications- Right based justifications- Theories of Natural Right- Personality Theory- Distributive Justice-

Economic justifications - Incentive Theory-Reward Theory

Economics of Patents -Concept of free riding- balancing of moral right, economic right, social right and individual interest

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M02: Compare the traditional property justification with Intellectual property

M02: Identifying the economic relevance of the existence of Intellectual Property

M02: Identify the various interests to be protected in a good IP legislation

M02: Evaluate the fairness in the existing IP legislations

## **Module III: CONSTITUTIONAL AND HUMAN RIGHT DIMENSIONS OF INTELLECTUAL PROPERTY**

Need of Constitutionalising Intellectual property

Constitutional provisions and Intellectual Property Rights

Issue of Balancing of Interest- Fundamental Right foundation for IP

IPR & Human Rights Conflict or Convergence? Theoretical Approach- Art.27(1) of UDHR-Art.15(1)© of ICCPR-Art.10(1),(2) of ECHR-Art.7 & 8(1) of TRIPS-

Exploring the relationship between patents, copyrights, trademarks vis a vis human rights

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M03: Understand the need of constitutionalising Intellectual property

M03: Apply the constitutional principles to uphold the legitimacy of IP

M03: Develop a fundamental right foundation for IP

M03: List the various human rights involved in Intellectual property rights.

M03: Identify the relationship between IP and Human rights

**Module IV: IP AND COMPETITION**

Theoretical basis of IPR and Competition law

TRIPs and its impact on competition law regime

Abuse of IPR and competition law (agreements, abuse of dominant position, combination)

Doctrine of exhaustion and its treatment

Modern trend to the conflict in IPR and Competition law

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M04 : Understanding of competition law

M04: Identify the interference of Competition law in abuse of IP

M04: Critically analyse the modern trend in the regulatory strategy of IP issues.

**Module V: CONVENTIONS, AGREEMENTS AND TREATIES IN THE FIELD OF INTELLECTUAL PROPERTY-BASIC INTRODUCTION**

Conventions on Industrial property-Paris Convention for the Protection of Industrial Property 1883-Patent Cooperation Treaty (PCT)1970-Hague Agreement Concerning the International Deposit of Industrial Designs1925- Madrid Agreement Concerning the International Registration of Marks1891- TradeMark Law Treaty 1994- Madrid and Lisbon Agreement on Geographical Indications.

Convention on copyright- Berne Convention for the Protection of Literary and Artistic Works  
1886-WIPO Copyright Treaty 1996

WTO Agreement on the Trade Related Aspects of Intellectual Property (TRIPS) 1994-The Uruguay  
Round-Implementation and Review- Practical implications of the TRIPS Agreement

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M05:Plot the international development of IP through various treaties and conventions

M05:Analyse the extend of harmonisation in the standards of IP around the world

M05: Critically evaluate the practical implications of the TRIPS Agreement

**Module VI: INTELLECTUAL PROPERTY REGIME IN INDIA**

IP Laws in India- An Introduction

IPR Policy of India- The Guiding Principles of Rational and Humane Intellectual Property Policy

Important case studies on Intellectual property.

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M05:Explain the IP regime in India

M05: Examine the ambit of IPR policy of India.

M05: Analyse the judicial response to IP issues in India

**ACTIVITIES, LEARNING RESOURCES & ASSESSMENT**

**Suggested Class Room Activities:**

- Assignments
- Seminar Presentation on selected topics
- Debates

- Case study

## LEARNING RESOURCES

### References

- ALEXANDRA GEORGE, CONSTRUCTING INTELLECTUAL PROPERTY (Cambridge University Press 2012).
- ALFREDO ILARDI AND MICHAEL BLAKENEY, INTERNATIONAL ENCYCLOPAEDIA OF IP TREATIES(Oxford University Press., 2004)
- ANNABELLE LEVER, NEW FRONTIERS IN THE PHILOSOPHY OF INTELLECTUAL PROPERTY (Cambridge University Press 2013)
- CHIDI OGUAMANAM, IP IN GLOBAL GOVERNANCE, (Routledge)
- DOUGLAS A. IRWIN, THE GENESIS OF GATT. (Cambridge University Press 2012)
- HENNING GROSSE RUSE KHAN, THE PROTECTION OF IP IN INTERNATIONAL LAW (Oxford)
- H.Helfer, HUMAN RIGHTS AND INTELLECTUAL PROPERTY: CONFLICT OR COEXISTENCE ? 5 MINNESOTA IP REVIEW(2003).
- HELENA.R.HOWE & JONATHAN GRIFFITHS, CONCEPTS OF PROPERTY IN INTELLECTUAL PROPERTY LAW (2013)
- HOLGER HESTERNEYER, HUMAN RIGHTS AND THE WTO( Oxford University Press,2008)
- LAURA J MURRAY, S. TINA PIPER, KRISTY ROBERTSON, PUTTING INTELLECTUAL PROPERTY IN ITS PLACE: RIGHTS DISCOURSES, CREATIVE LABOR, AND THE EVERYDAY (Oxford University Press, 2014)
- MARIO CIMOLI, GIOVANNI DOSI, ET.AL, INTELLECTUAL PROPERTY RIGHTS (Oxford University Press, 2014)
- MATTHEW FISHER, FUNDAMENTALS OF PATENT LAW- INTERPRETATION AND SCOPE OF PROTECTION (Hart Publishing Company 2010)
- N.S. GOPALAKRISHNAN, T.G. AGITHA, PRINCIPLES OF INTELLECTUAL PROPERTY

(Eastern Book Co.2014)

- PAUL.L.C.TORREMANS, IP AND HUMAN RIGHTS (Wolters Kluwer 2008)
- P.YU, RECONCEPTUALISING IP INTEREST IN A HUMAN RIGHT FRAMEWORK 40(3) U.C.DAVIS LAW REVIEW (2007)
- RAJSHREE CHANDRA, KNOWLEDGE AS PROPERTY (Oxford University Press, 2012).
- ROBERT P.MERGERS, JUSTIFYING INTELLECTUAL PROPERTY (Harvard University Press) (2011)
- WILLIAM R.CORNISH, IP IN THE NEW MILLENNIUM(Cambridge University Press., 2005)

#### **On-line Sources**

[www.wipo.int](http://www.wipo.int)

[www.spicyip.com](http://www.spicyip.com)

[www.ipindia.nic.in](http://www.ipindia.nic.in)

[www.dipp.gov.in](http://www.dipp.gov.in)

<b>SEMESTER I</b>	<b>Course Code: LAW CC 515</b>	<b>Credits: 2</b>
-------------------	--------------------------------	-------------------

**NAME OF THE COURSE: LAW RELATING TO COPYRIGHT AND DESIGNS**

**Course Outcomes:**

**COURSE OBJECTIVE**

- **C01** Conversant the students about the idea of Copyright, its international and national legal scenario.
- **C02** Compare Indian Law on Copyright with Foreign Legislations
- **C03** Provide an insight into the copyright law of India describing the classes of copyrightable works coupled with exclusive rights and the limitations to these rights on various grounds helps to augment the knowledge.
- **C04** Provide an idea about the moral rights of a copyright owner and relevance of protection of designs in the modern age
- **C05** Understand about the Procedure for registration of Copyright and Authorities entitled for Registration.
- **C06** Analyse the concept of Design, its register, transmission, infringement and to compare Copyright and Design,

**COURSE CONTENT**

**MODULE I: COPYRIGHT CONCEPTUAL AND LEGAL DEVELOPMENT**

Copyrights – meaning – evolution – nature and characteristics – International Scenario- Laws in UK and USA.

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Realize Copyright, its meaning and evolution.

M02: Evaluate nature and characteristics of Copyright.

M03: Evaluate the International Scenario on Copyright.

M04: Compare the Laws in UK, USA and India relating to Copyright.

## **MODULE II: INDIAN LAW IN COMPARISON WITH FOREIGN LEGISLATIONS**

Indian Law on copyright –. Subject matter and ownership of copyright – India, UK and USA – comparative perspective – classes of work – Author – ownership in the course of employment – terms of copyright – copyright and public interest- exceptions.

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Realize Subject matter and Ownership of Copyright.

M02: Compare the provisions of laws in India, UK and USA.

M03: Evaluate the principles evolved for Classes of work, Author and Ownership in the course of Employment.

M04: Analyse the principles for Terms of copyright and Ownership in Course of Employment.

M05: Define Copyright and Public Interest and its Exceptions.

## **MODULE III: COPYRIGHT AS BUNDLE OF RIGHTS: EXCLUSIVE RIGHTS**

Copyright – copyright as a bundle of rights – Exclusive Rights– Ownership of Copyright and Rights of the Owner- Term of Copyright -Assignment, Transmissions and Licensing of Rights.

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Realize Copyright as a Bundle of rights.

M02: Define the concept of Exclusive Rights,

M03: Evaluate the principles of Ownership of Copyright and Rights of the owner.

M04: Understand the Term of Copyright, Assignment, Transmissions and Licensing of Rights.

#### **MODULE IV: COPYRIGHT AS BUNDLE OF RIGHTS: MORAL RIGHTS, EXCEPTIONS AND LIMITATIONS**

Infringement and Remedies-Offences, Civil Remedies and Appeals- Limitations on Copyright – Permitted Usages – Fair Dealing – Compulsory Licenses- Statutory Exceptions

##### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Understand Offences, Infringement and Remedies

M02: Realize Civil Remedies and Appeals.

M03: Evaluate the principles of Limitations on Copyright.

M04: Define the concept of Fair dealing and Permitted usages.

M05: Analyse the concept of Compulsory Licensing and its Statutory Exceptions.

#### **MODULE V: COPYRIGHT REGISTRATION AND AUTHORITIES**

Copyright Registration – Copyright Register- Copyright Bodies –Registration Of Copyright Societies-Rights And Liabilities- International Copyright- Power To Extend Copyright To Foreign Works- Powers Of Central Government.

*After Completion of this module, the student should be able to:*

M01: Understand the concept of Copyright Registration. Copyright register, Copyright Bodies

M02: Evaluate Registration of Copyright Societies, Rights and Liabilities

M03: Define International Copyright.

M04: Realise power to extend Copyright to Foreign Works and Powers of Central Government.



## **MODULE VI: DESIGN ACT 2000**

Copyright And Design – Registrable Design – What Is Not Design – Register Of Design – Publication – Transmission, Licensing And Assignment – Infringement Of Copyright On Designs – Remedies – Design Act 2000.

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Define Copyright and Design.

M02: Understand Registrable Design.

M03: Analyse the procedure for Registration of Design, Publication, Transmission, Licensing and Assignment

M04: Evaluate Infringement of Copyright on Designs and Remedies

## **ACTIVITIES, LEARNING RESOURCES & ASSESSMENT**

### **Suggested Class Room Activities:**

- Assignments
- Seminar Presentation on selected topics
- Debates
- Case study

### **REFERENCES**

- ALEXANDER, COPYRIGHT LAW AND THE PUBLIC INTEREST IN THE NINETEENTH CENTURY
- BENTLY, DAVIS AND GINSBURG, COPYRIGHT AND PRIVACY
- CASO, GIOVANELLA, BALANCING COPYRIGHT LAW IN THE DIGITAL AGE
- COPINGER AND SKONE JAMES ON COPYRIGHT
- DAS, LAW OF COPYRIGHT
- GILLIAN DAVIES, COPYRIGHT ANF THE PUBLIC INTEREST, INTERNATIONAL COPYRIGHT AND ACCESS TO KNOWLEDGE
- GOLDSTEIN, HUGENHOLTZ, INTERNATIONAL COPYRIGHT
- JANE C GINSBURG, EDUARDO TREPPOZ, INTERNATIONAL COPYRIGHT LAW, TEXT AND CASES
- LAL'S COMMENTARY ON THE COPYRIGHT ACT, 1957
- NETANEL, COPYRIGHT PARADOX, FLINT, FITZPATRICK AND THORNE, A USER GUIDE TO COPYRIGHT

- NIMMER ON COPYRIGHT, INDIAN REPRINT
- PATRY, MORAL PANICS AND THE COPYRIGHT WARS
- ROBERT SPOO, WITHOUT COPYRIGHT
- TEHRANIAN, INFRINGEMENT NATION
- V K AHUJA, LAW OF COPYRIGHT AND NEIGHBOURING RIGHTS
- VON LEWINSKI, INTERNATIONAL COPYRIGHT LAW AND POLICY, STAMATOUDI, COPYRIGHT IN MULTIMEDIA PRODUCTS

<b>SEMESTER II</b>	<b>Course Code: LAW CC 521</b>	<b>Credits: 2</b>
--------------------	--------------------------------	-------------------

**NAME OF THE COURSE: LAW RELATING TO PATENTS, LAW RELATING TO GEOGRAPHICAL INDICATIONS, AND TRADITIONAL KNOWLEDGE**

**Course Outcomes:**

**C01:** Examine of patentability of inventions under various jurisdictions.

**C02:** Describe and identify the procedures for a patent application, recognise the infringements and choose remedies for the same.

**C03:** Predict GI tag eligibility of products and compare and justify the different levels of protections available.

**C04:** Describe and identify the procedures for GI registration and determine the various available remedies for its infringement.

**C05:** Evaluate the various considerations required and mechanisms available for the protection of TK under the international and national initiatives.

**C06:** Develop a model sui generis system for TK protection

**COURSE CONTENT**

**Module I:**

Historical development of patent system - theoretical justification for patent protection

Development of international patent system – historical development of Paris Convention – basic principles of Paris Convention – minimum standards – revision of Paris Convention- TRIPS Agreement and patent system – historical development of TRIPS – New international challenges to patent system .

Eligibility And Subject Matter Of Patents –A comparative study :Test of novelty, inventive step and utility; patentable inventions under s. 3; Article 27 of the TRIPS Agreement; patentability of biotechnological inventions, pharmaceuticals and computer software.

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M01:Identifying the rationale behind the development of patent system from history

M01: Understand the changing face of IP system through historical development

M01:Able to identify a patentable invention

M01: Compare the patentability under different jurisdiction.

M01: Apply the principles and test the patentability of biotech, pharmaceutical and computer based inventions.

**Module II:**

History of Indian patent law – structure of Indian Patent Act 1970 –

Acquisition of patents and transfer of rights - Procedure for filing patent application; provisional and complete specification; examination; publication; opposition; grant of patents, restoration, surrender and revocation; Transfer of patent rights; compulsory licensing

Limitations ,exceptions , infringement and remedies -Acts not amounting to infringement including parallel imports

Patent Amendment Act 1999, 2002 and 2005 – new challenges

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M02:Understand the historical evolution of Indian patent regime

M02:Explain the procedure of filing a patent in India

M02: Identify the actions that are amounting to infringement of a patent right

M02: Evaluate the adaptation of Indian patent law to the international changes.

**Module III: GEOGRAPHICAL INDICATION: INTERNATIONAL PERSPECTIVES**

Historical Background-Introduction- International Evolution of Geographical Indication.- Indication of Source-Appellations of Origin.-Paris Convention-Madrid Agreement-Lisbon Agreement-TRIPs-Emerging Issues.-TRIPs Article 23 Controversy-Comparative Analysis-Comparative Analysis of Geographical Indication Law in India & European Countries, U.K., USA.

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M03:Identify a products eligibility for GI Tag

M03:State the current international standards set for Geographical Indications

M03: Compare the GI laws in various jurisdiction.

M03: critically analyse the controversy over higher protection to wines and spirits under TRIPS

**Module IV: GEOGRAPHICAL INDICATIONS: NATIONAL PERSPECTIVE**

Geographical Indication in India-Registration of Geographical Indication under Protection of Geographical Indications Goods (Registration and Protection Act) 1999- Effect of Registration-Infringement & Remedies-Infringement and Passing off of Geographical Indication-Remedies & Procedure-Controversies in the field of GIs

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M04:Identify the criteria for getting a GI tag in India

M04:Register for a GI under the Indian law

M04:Identify the actions leading to GI infringement

M04:Evaluate the new challenges to GI claims

**Module V: TRADITIONAL KNOWLEDGE- INTERNATIONAL PERSPECTIVE**

Definition- features importance of traditional knowledge- Need for Protection of Traditional Knowledge- Different

International perspective-. Rio Declaration on Environment and Development (1992) ,CBD, Bonn Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising out of their Utilization, 2002 , International Treaty on Plant Genetic Resources for Food and Agriculture, 2001, The FAO International Code of Conduct for Plant Germplasm Collecting and Transfer, 1993 , Convention Concerning Indigenous Peoples in Independent Countries, 1986, Declaration of Principles of the World Council of Indigenous Peoples, 1984, . Kari-Oca Declaration and the Indigenous Peoples' Earth Charter, 1992, The Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples, 1993, Doha Ministerial Declaration, 2001, UN Declaration on the Rights of Indigenous Peoples, 2007, The Nagoya Protocol, 2010, Other TRIPS

Plus initiatives.

International bodies and Institutions responsible for the Protection of TK

Interface between IPR & TK, Convention on Biological Diversity and TRIPS interrelationship

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M05: Understand the need for TK protection

M05: Identify the specific features of TK that raise challenges for its protection

M05: Evaluate the various international initiatives to protect TK

M05: List and explain the limitation of extending IP protection to TK

**Module VI: TRADITIONAL KNOWLEDGE- NATIONAL PERSPECTIVE**

National Initiatives -Constitutional Provisions, The Biological Diversity Act, 2002; Protection of Plant Varieties and Farmers' Rights Act, 2001; The Patent Amendment Acts 2002 and 2005; The Geographical Indications of Goods (Registration and Protection) Act, 1999 ;The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 etc.- Need for a sui generis protection- Traditional Knowledge Digital Library.

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M06: Evaluate the available options in India to protect TK

M06: List the necessary considerations required and Design a sui generis system for TK protection.

M06: Examine the effectiveness of TKDL .

**Suggested Class Room Activities:**

- Assignments
- Seminar Presentation on selected topics
- Debates
- Examining patent applications
- Drafting of model law

## **LEARNING RESOURCES**

### **References**

#### **PATENT**

- ANDREA STAZI, BIOLOGICAL INVENTIONS AND PATENTABILITY OF LIFE (Edward Elgar Publishing Ltd ,2015)
- FEROUZ ALI KHADER, THE LAW OF PATENTS(Lexis Nexis 2007)
- FEROUZ ALI, THE ACCESS REGIME (Oxford University press 2016)
- GREGORY A STOBBS, SOFTWARE PATENTS (Wolters Kluwer Law & Business2007)
- KALI MURRAY, A POLITICS OF PATENT LAW (Routledge 2013)
- MARKETA TRIMBLE, GLOBAL PATENTS (Oxford University Press 2012)
- MARTIN, HAROLD, JOHN, CASES AND MATERIALS ON PATENT LAW(West 2003)
- MATTHEW FISHER, FUNDAMENTALS OF PATENT LAW (Mohan Law House, 2010)
- MORITZ LORENZ, EU COMPETITION LAW (Cambridge University Press 2013)
- SRIKRISHNA, NONOBVIOUSNESS AND PATENTS (West 2008)
- SRIVIDHYA RAGAVAN, PATENT AND TRADE DISPARITIES IN DEVELOPING COUNTRIES (Oxford University Press 2012)

#### **GEOGRAPHICAL INDICATION**

- BERNARD O'CONNOR ,THE LAW OF GEOGRAPHICAL INDICATIONS35 (Blisset Group, Great Britain 2007).
- C.BASAVAIHAH, INTELLECTUAL PROPERTY RIGHTS IN M.ASHOK KUMAR AND MOHD.IQBAL ALI (ED.) INTELLECTUAL PROPERTY RIGHTS 119 (Serial Publications, 2008).
- C.REINOLD NOYEE, THE INSTITUTION OF PROPERTY, 1 (The Law Book Exchange Ltd Newjersy, 2007).
- CARLOS M CORREA, GEOGRAPHICAL INDICATIONS IN OXFORD COMMENTARIES ON THE GATT? WTO AGREEMENTS IN A COMMENTARYON THE TRIPS AGREEMENT 240 (Oxford University Press, 2007).
- DEV GANJEE, RELOCATING THE LAW OF GEOGRAPHICAL INDICATIONS (Cambridge University press, 2012)
- F.DE ZULUETA, THE INSTITUTES OF GAIUS, (Clarendon Press Oxford, 1946).
- F.I.SCHECHTER, THE HISTORICAL FOUNDATIONS OF THE LAW RELATING TO TRADE MARKS, (Harward University Press, Cambridge, 1925).
- G.W.F.HEGEL, ELEMENTS OF THE PHILOSOPHY OF RIGHT, (CUP, 1991).
- GERVAIS DANIEL, THE TRIPS AGREEMENT: DRAFTING HISTORY AND ANALYSIS (Sweet And Maxwell, 1998).
- I. KANT, CRITIQUE OF PRACTICAL REASON AND OTHER WORKS ON THE THEORY OF ETHICS, (Longman And Green And Co, 1879).
- LATHA R NAIR AND RAJENDRA KUMAR, GIS: A SEARCH FOR IDENTITY (Lexis Nexis Butterworth Publications, 2004).
- MANU LUV SHAHALIA, PERSPECTIVES IN I.P LAW MANY SIDES TO A COIN IN GEOGRAPHICAL INDICATIONS AND ENVIRONMENTAL LAW (Universal Law Publishing Co.Pvt. Ltd., 2003).

- MARSHA A. ECHOLS, GEOGRAPHICAL INDICATIONS FOR FOOD PRODUCTS INTERNATIONAL LEGAL AND REGULATORY PERSPECTIVES (Wolters Kluwer, 2008).

## **TRADITIONAL KNOWLEDGE**

- ALAN T. BULL, MICROBIAL BIODIVERSITY AND BIO- PROSPECTING (American Society For Microbiology Publication, 2004).
- ANA MARIA PACON, "THE PERUVIAN PROPOSAL FOR PROTECTING TRADITIONAL KNOWLEDGE" IN SOPHIA TWAROG AND PROMILAKAPOOR (ED.) PROTECTING AND PROMOTING TRADITIONAL KNOWLEDGE: SYSTEMS, NATIONAL EXPERIENCES AND INTERNATIONAL DIMENSIONS (U.N.Publications, 2004).
- APARNABHAGIRATHY, "INTELLECTUAL PROPERTY RIGHTS: OPTIONS ASSESSMENT" IN NIRMALSEN GUPTA (ED.) ECONOMIC STUDIES OF INDIGENOUS AND TRADITIONAL KNOWLEDGE (Academic Foundation Publication, New Delhi, 2007).
- APARNASAWHNEY, THE NEW FACE OF ENVIRONMENTAL MANAGEMENT IN INDIA (Ashgathe Publishing LTD., 2004).
- ATAURRAHMAN, "DEVELOPMENT OF AN INTEGRATED TRADITIONAL AND SCIENTIFIC KNOWLEDGE BASE: A MECHANISM FOR ACCESSING AND DOCUMENTING TRADITIONAL KNOWLEDGE FOR BENEFIT SHARING, SUSTAINABLE ECONOMIC DEVELOPMENT AND POVERTY ALLEVIATION" IN SOPHIA TWAROG AND PROMILA (ED.) PROTECTING AND PROMOTING TRADITIONAL KNOWLEDGE: SYSTEMS, NATIONAL EXPERIENCES AND INTERNATIONAL DIMENSIONS (U. N .Publication, 2004).
- C.S. SOMU, "INTELLECTUAL PROPERTY AND HUMAN RIGHTS: IMPLICATIONS OF TRIPS AGREEMENT" IN C.B. RAJU (ED.) INTELLECTUAL PROPERTY RIGHTS (Serial Publications, New Delhi, 2006).
- CHARLES V. BARBER, LYLE GLOWKA AND ANTONIO G. M. LA VINA, "DEVELOPING AND IMPLEMENTING NATIONAL MEASURES FOR GENETIC RESOURCES ACCESS LEGISLATION AND BENEFIT SHARING" IN SARAH. A. LAIRD (ED.) BIODIVERSITY AND TRADITIONAL KNOWLEDGE: EQUITABLE PARTNERSHIPS IN PRACTICE (Earth Scan Publications Ltd., 2002).
- DEBORA .H. HALBERT, RESISTING INTELLECTUAL PROPERTY (Published By Rout Ledge, 2005).
- DR. SUBHANSHU GUPTA, INTELLECTUAL PROPERTY RIGHTS AND CONSERVATION OF FOREST RESOURCES (International Book Distributors, Dehradun, 2005).
- DR. VANDANA SHIVA, AFSAR.H. JAFRI, RADHAGITANJALIBEDI&HOLKAKHAR, "THE ENCLOSURE& RECOVERY OF THE COMMONS" (Research Foundation For Science, Technology And Ecology, 2010).
- GIENN WISER, "THE AYAHUASCA PATENT CASE: INDIGENOUS PEOPLE'S STAND AGAINST MISAPPROPRIATION" IN SARAH LIARD (ED.) BIODIVERSITY AND TRADITIONAL KNOWLEDGE: EQUITABLE PARTNERSHIPS IN PRACTICE (Earth Scan



Publications Ltd., 2002).

- J. A. EKPERE, "SUI GENERIS LEGISLATION AND PROTECTION OF COMMUNITY RIGHTS IN AFRICA" IN SOPHIA TWAROG AND PROMILAKAPOOR (ED.) PROTECTING AND PROMOTING TRADITIONAL KNOWLEDGE: SYSTEMS, NATIONAL EXPERIENCES AND INTERNATIONAL DIMENSIONS (U. N. Publications, 2004).
- KASHINATH JENA, "INTELLECTUAL PROPERTY RIGHTS, GLOBALIZATION AND GLOBAL RELATIONS" (Abhijeet Publications, New Delhi, 2005).
- KOENBYTTEBIER AND KIMVAN DER BORGHT, WTO OBLIGATIONS AND OPPORTUNITIES: CHALLENGES OF IMPLEMENTATION (Cameron May, 2007).
- KRISHNA. P. DRONAMRAJU, BIOLOGICAL AND SOCIAL ISSUES IN BIOTECHNOLOGY SHARING(Ashgathe Publishing Ltd. England, 1998).
- LIONEL BENTLY& BRAD SHARMAN, INTELLECTUAL PROPERTY LAW (Oxford University Press, 2003).
- MANUEL RUIZ MULLER, "REGULATING BIO-PROSPECTING AND PROTECTING INDIGENOUS PEOPLES' KNOWLEDGE IN THE ANDEAN COMMUNITY: DECISION 391 AND ITS OVERALL IMPACTS IN THE REGION" IN SOPHIA TWAROG (ED.) PROTECTING AND PROMOTING TRADITIONAL KNOWLEDGE: SYSTEMS, NATIONAL EXPERIENCES AND INTERNATIONAL DIMENSIONS (U. N. Publications, 2004).
- MARIANEGUARINMCMANN&DILON KIM. "PRIOR INFORMED CONSENT: PROTOCOL AND FORM" IN SARAH. A. LAIRED (ED.) BIODIVERSITY AND TRADITIONAL KNOWLEDGE: EQUITABLE PARTNERSHIPS IN PRACTICE (Earth Scan Publications Ltd., 2002).
- MARTIN KHOR, INTELLECTUAL PROPERTY, BIOLOGICAL DIVERSITY AND SUSTAINABLE DEVELOPMENT: RESOLVINGTHE DIFFICULT ISSUES (Zed Books Ltd., United Kingdom And Malaysia, 2004).
- MICHAEL BLACKENEY, "REGULATING ACCESS TO GENETIC RESOURCES" IN S. K. VERMA AND RAMAN MITTAL (ED.) INTELLECTUAL PROPERTY RIGHTS - A GLOBAL VISION (Indian Law Institute, 2004).
- MIGUEL. N. ALEXIADES AND DANIELLE M. PELUSO, "PRIOR INFORMED CONSENT: THE ANTHROPOLOGY AND POLITICS OF CROSS-CULTURAL EXCHANGE" IN SARAH. A. LAIRED (ED.) BIODIVERSITY AND TRADITIONAL KNOWLEDGE: EQUITABLE PARTNERSHIPS IN PRACTICE (Earth Scan Publications Ltd., 2002).
- N. K. ACHARYA, INTELLECTUAL PROPERTY RIGHTS (Asia Law House, 2001).
- PHILIPPE CULLET, INTELLECTUAL PROPERTY PROTECTION AND SUSTAINABLE DEVELOPMENT (1ST ED., 2005).
- PRABUDDHAGANGULI, INTELLECTUAL PROPERTY RIGHTS - UNLEASHING THE KNOWLEDGE ECONOMY (Tata Mc Gran - Hill Publishing Company Ltd., New Delhi, 2001).
- R.M. DUNGAWAT, "PROTECTION OF TRADITIONAL KNOWLEDGE: NATIONAL AND INTERNATIONAL PERSPECTIVES" IN SHIV SAHAI SINGH (ED.) THE LAW OF INTELLECTUAL PROPERTY RIGHTS (Deep &Deep Publications, New Delhi, 2005).
- SAVITHA.S, "PROTECTION OF TRADITIONAL KNOWLEDGE- A CAUSE FOR CONCERN" IN C. SHAKEEL.T. BHATTI, "INTELLECTUAL PROPERTY AND TRADITIONAL KNOWLEDGE: THE WORK AND ROLE OF WIPO" IN SOPHIA TWAROG AND PROMILAKAPOOR (ED.) PROTECTING AND PROMOTING TRADITIONAL KNOWLEDGE:

SYSTEMS, NATIONAL EXPERIENCES AND INTERNATIONAL DIMENSIONS (U. N .Publications, 2004).

- SILKE VON LEWINSKI, ANJA VON HAHN AND MICHAEL HASEMER, INDIGENOUS HERITAGE AND INTELLECTUALPROPERTY: GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE (Kluwer Law International, 2003).
- STEPHEN. A HANSEN & JUSTIN W. VAN FLEET, "TRADITIONAL KNOWLEDGE AND INTELLECTUAL PROPERTY: HANDBOOK ON ISSUES AND OPTIONS FOR TRADITIONAL KNOWLEDGE IN PROTECTING THEIR INTELLECTUAL PROPERTY AND MAINTAINING BIO- DIVERSITY" (Aaas, Washington D. C., Usa. 2003).
- SUSATTTEBIBERKLEMM, "PROTECTION OF TRADITIONAL KNOWLEDGE ON BIO-DIVERSITY AT THE INTERNATIONAL LEVEL: REFLECTIONS IN CONNECTION WITH WORLD TRADE" IN SOPHIA TWAROG AND PROMILAKAPOOR (ED.) PROTECTING AND PROMOTING TRADITIONAL KNOWLEDGE: SYSTEMS, NATIONAL EXPERIENCES AND INTERNATIONAL DIMENSIONS (U. N. Publications, 2004).
- SUZETTE BIBERKLEMNN&THOMAS COTTIER, "RIGHTS TO PLANT GENETIC RESOURCES AND TRADITIONAL KNOWLEDGE: BASIC ISSUES AND PERSPECTIVES" (CABI, 2006).

<b>SEMESTER II</b>	<b>Course Code: LAW CC 522</b>	<b>Credits: 2</b>
--------------------	--------------------------------	-------------------

**NAME OF THE COURSE: LAW RELATING TO TRADEMARKS, PASSING OFF AND TRADE SECRETS**

**Course Outcomes:**

**CO1:** Expose the students to the historical and theoretical foundations of trademark protection

**CO2:** Equip the students to evaluate the grounds for refusal of registration of trademarks and the concepts of distinctiveness and deceptive similarity of trademark underlying the notion of infringement .

**CO3:** Familiarise the students with the interrelationship between TradeMarks and Domain Names and the Caselaws relating to disputes with it.

**CO4:** Enable the students to learn the practical aspects of acquisition and transfer of trademarks and understand the concept of dilution and the recent trends in passing off

**CO5:** Enable the student to learn the substantive and procedural aspects of the law relating to trademark law.

**CO6:** Equip the students to understand about the concept of Trade secrets, Confidential Information, its protection and to examine how far confidential information is applicable to Employee Employer relationship.

**CO7:** Enable the students to know about the remedies available to Trade Secrets Owner, and to collate the position of Trade Secrets in US, UK and India

**COURSE CONTENT**

**Module I: UNDERSTANDING TRADEMARKS**

Nature and scope for protection of TradeMarks as an Intellectual Property-Meaning and definition of mark, trademark, service mark, collective mark and certification mark, associated trademark – permitted use- registered trademark- registered proprietor –registered user- – well known trademark

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M01:Identify the rationale behind the development of trade mark as an IPR

M01:Assess the nature and scope for protection of TradeMarks as an IPR

M01: Understand the important characteristics of trade marks

**Module II: LAW ON TRADEMARKS**

Trade Marks Act , 1999 - Amendments to TradeMarks Act , 1999 -TradeMark Rules- Comparison with Laws in US & UK- Relation between domain names and trademarks- domain name disputes - cases-- international policy, treaties and agreements on trademark

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M02: Make an Overview of the law relating to Trademarks in India

M02: Compare the TradeMarks law at the national phase and under different jurisdictions.

M02: Examine the interrelationship between a domain name and a trademark

M02: Critically evaluate the importance of International Treaties, Agreements and Classification of TradeMarks.

M02: Evaluate the adaptation of Indian TradeMarks Law with the international changes.

**Module III: REGISTRATION OF TRADEMARK**

Grant – long prior user – grounds for refusal of registration – absolute and relative grounds– distinctiveness - deceptive similarity of trademarks- limitations- honest concurrent use – – trademark registry- register of trademarks – rights of registered trademark users.

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M03: Identify the rights conferred by trade mark registration

M03: Critically analyse the concept of long prior use and honest concurrent use.

M03: Understand the Principles of Distinctiveness and Deceptive Similarity of Trademarks.

M03: Understand the importance of TradeMark Registry and Register of Trade Marks under the Indian law.

**Module IV: EFFECT OF REGISTRATION**

Infringement, passing off –suits for- Remedies-civil criminal and administrative-statutory authorities- Appellate powers – powers of registrar – appeals to appellate board – offences, penalties and procedure

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M04: Critically analyse the law relating to passing off as a Common law remedy

M04: Distinguish between the elements constituting the offences for a passing off and a trademark infringement.

M04: Examine the actions and remedies available under the TradeMarks Law against Infringement.

M04: Evaluate the new challenges to Trademark claims

**MODULE V: TRADE SECRETS**

What is trade secrets-Importance of Trade Secrets-Protection of Trade Secrets A comparative Perspective-Confidential Information- Application of Confidential Information to Employer Employee relationship

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M05: Realise the concept of Trade secrets and its Importance.

M05: Compare the Protection of Trade Secrets.

M05: Define the concept of Confidential Information

M05: Examine the application of Confidential Information to Employer Employee relationship.

**MODULE VI: PROTECTING TRADE SECRETS**

Remedies available to a Trade Secrets Owner-Position in U.K. Position in US- The Indian standards relating to Trade Secrets.

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M06: Evaluate the remedies available to a Trade secrets Owner.

M06: Collate the Position of Trade secrets in UK US and India.

M06:Examine the Indian standards relating to Trade Secrets.

**Suggested Class Room Activities:**

- Assignments
- Seminar Presentation on selected topics
- Debates
- Drafting of model law

**LEARNING RESOURCES****References****TRADEMARK**

- B.L WADHERA, LAW RELATING TO PATENTS, TRADEMARK, COPYRIGHT, DESIGNS AND GEOGRAPHICAL INDICATIONS(Universal Law Publishing Company 2012)
- LIONEL BENTLEY (ET.AL) (ED), TRADEMARKS AND BRANDS- AN INTER DISCIPLINARY CRITIQUE, (Cambridge University Press 2008)
- MANISH ARORA, GUIDE TO TRADEMARK LAW, (Universal Law Publication Co. 2007)
- MICHAELS, A PRACTICAL APPROACH TO TRADEMARK LAW (Oxford University Press 2010)
- P. NARAYANAN, TRADEMARK AND PASSING OFF CASES (Eastern Law House 1997)
- SQUYRES, TRADEMARK PRACTICE THROUGHTOUT THE WORLD (Wolters Kluwer 2012)
- W.R CORNISH, INTELLECTUAL PROPERTY: PATENTS, COPYRIGHT, TRADEMARK AND ALLIED RIGHTS (Thomson 2004)

**TRADE SECRET**

- ALLISON COLEMAN, THE LEGAL PROTECTION OF TRADE SECRETS(Sweet & Maxwell , 1992).
- DARIN W SNYDER, DAVID S. ALMELING, KEEPING SECRETS (Oxford University Press, 2016)
- DAVID BRAINBRIDGE, IP (Oxford University Press 2003)

- DAVID QUINTO, STUART SINGER, TRADE SECRETS (Oxford University Press 1995)
- DEBORACH E. BOUCOUX, A PRACTICAL GUIDE TO TRADE MARK, PATENT AND TRADE SECRET (AMACOM (, 2001)..
- MELVIN F. JAGER, TRADE SECRETS THROUGHOUT THE WORLD (West 2014)
- ROBERT C CHRISTOPHER AN DORR H MUNCH, PROTECTING TRADE SECRET, PATENT COPYRIGHT AND TRADE MARK
- ROGER M. MILGRIM, MILGRIM ON TRADE SECRETS (Lexis Nexis 2001)

<b>SEMESTER II</b>	<b>Course Code: LAW CC 523</b>	<b>Credits: 2</b>
--------------------	--------------------------------	-------------------

**NAME OF THE COURSE: ADMINISTRATIVE LAW PRINCIPLES FOR PROTECTING CITIZENS FROM UNLAWFUL GOVERNMENT INTERFERENCE**

**Course Outcomes:**

**CO1:** Review various theories of Administrative Law.

**CO2:** Examine various principles for controlling Discretionary Powers.

**CO3:** Evaluate principles of fairness and Natural Justice Principle.

**CO4:** scrutinize the principles of Reasonableness, Rationality and Proportionality .

**CO5:** Compare Traditional Concept of Secrecy with other jurisdiction and analyse recent trends in Traditional Concept of Secrecy.

**CO6:** Evaluate Governmental Liability of Contract and Tort and compare it with other Jurisdiction.

**COURSE CONTENT**

**MODULE I: ADMINISTRATIVE LAW- MEANING AND DEVELOPMENT**

Meaning And Definition Of Administrative Law- Significance Of Administrative Law In Welfare State- The Red Light Green Light And Amber Light Theories Of Administrative Law. Relation between Administrative Law and Constitutional Law.

**Module Outcome:**

*After Completion of this module, the student should be able to:*

**M01:** Realize Administrative Law And Constitutional Law.

**M02:** Differentiate Administrative Law And Constitutional Law.

**M03:** Evaluate the relevance of Administrative Law in a welfare state.

**M04:** Determine the theories relating to Administrative Law.

## **MODULE II: ADMINISTRATIVE DISCRETION AND ITS EXERCISE**

Principles For Controlling Discretionary Power-Retention Of Discretion, Abuse Of Discretionary Principles Evolved For Preventing Non-Exercise Of Discretion – Non-Application Of Mind- Acting Under Dictation- Fettering – Irrelevant Consideration –Improper Purpose- Leaving Out Relevant Considerations Unreasonableness- Irrationality.

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Realize Discretionary Power.

M02: Recognize principles for controlling Discretionary powers.

M03: Evaluate the principles evolved for preventing Abuse of Discretion.

M04: Evaluate the principles for preventing Abuse of Discretion in India and it with other jurisdiction.

## **MODULE III: FAIRNESS IN ADMINISTRATIVE DECISION MAKING: NATURAL**

### **JUSTICE PRINCIPLES**

Arbitrariness - The Idea and Nature of Procedural Fairness. Natural Justice- Natural Justice and Legal Justice, the Rule against Bias, the Right to a Fair Hearing.

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Realize Arbitrariness, Procedural Fairness, And Principles Of Natural Justice.

M02: Evaluate the principles of natural justice in India and compare it with other jurisdiction.

M03: Investigate various judicial verdicts relating to Principles of Natural Justice.

## **MODULE IV: FAIRNESS IN ADMINISTRATIVE DECISION MAKING: OTHER PRINCIPLES**

Reasonableness and Rationality Procedural Fairness- Proportionality as a Principle Of Review.- Promissory Estoppel- Legitimate Expectation- Lawfully Created Expectations, Unlawfully Created



Expectation

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Realize Reasonableness, Rationality ,and Proportionality.

M02: Realize Promissory Estoppel Legitimate Expectation.

M03: Evaluate principles of Reasonableness, Rationality, and Proportionality and compare it with other jurisdiction.

M04: Compare the judicial decision of India relating to the principles of Reasonableness, Rationality, and Proportionality with U.K.

M05: Collate the concept of Promissory Estoppel and Legitimate Expectation with U.K and U.S

**MODULE V: GOVERNMENT LIABILITY**

Traditional Concept of Governmental Secrecy and Privilege to Withhold Evidence- Tortious and Contractual Liability of the Government. Comparative Study with US, UK and India.

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Know Governmental Secrecy and Privilege to Withhold Evidence.

M02: Realize Tortious and Contractual Liability of the Government.

M03: Evaluate Traditional Concept of Governmental Secrecy and Privilege to Withhold Evidence in India and compare it US and U.K.

M04: scrutinize Traditional Concept of Governmental Secrecy and Privilege to Withhold Evidence with freedom of speech and expression.

M05: Evaluate Tortious and Contractual Liability of the Government in India and compare it US and U.K.

**MODULE VI: TRANSPARENCY AND OPEN GOVERNMENT**

Modern Concept of Right to Information- Concept of Open Government and Transparency in Governance-Relevance of Ombudsman Type Mechanism Lok Pal and Lokayukta.

## **Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Know Concept of Open Government.

M02: Evaluate Right To Information Act.

M03: Know the system of Ombudsman Lok Pal and Lokayukta.

M04: To file a Right to Information Application.

## **ACTIVITIES, LEARNING RESOURCES & ASSESSMENT**

### **Suggested Class Room Activities:**

- Assignments
- Seminar Presentation on selected topics
- Debates
- Case study

### **LEARNING RESOURCES**

- BEATSON MATHEWS AND ELLIOT, ADMINISTRATIVE LAW
- DE SMITH'S JUDICIAL REVIEW (6<sup>TH</sup> ED. 2009 )
- HARLOW AND RAWLINGS. LAW AND ADMINISTRATION (3<sup>RD</sup> ED. 2009)
- I.P MASSEY, ADMINISTRATIVE LAW (9<sup>TH</sup> ED. 2017).
- JAMES SVARA, THE ETHICS PRIMER FOR PUBLIC ADMINISTRATORS IN GOVERNMENT AND NON PROFIT ORGANISATIONS (2015)
- M. A. FAZAL, JUDICIAL CONTROL OF ADMINISTRATIVE ACTION IN INDIA, PAKISTAN AND BANGLADESH (2000)
- MARK ELLIOT AND ROBERT THOMAS, PUBLIC LAW (2<sup>ND</sup> ED. 2014)
- MARK ELLIOTT AND DAVID FELDMAN, PUBLIC LAW (2015)
- MICHAEL DOHERTY, PUBLIC LAW (ROUTLEDGE 2016)
- MP JAIN, S.N JAIN, PRINCIPLES OF ADMINISTRATIVE LAW, (8<sup>TH</sup> EDITION 2016)
- P.P CRAIG, ADMINISTRATIVE LAW
- P.P CRAIG, ADMINISTRATIVE LAW, (6<sup>TH</sup> ED 2003)
- PAUL CRAIG, U.K, E.U, AND GLOBAL ADMINISTRATIVE LAW: FOUNDATIONS AND CHALLENGES (2015)
- PETER CANE, CONTROLLING ADMINISTRATIVE POWER: AN HISTORICAL COMPARISON (2016)
- PETER LEYLAND AND GORDON ANTHONY, TEXT BOOK ON ADMINISTRATIVE LAW
- S.H BAILEY, B.L. JONES AND A.R. MOWBRAY, CASES AND MATERIALS ON ADMINISTRATIVE LAW (1992)
- S.P SATHE, ADMINISTRATIVE LAW (7<sup>TH</sup> EDITION 2007)
- SCHWARTZ, ADMINISTRATIVE LAW (3<sup>RD</sup> ED. 1972)

- WADE AND FORSYTH, ADMINISTRATIVE LAW (11<sup>TH</sup> ED. 2014)

### **On-line Sources**

<http://www.jstor.org/stable/>

<https://home.heinonline.org/>

<https://www.prsindia.org/>

<https://main.sci.gov.in/>

<b>SEMESTER II</b>	<b>Course Code: LAW CC 524</b>	<b>Credits: 2</b>
--------------------	--------------------------------	-------------------

**NAME OF THE COURSE : CONSTITUTIONAL SYSTEM OF GOVERNANCE IN INDIA  
AND SOCIAL JUSTICE**

**Course Outcomes**

- CO 1 : Examine the evolution of Constitution and Social Revolution
- CO 2 : Human Rights in Indian Constitution
- CO 3 : Civil and Political rights under the Constitution of India
- CO 4 : Impact of emergency on fundamental rights
- CO 5 : Socio-Economic Rights under the Constitution

**Course Content**

**MODULE I : INDIAN CONSTITUTION AND SOCIAL REVOLUTION**

Historical evolution of Constitution- Indian Constitution as a means of social revolution- Constitution and Economic Development- Planned social change- Factors of social change- Modernization.

**Module Outcome**

After completion of this module the students will be able to understand

- MO I : How Indian Constitution evolved
- MO I : How Constitution played an important role in social evolution
- MO I : Factors that affected social change.

**MODULE II : PREAMBLE, FUNDAMENTAL RIGHTS, DIRECTIVE PRINCIPLES OF STATE POLICY AND HUMAN RIGHTS UNDER CONSTITUTION**

Relevance of Preamble- Fundamental Rights- Directive Principles and Fundamental Duties- Indian Constitution and human rights.

**Module Outcome**

After completion of this module the students will be able to understand

- MO II : Importance of Preamble, Fundamental Rights and Directive Principles
- MO II : Indian Constitution and Human Rights relation.

**MODULE III : CIVIL AND POLITICAL RIGHTS UNDER THE CONSTITUTION**

Rights- Civil and Political Rights under the Constitution of India- Theoretical foundation of civil and political rights- Concept of fundamental rights- Bill of rights

### **Module Outcome**

After completion of this module the students will get

MO III : Get an awareness of rights

MO III : How Bill of rights emerged?

MO III : How Bill of rights is incorporated in Constitution

MO III : Awareness about the concept of Civil and Political Rights.

### **MODULE IV : CIVIL AND POLITICAL RIGHTS UNDER THE CONSTITUTION: CONSTITUTIONAL PROVISIONS AND ROLE OF JUDICIARY**

Civil and Political rights under the constitution -Equality- Concept of equality - Fundamental Freedoms- Freedom of religion and minority rights- Right to life and Personal liberty- Impact of emergency on fundamental rights.

### **Module Outcome**

After completion of this module the students will get

MO IV: An awareness about the seven fundamental rights

MO IV : How far civil and political rights are incorporated in our constitution

MO IV : Equality concept is thoroughly made known

MO IV : Impact created by emergency on Fundamental Rights.

### **MODULE V : SOCIO-ECONOMIC RIGHTS UNDER THE CONSTITUTION**

Socio-Economic Rights during pre-independence and post-independence period- A approach of constitutional makers- towards socio-economic rights- need for incorporation of socio-economic concept in Constitution- change in society.

### **Module Outcome**

After completion of this module the students will be able to understand

MO V : Socio-economic situation of India in pre-independence and postindependence period.

MO V : The need of incorporating socio-economic concept in Constitution.

MO V : Changes made in the society through constitution.

### **MODULE VI : SOCIO-ECONOMIC RIGHTS UNDER THE CONSTITUTION: ROLE OF JUDICIARY**

Judicial Activism- Dynamic interpretation of Art. 21- Emergence of Right to Education- Right to Health- Right to work- Right to environment- Right to shelter- Right to water- Right to privacy- Right to travel- Right to livelihood- Right to land- Right to food as fundamental rights.

## **Module Outcome**

After completion of this module the students should be able to understand

MO VI : To make aware of judicial activism.

MO VI : New judicial trend in fundamental rights

MO VI : How far judiciary able to contribute in the enforcement of fundamental rights.

## **Suggested Class Room Activities:**

- ☑ Assignments
- ☑ Seminar presentation on selected topics
- ☑ Debates
- ☑ Case Studies

## **RESOURCES**

1. A.C KAPOOR, SELECT CONSTITUTIONS
2. ALEXXY, A THEORY OF CONSTITUTIONAL RIGHTS
3. BOMHOFF, BALANCING CONSTITUTIONAL RIGHTS
4. CHOUDHRY, KHOSLA AND MEHTA, THE OXFORD HANDBOOK OF THE INDIAN CONSTITUTION
5. CROSS, CONSTITUTIONS AND RELIGIOUS FREEDOM
6. D.D BASU, COMMENTARY ON THE CONSTITUTION OF INDIA
7. DICEY ALLISON, COMPARATIVE CONSTITUTIONALISM
8. GEORGE H. GADBOIS, JUDGES OF THE SUPREME COURT OF INDIA 1950-1989, OXFORD(2011)
9. GLANVILLE AUSTIN, WORKING A DEMOCRATIC CONSTITUTION –AN INDIAN EXPERIENCE
10. GLANVILLE AUSTIN, INDIAN CONSTITUTION –CORNERSTONE OF A NATION
11. H.M SEERVAI, CONSTITUTIONAL LAW OF INDIA
12. M.K BHANDARI, BASIC STRUCTURE OF THE CONSTITUTION
13. NANI A. PALKHIWALA, WE THE PEOPLE OF INDIA
14. PARAS DIWAN, AMENDING PROCESS AND JUDICIAL REVIEW
15. POLA KOTESWAR RAO'S, CONSTITUTIONAL JUSTICE AND JUDICIAL PROCESS
16. R.C LAHOTI, PREAMBLE-THE SPIRIT AND BACK BONE OF THE CONSTITUTION
17. SAMADDAR, STATE OF JUSTICE IN INDIA: SOCIAL JUSTICE AND ENLIGHTENMENT
18. T.R ANDHYARUJINA, THE KESHAWANANTHA BHARATHI CASE THE UNTOLD STORY OF STRUGGLE FOR SUPREMACY BY SUPREME COURT AND PARLIAMENT
19. TUSHNET KHOSLA, UNSTABLE CONSTITUTIONALISM
20. V.N SHUKLA, CONSTITUTIONAL LAW
21. V.R KRISHNA IYER, J ,OFF THE BENCH

22. V.S DESHPANDE, JUDICIAL REVIEW OF LEGISLATION
23. VERINDER GROVER, POLITICAL PROCESS AND ROLE OF COURTS
24. VERMEULE, THE CONSTITUTION OF RISK
25. WEINRIB, DIMENSIONS OF DIGNITY
26. ZOYA HASAN, INDIA'S LIVING CONSTITUTION

#### **CASE LAWS:**

- ☒ Marbury v Madison 5 US 137
- ☒ I.C Golaknath v State of Punjab AIR 1967 SC 1643
- ☒ I.R Coelho v State of Tamil Nadu AIR 2007 SC 861
- ☒ Shankari Prasad v Union of India AIR 1951 SC 548
- ☒ Sajjan Singh v Union of India AIR 1965 SC 845
- ☒ S.R Bommai v. Union of India AIR 1994 SC 1918
- ☒ Waman Rao v Union of India AIR 1981 SC 271
- ☒ Minerva Mills v Union of India AIR 1980 SC 1789
- ☒ Maneka Gandhi v Union of India AIR 2007 SC 597
- ☒ M.Nagaraj v Union of India AIR 2007 SC 71
- ☒ Keshawanantha Bharathi Sripadgalvaru v State of Kerala AIR 1973 SC 1461
- ☒ Rameshwar Prasad v Union of India AIR 2006 SC 980
- ☒ SC Advocate on Record Association v Union of India AIR 1994 SC 268
- ☒ Indira Nehru Gandhi v Raj Narain AIR 1975 SC 2299
- ☒ In re Delhi Laws Act ,AIR 1951 SC 332
- ☒ Ashok Kumar Thakur v Union of India (2008) 6 SCC 1

#### **CONSTITUTIONAL AMENDMENTS:**

- ☒ Constitution (First Amendment) Act, 1951
- ☒ Constitution (Fourth Amendment) Act, 1955
- ☒ Constitution (Seventeenth Amendment) Act, 1964
- ☒ Constitution (Twenty Fourth Amendment) Act, 1971
- ☒ Constitution (Twenty Fifth Amendment) Act, 1971
- ☒ Constitution (Twenty Sixth Amendment) Act, 1971
- ☒ Constitution (Twenty Ninth Amendment) Act, 1972
- ☒ Constitution (Thirty Ninth Amendment) Act, 1975
- ☒ Constitution (Forty Second Amendment) Act, 1976
- ☒ Constitution (Forty Fourth Amendment) Act, 1978

<b>SEMESTER II</b>	<b>Course Code: LAW DE 525</b>	<b>Credits: 2</b>
--------------------	--------------------------------	-------------------

**NAME OF THE COURSE: ENVIORNMENTAL LAW**

**Course Outcomes:**

**COURSE OBJECTIVE**

**C01** To understand the concept, need, purpose of Environmental Law and its complexities in its making.

**C02** To analyse the International regulatory trends in Environmental protection.

**C03** To examine the origin of Environmental Law in India.

**C04** To understand the concept of Environmental Protection under the Indian Constitution and to analyse other Environmental Legislations

**C05** To evaluate the impact of Judicial Decisions on Environmental Protection.

**C06** To create awareness about the current enviro-legal issues

**COURSE CONTENTS**

**MODULE I: UNDERSTANTING ENVIRONMENTAL LAW**

Environment- meaning and definition- environmental law- need and purpose- sources of environmental law- complexities in making environmental law.-

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Explain the concept of Environmental Protection.

M02: Define the meaning need and purpose of Environmental Law

M03: Explain the sources of Environmental Law



M04: Examine the complexities in making Environmental Law

## **MODULE II: INTERNATIONAL ENVIRONMENTAL LAW**

Environmental law making by international organization- Old and New model development- Stockholm Declaration 1972- Rio- Declaration on Environment and Development 1992- Brundland Report on 1987 on Environment and Development – Earth summit on Environment and sustainable development 1992- Agenda 21: Action plan for 21<sup>st</sup> Century- United Nations Convention on Climate Change- Kyoto protocol- Minamata Convention on Mercury 2013.

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Understand Environmental Law making by International Organization.

M02: Critically evaluate Old and New Model Development of Environmental Law..

M03: Describe concept of Sustainable Development.

M04: Analyse the impact of International regulatory trends in Environmental Protection.

## **MODULE III ORIGIN OF ENVIRONMENTAL LAW IN INDIA**

Environmental policy during the pre- independence period- ancient, medieval and British period- post independence period- environmental policy during the first three five year plans- environmental policy during seventies, eighties and nineties-

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Recognise Environmental policy during the Pre-independence period

M02: Evaluate Environmental policy during Ancient, Medieval and British period.

M03: Understand Environmental policy during first three Five year plans.

M04: Evaluate Environmental policy during Seventies, Eighties and Nineties.

## **MODULE IV ENVIRONMENTAL LEGISLATIONS**

Common law aspects of environmental law- Constitutional aspects of environmental law- Environmental (Protection) Act 1986- Biological Diversity Act 2002- Statutory control of Air, Noise, Water and land pollution.

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Recognise Common law aspects of Environmental Law.

M02: Evaluate Constitutional aspects of Environmental Law.

M03: Analyse Environmental (Protection) Act 1986.

M04: Evaluate other legislations relating to Environmental Protection

## **MODULE V JUDICIARY AND ENVIRONMENT**

Judicial activism with reference to environmental issues- Expanding the rule of locus standi- PIL with reference to Environmental Protection- Delhi gas leak case- Ganga pollution case- Dehradun Quarrying case- Calcutta Taj Hotel case- Narmada Bachao Andolan etc- Association for Environment protection v. State of Kerala and others 2013- sustainable development principles- polluter pays- precautionary and inter generation equity principles- Comparison with England Cases.-

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Understand concept of Judicial Activism on Environmental Protection.

M02: Evaluate various Judicial decisions related to Environmental Protection.

M03: Examine the concept of Sustainable development, Polluter pay principle, Precautionary and Inter generation equity principles made by Indian Judiciary

M04: Writing a Public Interest Litigation on Environmental matters.

M05: Compare Indian Judicial decisions with England cases.

## **MODULE VI CURRENT ENVIRO-LEGAL ISSUES**

Corporate Social Responsibility- e- waste management- garbage disposal issues- climate change- ground water management- wetland management- right to know environmental matter.

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Understand Corporate Social Responsibility

M02: Evaluate concept of E-waste management, garbage disposal issues

M03: Examine the importance of Climate change issues.

M04: Evaluate the importance of Groundwater management, Wetland management.

M05: Understand Right to know Environmental matter

## **ACTIVITIES, LEARNING RESOURCES & ASSESSMENT**

### **Suggested Class Room Activities:**

- Assignments
- Seminar Presentation on selected topics
- Debates
- Case study
- Drafting a Public Interest Litigation.
- Field visit

## **LEARNING RESOURCES**

### **References**

- A USHA, BIODIVERSITY AND CONSERVATION (2007).
- ARJUN PRASAD NAGORE, BIO-DIVERSITY AND INTERNATIONAL ENVIRONMENTAL LAW (1996)
- BURNS H. WESTON & DAVID BOLLIER, GREEN GOVERNANCE (2013).

- CHRISTINA VOIGT, RUE OF AW FOR NATURE (2013).
  - DAAN P VAN UHM, THE ILLEGAL WILDLIFE TRADE (2016).
  - DR. N. MAHESWARASWAMY, LAW RELATING TO ENVIRONMENTAL POLLUTION AND PROTECTION.
  - DR.RADHAKRISHNAN, BIOMEDICAL WASTE MANAGEMENT (1992)
  - ED, A. USHA, ENVIRONMENT AND CLIMATE CHANGE- POLICY AND LAW (2007)
  - ED. ALAN BOYLE AND MICHEAL ANDERSON, CLARENDON, HUMAN RIGHTS APPROACHES TO ENVIRONMENTAL PROTECTION (1996)
  - ED. CHRISTINA VOIGT, RULE OF LAW FOR NATURE (2013)
  - ED. P. LEELAKRISHNAN , LAW AND ENVIRONMENT (1992)
  - ED. SHAWKATALAM, MDJAHIDHOSSAIN, ROUTLEDGE HANDBOOK OF INTERNATIONAL ENVIRONMENTAL LAW (2013)
  - ED. STEPHEN HUMPHREYS , HUMAN RIGHTS AND CLIMATE CHANGE (2010)
  - ELIZABETH RISHER, BETTINA LANGE, ELOISE SCOTFORD , ENVIRONMENTAL LAW (OXFORD) 2013
  - ELLI LOUCA, INTERNATIONAL ENVIRONMENTAL LAW (2006)
  - FRIEDRICH SOLTAU, FAIRNESS IN INTERNATIONAL CLIMATE CHANGE, LAW AND POLICY (2009)
  - FURQANAHAMAD, LEGAL REGULATION OF HAZARDOUS SUBSTANCES (2009)
  - GURDIP SINGH, ENVIRONMENTAL LAW; NATIONAL AND INTERNATIONAL PERSPECTIVES (1995)
  - JAN G LAITOS, THE RIGHT OF NONUSE (2012).
  - JUSTICE ASOK. A. DESAI, ENVIRONMENTAL JURISPRUDENCE (1998)
  - KAILASHTHAKKUR, ENVIRONMENTAL PROTECTION, LAW AND POLICY IN INDIA (1997)
  - LOUISE SMALL, WASTE REGULATION LAW (2016).
  - MARY CHRISTINA WOOD, NATURE'S TRUST (2014)
  - MARY CHRISTINA WOOD, NATURES TRUST (2014)
  - N.K. CHAKRABARTI , ENVIRONMENTAL PROTECTION AND THE LAW
  - NANCY. K. KUBAREK AND GARY.S. SILVERMA PRENTICE. HALL, ENVIRONMENTAL LAW, (3<sup>RD</sup>EDN. 2000)
- 
- O.P.SHUKLA, ENVIRONMENT PROTECTION LAW (2013).
  - P. ISHWARA BHAT, NATURAL RESOURCES LAW (2016).
  - P. LEELAKRISHANAN, ENVIRONMENTAL LAW IN INDIA
  - P.K. RAO , INTERNATIONAL ENVIRONMENTAL LAW AND (2002)
  - P.LEELAKRISHNAN, ENVIRONMENTAL L AW CASE BOOK (2016).
  - P.M. BHAKSHI , ENVIRONMENTAL LAW : THE PROCEDURAL OPTIONS (1993)
  - PHILIPPE CULLET & LOVLEEN BHULLAR, SANITATION LAW AND POLICY IN INDIA (2015).
  - PIERRE-MARIE DUPUY & JORGE E VINUALES, INTERNATIONAL ENVIRONMENTAL AW (2015).
  - R.K. KHITOLIYA, ENVIRONMENTAL PROTECTION AND THE LAW (2005)
  - RAJIB SHAW & R R KRISHNAMURTHY, DISASTER MANAGEMENT, GLOBAL CHALLENGES AND LOCAL SOLUTIONS (2009).
  - S. SANTHAKUMAR, INTRODUCTION TO ENVIRONMENTAL LAW (2010)
  - S.K.SHARMA, ENVIRONMENTAL LAW (2015).
  - SAIRAMBHAT , NATURAL RESOURCES CONSERVATION LAWS (2010)
  - SANJAY UPADHAY AND VIDEHUPADHYA , HAND BOOK ON ENVIRONMENTAL LAW ( LEXINEXI)VOL. I- FOREST LAWS. VOL.II- WATER AND AIR VOL.III- LAND AND ENERGY
  - SHYAM DIVAN AND ROZENCRAZ, ENVIRONMENTAL LAW AND POLICY IN INDIA.
  - STEPHEN HUMPHREYS, HUMAN RIGHTS AND CLIMATE CHANGE (2010).
  - STUART BELL, DONALD MCGILLIVRAY & OLE W. PEDERSEN, ENVIRONMENTAL LAW(2013).
  - SUSAN WOLF & NEIL STANLEY, ENVIRONMENTAL LAW (2014).
  - V.R. KRISHNA IYYER ,ENVIRONMENTAL PROTECTION AND LEGAL DEFENSE (1992)

<b>SEMESTER II</b>	<b>Course Code: LAW DE 526</b>	<b>Credits: 2</b>
--------------------	------------------------------------	-------------------

## **NAME OF THE COURSE: LAW AND INTERNATIONAL CONFLICT RESOLUTION**

### **Course Outcomes:**

**C01:** Internalization of the various theoretical viewpoints regarding each of the fundamental domain with regard to the emergence of the discipline of conflict resolution.

**C02:** Development of independent, abstract and critical thinking about the causes of transformation in the relationship and conflict resolution mechanism of international law and municipal law vis-à-vis the concept of sovereignty.

**C03:** Evaluate the changing dimensions of static recognition and the significance of the international conflict resolution in its various implementing entities.

**C04:** Evaluate the principal elements of the major developments of State Responsibility and Intervention vis-à-vis the emergence of the contemporary conflict resolution discipline

**C05:** Describe and identify the procedures for conflict resolution mechanism in the vital zones of sea, air and outer space.

**C06:** Examine the causes of transnational crisis, conflict resolution, peace-making and peace-building and the strong movement made by UN and other allied institutional framework in the contemporary conflict resolution framework.

## **COURSE CONTENT**

### **Module I: INTERNATIONAL CONFLICT RESOLUTION – INTRODUCTORY & THEORETICAL CONCEPTS**

International conflict resolution- Development of International Conflict Resolution as a Discipline- Nature and its theoretical perspective-Concept of Conflict Prevention and Institution of Peace - Development of international law as a means of international conflict resolution mechanism -New trends regarding basis of international conflict resolution mechanism- Indian Thinking on Peace and Conflict

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M01: Explain the theoretical justification of the discipline of International Dispute and Conflict Resolution.

M01: Understand the shifting face of power-based conflict resolution to need based/cooperation/interest-based theory of conflict resolution through historical development

M01: Able to identify whether the discipline of conflict resolution focus on making something new for the future or adjudicating or healing something from the present

M01: Compare the significance of the diversified method of International Conflict Resolution tools and techniques.

M01: Identifying the parties and their approach towards the newer techniques of International Dispute Resolution.

### **Module II: RELATIONSHIP BETWEEN INTERNATIONAL LAW AND MUNICIPAL LAW**

Theory of monism and Dualism - Emergence of national states and non-state Entities-Changing concept of sovereignty

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M02: Understand the behaviour and vitality of the theory of monism and dualism in the present-day International relations

M02: Evaluate the vanishing nature of sovereignty and the emergence of the concept of Global Neighbourhood entity

M02: Identify the elements of conflict resolution mechanism in the differences of principles between the international and municipal law

M02: Evaluate the adaptation International Conflict Resolution techniques by the national entities

### **Module III: STATE RECOGNITION& CONFLICT RESOLUTION IN INTERNATIONAL LAW**

State recognition-theoretical perspective, different types-*de facto* and *de jure* recognition, Doctrines of recognition-Estrade, Stimson and Hallestein doctrines - State recognition – Relevance of Conflict Resolution

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M03: State the contemporary international principles and ideologies with respect to elements of state recognition

M03: Evaluate the significance of International Conflict Resolution in the emergency misperception in the process of state recognition

M03: critically analyse the doctrines and the historical development behind its promulgation

**Module IV: STATE RESPONSIBILITY & CONFLICT RESOLUTION IN INTERNATIONAL LAW**

State responsibility as a consequence of personality under International conflict resolution mechanism/Subjects of responsibility-Calvo doctrine; concept of intervention-Monroe and Drago doctrines

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M04: Identify the criteria for fulfilling the state responsibility in the new regime Global Neighbourhood Entity

M04: Analyse the principle imbibed by each sovereign nation in maintaining the sense of balance being a personality under the International Law

M04: Evaluate the concept of state interventions, the protocols and exceptions attached with it

M04: Enunciate the significance of the contemporary theories of International Conflict Resolution in the realisation of the principles of state responsibility and state intervention

**Module V: LAW OF SEA, AIR, OUTER SPACE & INTERNATIONAL CONFLICT RESOLUTION**

Jurisdiction over territorial sea, contiguous zone, continental shelf, exclusive economic zone, right to hot pursuit, international seabed authority, international tribunal for law of sea air and outer space- conflict resolution and dispute settlement mechanism

**Module Outcome:**

*After Completion of this module, the student should be able to:*

M05: Understand the different zones of sea, air and outer space, the regimes that necessitates protection in the international platform

M05: Identify the specific features of each zones of sea, air and water.

M05: Evaluate the various international initiatives to protect the conflict emerging in the zones of sea, air and outer-space.

M05: Evaluate the application of contemporary dispute settlement mechanism in specific to the issues arising in the zones of sea, air and outer-space.

## **Module VI: INTERNATIONAL ORGANIZATION AND INTERNATIONAL CONFLICT RESOLUTION.**

International organization as a means of international conflict resolution-The role of United Nations Organisation in International peace making and international conflict resolution- Culture of Conflict Prevention

### **Module Outcome:**

*After Completion of this module, the student should be able to:*

M06: Evaluate the historical background of UN in the accomplishment of a full-fledged peaceful settlement of dispute in the diverse areas of threat of peace.

M06: Identify the kind of process at the diverse institutional mechanism under UN and other entities for engaging in a final or contingent action with regard to International Dispute Resolution.

M06: Examine the transnational or international dispute process in adopting the discipline of conflict prevention.

### **Suggested Class Room Activities:**

- Assignments
- Seminar Presentation on selected topics
- Debates
- Developing techniques with regard to contemporary Conflict Resolutions.
- Drafting of model law

## **LEARNING RESOURCES**

### **References**

- Antonio Cassese, International Law (2005)
- B.S. Chimni, International Law and World Order: A Critique Contemporary Approaches (1993).
- Balakrishna Rajagopal, International Law from Below, Development, Social



Movements and Third World Resistance (1<sup>st</sup> Ed 2005.)

- Barry E Carter, International Law (2007)
- Cormac Macamhlaigh , Claudia Michelon and Neil Walker After Public Law (1<sup>st</sup> Ed. 2013).
- D.J. Harris, Cases and Materials on International Law (5<sup>th</sup> Ed.1988).
- Emmanuelagius and Salvino Busttil With Tae Chang Kim and Katsubiko Yazak, Future Generations and International Law (1998).
- Francis Lyall An Paul B. Larsen, Space Law – A Treatise (2009).
- G.N. Sharma, Space Law, Communications Law and International Law Abbreviations, Acronyms, Facts and Figures (1993).
- Ian Brownly, Principles of International Law (2003).
- International Law, Malcom N. Shaw, 5<sup>th</sup> ed.
- Jeffrey L Dnnoff and Mark A Pollack Interdisciplinary Perspectives on International Law and International Relations, the Sate of the Act (2013).
- John Rawls, Monism and Dualism 2 Presses Universitaires De France 18 (2000)
- Law and Power in International Relations, James Fawgett (1969).
- Lowe and Talmon, the Legal Order of the Oceans (2009).
- M Afzal Wani, Analysis of Conceptual Foundations of International Instruments for Global Peace and Development (2013).
- Michael P. Scharf, Customary International Law in Times of Fundamental Change (4<sup>th</sup> Ed. 2013).
- P. Chandrashekhara Rao, International Law in Times of Fundamental Change (4<sup>th</sup> Ed. 2013).
- Paras Diwan and Peeyush Diwan, Private International Law, 4<sup>th</sup> Ed., (1998).
- Peter Malanczuk, Akehurst's Modern Introduction to International Law (1997).
- Private International Law, Cheshire and Norths 11<sup>th</sup> Ed. (1987).
- Role of International Community in Protection of Human Rights, Ved Pal Singh Deswal (2012).
- Saurauch Singh, Comment on Concept of Maritime Lien (2006).
- V.S. Mani, S. Bhatt and V.B. Reddy, Recent Trends in International Space Law and Policy (1<sup>st</sup> Ed., 1997).

## **CREDIT LIMITS**

Minimum and maximum credit requirements for successful completion of the PG programmes are as follows:

### **Two-semester Programmes**

Programme	Core Course		Electives		Total	
	MIN	MAX	MIN	MAX.	MIN	MAX
<b>LL.M In Public Law And Intellectual Property Rights</b>	26	30	4	12	30	42