

NEW SYLLABUS FOR APPROVAL

BRANCH: LL.M. PROGRAMME IN PUBLIC LAW (Constitutional and Administrative Law) AND INTELLECTUAL PROPERTY RIGHTS (2 Years)

SEMESTER	COURSE CODE	COURSE TITLE	HOURS /WEEK	CORE/ ELECTIVE PAPER	CREDITS
S 1	LAW CC-511	CONSTITUTIONAL PRINCIPLES	4	CORE	4
S 1	LAW CC-512	JUDICIAL REVIEW OF ADMINISTRATIVE ACTION	4	CORE	4
S 1	LAW CC-513	LEGAL EDUCATION AND RESEARCH METHODOLOGY	4	CORE	4
S 1	LAW CC-514	LAW AND JUSTICE IN A GLOBALIZING WORLD	4	CORE	4
S 2	LAW CC-521	CONSTITUTIONAL RIGHTS AND SOCIAL JUSTICE	4	CORE	4
S 2	LAW CC-522	CONSTITUTIONAL STRUCTURE	4	CORE	4
S 2	LAW CC-523	ADMINISTRATIVE LAW PRINCIPLES FOR PROTECTING CITIZENS FROM UNLAWFUL GOVERNMENTAL INTERFERENCE	4	CORE	4

S 2	LAW CC-524	BASIC PRINCIPLES OF INTELLECTUAL PROPERTY RIGHTS	4	CORE	4
S 3	LAW CC -531	LAW REALTING TO PUBLIC SERVICE	4	CORE	4

S 3	LAW CC -532	LAW RELATING TO PATENTS	4	CORE	4
S 3	LAW CC -533	LAW RELATING TO COPY RIGHTS AND DESIGNS	4	CORE	4
S 3	LAW DE-534	ENVIRONMENTAL LAW	2	ELECTIVE	2
S3	LAW DE-535	LAW AND INTERNATIONAL CONFLICT RESOLUTION	2	ELECTIVE	2
S 4	LAW CC -541	LAW RELATING TO TRADEMARKS AND PASSING OFF	4	CORE	4
S 4	LAW CC -542	LAW RELATING TO GEOGRAPHICAL INDICATIONS, TRADITIONAL KNOWLEDGE AND SUI GENERIS PROTECTION OF IP	2	CORE	2
S 4	LAW DE-543	LAW SCIENCE AND TECHNOLOGY	4	ELECTIVE	4
S 4	LAW CC-544	Dissertation	4	CORE	6
TOTAL CREDITS					68
		GENERIC COURSES (for extra departmental electives)			
	LAW GC-501	INTRODUCTION TO HUMAN RIGHTS LAW	2	Elective	2
	LAW GC-502	ENVIRONMENTAL LAW	2	Elective	2

SEMESTER I	LAW CC-513	Credits: 4
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NAME OF THE COURSE: LEGAL EDUCATION & RESEARCH METHODOLOGY

Course Outcomes:

C01: To evaluate the significance of reforms in legal education

C02: To Identify and familiarize with basics of research and the research process.

C03: To develop adequate knowledge in the different classification of research and enable in utilising in the research activity at various platforms.

C04: To discuss and justify the basic components of the research design relevant to tackle a research problem by framing a hypothesis.

C05: To impart knowledge for enabling students to develop data analytics and meaningful interpretation of data to solve a Research problem

C06: Evaluate the practical implications in realising a credible legal research and to familiarize students in conducting research work and formulating research synopsis and report.

COURSE CONTENT

Module I: LEAL EDUCATION AND ITS SIGNIFICANCE

Objectives of legal education- role of professional legal education in democracy- significance of development of skills and inculcation of values-impact of globalization on legal education. Post graduate legal education- objectives-different patterns- significance of credit and semester system- Reforms in legal education- significance of Mac Crate Report- role of different agencies - Bar Council-Law Commission – UGC- Government-Significance of curriculum development-examination reforms.

Module Outcome:

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

M01: Understand the necessity in revamping legal education

M01: Evaluate the role and impact of legal education in social reforms

M01: Identify the changing dimension of Globalisation and imparting of legal education

MO1: Analyse the necessity of PG level education, its patterns and contributions to enunciate a social restricting

MO1: Evaluate the reforms in legal education and its transitions

Module II : DIFFERENT TEACHING METHODS

Methods of Teaching Lecture method- Cases method – Problem Method- Socratic Method- Tutorial method- Seminar cum discussion method- Clinical legal education- ICT. and learning – Democratic practices in classrooms

Module Outcome:

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

MO2: Analyse and understand the different methods of teaching.

MO2: Understand the significance of clinical legal education

MO2: Evaluate the concept and vitality of ICT based legal education

Module III: BASICS OF RESEARCH, ITS OBJECTIVES AND CLASSIFICATION

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- 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- Interdisciplinary approaches in Legal Research- Scope of AI and Legal Research.

Module Outcome:

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

M03: Develop understanding of basics of research and different definitions of research.

M03: Introduce the objectives of doing a research and set the motivation in research.

M03: Enunciate on what is the difference between a method and methodology is

M03: Exhibit some aspects of debate about the nature of knowledge and the values of scientific method

M03: Discuss the strong interlink between law and society

M03: Critically evaluate the vitality of conducting a legal research.

Module IV: RESEARCH DESIGN & DATA COLLECTION

Various Steps in Research: Research Process Research Problem- Legal Anthropology – Participatory Observations in Legal Research- Impact of Legal Research in addressing Social Inequalities: Identification and Formulation Hypothesis Use of Library Use of Modern Technology/ Computer Assisted Research- 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:

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

M03: Discuss what a research problem is and develop a research problem .

M03: Enumerate the relevance and good characteristics of hypothesis.

M03: Review and analyse research findings that affect their agency

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 and explain the tents of various methods of sampling.

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

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 & REPORT 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, Complaints 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 lesson plans- Synopsis- Book Review- Writing of Research Proposal Dissertation/ Thesis Writing (Case- Statute- Project-)-Research Ethics- issues of plagiarism -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

1. ANWARUL YAQIN LEGAL RESEARCH AND WRITING METHODS (Lexis Nexis 2008).
2. C.R. KOTHARI, RESEARCH METHODOLOGY: METHODS AND TECHNIQUES (New Age International Pvt. Ltd, 2013)
3. DAVID L MORGAN, INTEGRATING QUALITATIVE AND QUANTITATIVE METHODS (Sage 2014).
4. PROF THUSHAR KANTHI SAHA, TEXT BOOK ON LEGAL METHODS, LEGAL SYSTEMS AND RESEARCH (2nd Ed Universal Law Publishers 2015).
5. RANJITH KUMAR, RESEARCH METHODOLOGY (Sage Texts 2014).
6. RATTAN SINGH, LEGAL RESEARCH METHODOLOGY (2^{edn}. Lexis Nexis 2016).
7. ROBERT WATT, FRANCIS JOHNS, CONCISE LEGAL RESEARCH (6th Ed Universal Law Publishing Company 2012)
8. VIJAY K. GUPTA, DECISION MAKING IN THE SUPREME COURT OF INDIA (A JURIMETRIC STUDY) – ALTERNATIVES IN JUDICIAL RESEARCH (Kaveri Books Delhi, 1995).
9. AGRAWAL S.K., LEGAL EDUCATION IN INDIA, Tripathi Publishers, Bombay (1973)
10. ANDERSON J DURSTAN; B. H. POOLI, THESIS AND ASSIGNMENT WRITING, Eastern Books Limited, New Delhi, (1977)
11. BRAYNE H., N. DUNCAN, R. GRIMES, CLINICAL LEGAL EDUCATION ACTIVE LEARNING IN YOUR LAW SCHOOL, Oxford, (1998)

12. GOODE W. J., HATT P.K., METHODS OF SOCIAL RESEARCH, McGraw Hill, New York, (1962)
13. JAIN S.N., LEGAL RESEARCH & METHODOLOGY, INDIAN LAW INSTITUTE PUBLICATION, (Ed) Tripathi Pvt. Ltd., Bombay (1983)
14. PROF. TUSHAR KANTI SAHA, TEXTBOOK ON LEGAL METHODS, LEGAL SYSTEMS AND RESEARCH, Universal Law Publishing Co., New Delhi (2010).

SEMESTER I	LAW CC-511	Credits: 4
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NAME OF THE COURSE: CONSTITUTIONAL PRINCIPLES

Course Outcomes:

CO: To identify and familiarise the important basic principles, values and nature of the Constitution of India

CO2: To enable the students to understand the concept of sovereignty and its changing dimensions

CO3: To analyse the foundational concept of federalism and its changing dimension

CO4: To evaluate the significance of rule of law and separation of powers.

CO5: To identify the process and importance of amending procedure under the Indian Constitution

CO6: To understand the significance of constitutional amendments and its impact

COURSE CONTENT:

MODULE I : SOVERNIGNITY & THE CHANGING DIMENSIONS

Sovereignty – Austin – Laski's Pluralism – criticisms – Parliamentary Sovereignty in Britain – Recent Trends – Location of Sovereignty in India – Globalization – Human Rights and Sovereignty.

Module Outcome:

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

MO1: Understand the fundamental concept of State Sovereignty

M01: Evaluate the changing dimension of the concept of Sovereignty

M01: Develop the relation between Human Rights and sovereignty

MODULE II BASIC VALUES OF A CONSTITUTION

Constitution – Meaning – Necessity – Requirements of an Ideal Constitution –Framing of Indian Constitution – Features of Indian Constitution – Constitutional Fundamentals – Constraints.

Module Outcome:

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

M02: Evaluate the relevance of Living constitution.

M02: Critiquing various provisions of Indian constitution with other constitutions of the world.

M02: Realize and differentiate Constitution and Constitutionalism.

MODULE III: PRINCIPLES OF ORGANISATION OF GOVERNMENT & FORMS OF GOVERNMENT

Constitution – Form – Type of Government – Parliamentary Type v Presidential System – Monarchy – Republic – Parliamentary Supremacy – Need for Constitutional Overhauling – Mode of change – Feasibility of Switching over to Presidential system – Concept of Federalism – Features of Indian Federalism – From traditional approach to co-operative federalism- Centripetal and Centrifugal Forces- Equality of Federating Units- Globalization and Indian Federalism- Role of Courts in Preserving Federalism

Module Outcome:

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

M03: Understand the different forms of government

M03: Evaluate unitary and federal forms of government

M03: Develop an understanding on the role of the courts in preserving federalism

M03: Evaluate the role of public participation in governance and design a model of democratic decentralization

MODULE IV: CONSTITUTIONAL FOUNDATIONS OF POWER

Constitutionalism – Rule of Law – Dicey’s concept – Criticism – Rule of law and Democracy in India – Challenges – Separation of powers – 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 Functions Due Process – Eminent Domain – Taxing power

Module Outcome:

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

M04: Understand and articulate the changing concept of rule of law.

M04: Analyse the concept of Separation of Powers and evaluate the various checks and balances available.

MODULE V: CONSTITUTIONAL REVIEW

Methods of Constitutional Review · Judicial and Political Review · Concentrated and Diffused Review · Anticipatory and Successive Review ß Concept and Origin of Judicial Review ß 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
- Formulate a Research Problem and a Hypothesis and Design a research paper

LEARNING RESOURCES:

BOOKS

1. CHRISTOPH MOLLENS; THE THREE BRANCHES, A COMPANILINE MODEL OF SEPARATION OF POWER
2. DR.G.B.REDDY;; JUDICIAL ACTIVISM IN INDIA
3. BRIAN Z TAMANAHA; LAW AS A MEANS TO AN END , THREAT TO THE RULE OF LAW
4. AUSTIN;; WORKING A DEMOCRATIC CONSTITUTION
5. DCM YARDLEY; INTRODUCTION TO BRITISH CONSTITUTIONAL LAW
6. THOMAS M COOLEY; THE GENERAL PRINCIPLES OF CONSTITUTIONAL LAW
7. R.MOHAN KRISHNAPURAM; SOVEREIGNTY OF PARLIAMENT IN INDIA
8. LAWRENCE SUEZ; FEDERALISM WITH OUT A CENTRE

ARTICLES

1. Federalism and Interpretation; Edward L. Robin and Malcom M Feeley
2. Federalism; A Conceptual Analysis; S A Paliker
3. Sovereignty; Stephen D
4. Understanding Sovereignty through Kelsen / Schmitt; A D Lindsay
5. The Rule of Law Revival; Thomas Carothers

SEMESTER I	LAW CC- 512	Credits: 4
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Name of the course: JUDICIAL REVIEW OF ADMINISTRATIVE ACTION

Course Outcomes:

C01: Review various theories of Administrative Law.

C02: Determine Amenability of writ jurisdiction.

C03: Examine various principles for controlling Discretionary Powers.

C04: Evaluate principles of fairness and Natural Justice Principle.

C05: scrutinize the principles of Reasonableness, Rationality and Proportionality.

C06: scrutinize the principle of Promissory Estoppel and its comparative perspective.

C0 7: Realise the principle of Legitimate expectation and its comparative perspective.

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.

M01: Differentiate Administrative Law and Constitutional Law.

M01: Evaluate the relevance of Administrative Law in a welfare state.

M01: Determine the theories relating to Administrative Law.

MODULE II AMBIT OF JURISDICTION

Amenability to writ jurisdiction-Fundamental Rights jurisdiction under art/32 and 226- Definition of state- Private bodies- Art.226-The ambit of any other purpose-Art.136 The extraordinary appellate jurisdiction-procedural limitations on Judicial Review-Locus Standi- Traditional Approach-Modern Approach-position in UK and India Compared-Laches-Res Judicata-

Module Outcome:

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

M02: Realize Amenability to writ jurisdiction.

M02: Differentiate Fundamental Rights jurisdiction under art/32 and 226.

M02: Evaluate Definition of state- Private bodies.

M02: Determine the principles of Locus standi and its changes from ancient to modern approach.

MODULE III CONCEPTS OF DISCRETIONARY POWER

Concept of judicial review of discretionary power in Common law countries and French system – Judicial review in India – Jurisdiction of Supreme Court, Administrative Tribunal and High Court Unreviewable discretionary powers – Discretion and justifiability.

Module Outcome:

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

M03: Realize the concept of judicial review of discretionary power.

M03: Compare the process of judicial review of discretionary power in common law countries.

M03: Evaluate Jurisdiction of Supreme Court, Administrative Tribunal and High Court in judicial review of discretionary powers.

M03: scrutinize discretion and justifiability .

MODULE IV: 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:

M04: Realize Discretionary Power.

M04: Recognize principles for controlling Discretionary powers.

M04: 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 V: 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:

M05: Realize Arbitrariness, Procedural Fairness, And Principles Of Natural Justice.

M05: Evaluate the principles of natural justice in India and compare it with other jurisdiction.

M05: Investigate various judicial verdicts relating to Principles of Natural Justice.

MODULE VI: 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:

M06: Realize Reasonableness, Rationality, and Proportionality.

M06: Realize Promissory Estoppel Legitimate Expectation.

M06: Evaluate principles of Reasonableness, Rationality, and Proportionality and compare it with other jurisdiction.

M06: Compare the judicial decision of India relating to the principles of Reasonableness, Rationality, and Proportionality with U.K.

M06: Collate the concept of Promissory Estoppel and Legitimate Expectation with U.K and U.S

ACTIVITIES, LEARNING RESOURCES & ASSESSMENT

Suggested Class Room Activities:

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

LEARNING RESOURCES

1. BEATSON MATHEWS AND ELLIOT, ADMINISTRATIVE LAW
2. DE SMITH'S JUDICIAL REVIEW (6TH ED. 2009)
3. HARLOW AND RAWLINGS. LAW AND ADMINISTRATION (3RD ED. 2009)
4. I.P MASSEY, ADMINISTRATIVE LAW (9TH ED. 2017).

5. JAMES SVARA, THE ETHICS PRIMER FOR PUBLIC ADMINISTRATORS IN GOVERNMENT AND NON PROFIT ORGANISATIONS (2015)
6. M. A. FAZAL, JUDICIAL CONTROL OF ADMINISTRATIVE ACTION IN INDIA, PAKISTAN AND BANGLADESH (2000)
7. MARK ELLIOT AND ROBERT THOMAS, PUBLIC LAW (2ND ED. 2014)
8. MARK ELLIOTT AND DAVID FELDMAN, PUBLIC LAW (2015)
9. MICHAEL DOHERTY, PUBLIC LAW (ROUTLEDGE 2016)
10. MP JAIN, S.N JAIN, PRINCIPLES OF ADMINISTRATIVE LAW, (8TH EDITION 2016)
11. P.P CRAIG, ADMINISTRATIVE LAW
12. P.P CRAIG, ADMINISTRATIVE LAW, (6TH ED 2003)
13. PAUL CRAIG, U.K, E.U, AND GLOBAL ADMINISTRATIVE LAW: FOUNDATIONS AND CHALLENGES (2015)
14. PETER CANE, CONTROLLING ADMINISTRATIVE POWER: AN HISTORICAL COMPARISON (2016)
15. PETER LEYLAND AND GORDON ANTHONY, TEXT BOOK ON ADMINISTRATIVE LAW
16. S.H BAILEY, B.L. JONES AND A.R. MOWBRAY, CASES AND MATERIALS ON ADMINISTRATIVE LAW (1992)
17. S.P SATHE, ADMINISTRATIVE LAW (7TH EDITION 2007)
18. SCHWARTZ, ADMINISTRATIVE LAW (3RD ED. 1972)
19. WADE AND FORSYTH, ADMINISTRATIVE LAW (11TH ED. 2014)

On-line Sources

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

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

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

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

SEMESTER I	LAW CC-514	CREDITS: 4
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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.

M01: Analyse the changes in traditional concept of sovereignty.

M01: Critically evaluate Globalisation and its impact on federalism.

M01: 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:

M02: Understand basic Human Rights.

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

M02: Describe welfare state.

M02: 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 Global Distributive Justice. Poverty and global justice, climate justice, economic justice labour justice, fair trade and marginalized group, justice delivery and globalization; Global constitutionalism, Cosmopolitanism Globalization and Social Justice/ Global Distributive Justice.

Module Outcome:

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

M03: Recognise universal values.

M03: Evaluate Globalisation and universal values.

M03: understand cosmopolitanism.

M03: Examine the relevance of cosmopolitanism.

M03: 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- law and social transformation a theoretical discussion Historical and sociological discourse on law's role in social transformation-ancient-medieval and modern India- Sanskritisation and Westernisation- Constitution's orientation and response to social transformation-law's relation with social justice- Law and social change-legislation as a factor of social change- Law as a social device- Approach of various Theories of law - natural law Hans Kelsen- legal realism- Alternatives to legal strategy-Gandhism, Sarvodaya, Marxism and Naxalism.

Module Outcome:

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

M04: Recognise social change.

M04: Evaluate law and its Impact on social change.

M04: 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:

M05: understand how the out looks on life affects the way judges make decisions.

M05: Evaluate various judicial decisions on the basis of logic in judicial process.

M05: Examine the importance of dissenting judgements.

M05: 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:

M06: understand judicial activism and judicial self restraint.

M06: compare Judicial Activism and Judicial Restraint.

M06: Examine the importance of judicial accountability.

M06: Evaluate the importance of precedents.

M06: 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

1. ANDHYARJUINA T.R. JUDICIAL ACTIVISM AND CONSTITUTIONAL DEMOCRACY
2. ANDREW KUPER, DEMOCRACY BEYOND BORDERS: JUSTICE AND REPRESENTATIONS IN GLOBAL INSTITUTIONS (2006).
3. ANTHONY MCGREW, DAVID HELD (EDS.), GOVERNING GLOBALIZATION: POWER, AUTHORITY AND GLOBAL GOVERNANCE (POLITY PRESS 2002).
4. BASU, ECONOMIC ANALYSIS OF LAW IN INDIA (2010)
5. BOAVENTURA DE SOUSA SANTOS, CESAR A. RODRIGUEZ-GARAVITO (EDS.), LAW AND GLOBALIZATION FROM BELOW (CAMBRIDGE UNIVERSITY PRESS, 2005).
6. CAPPELLETI AND GARTH- ACCESS TO JUSTICE
7. CARDOZO THE NATURE OF JUDICIAL PROCESS
8. CHINNAPPA REDDY, THE COURT AND THE CONSTITUTION (2010)
9. DAVID B. GOLDMAN, GLOBALIZATION AND THE WESTERN LEGAL TRADITION: RECURRING PATTERNS OF LAW AND AUTHORITY (CAMBRIDGE UNIVERSITY PRESS, 2008).
10. DAVID HELD, A GLOBALIZING WORLD? CULTURE, ECONOMICS, POLITICS (2004).
11. DAVID KINLEY, CIVILISING GLOBALISATION (2009)
12. DAVID KINLEY, CIVILIZING GLOBALIZATION: HUMAN RIGHTS AND THE GLOBAL ECONOMY (CAMBRIDGE UNIVERSITY PRESS, 2009)
13. DAVID SCHNEIDERMAN, CONSTITUTIONALIZING ECONOMIC GLOBALISATION (2008)
14. DAVID SCHZEIDERMAN, CONSTITUTIONALIZING ECONOMIC GLOBALIZATION: INVESTMENT RULES AND DEMOCRACY'S PROMISE (CAMBRIDGE UNIVERSITY PRESS, 2008).
15. DHAVAN, JUDGES AND JUDICIAL POWER
16. FRIEDMAN- LAW IN A CHANGING SOCIETY
17. GALANTER LAW SOCIETY AND MODERN INDIA
18. ISHWARA BHATT-LAW AND SOCIAL TRANSFORMATION 2012(EBC)

19. JAYAKUMAR N.K. JUDICIAL PROCESS IN INDIA
20. JEAN-MARC COICAUD, MICHAEL W. DOYLE ET AL (EDS.), THE GLOBALIZATION OF HUMAN RIGHTS (UNITED NATIONS UNIVERSITY PRESS, 2003).
21. JEROME FRANK COURTS ON TRIAL
22. JOHN BAYLIS, STEVE SMITH, ET AL (EDS.) THE GLOBALIZATION OF WORLD POLITICS: AN INTRODUCTION TO INTERNATIONAL RELATIONS (OUP, 2008).
23. JULIS STONE, LEGAL SYSTEM AND LAYERS REASONING
24. JULIUS STONE PRECEDENT AND THE LAW
25. JULIUS STONE SOCIAL DIMENSIONS OF LAW AND JUSTICE
26. KARL-HEINZ LADEUR (ED.), PUBLIC GOVERNANCE IN THE AGE OF GLOBALIZATION (2004).
27. KERMIT ROOSEVELT III- THE MYTH OF JUDICIAL ACTIVISM (FIRST INDIAN REPRINT 2008)
28. L.M.SINGHVI , LAW AND POVERTY
29. LAKSHMI NATH, PRECEDENT IN INDIAN LEGAL SYSTEM
30. LAURA VALENTINI, JUSTICE IN A GLOBALIZING WORLD: A NORMATIVE FRAMEWORK (OUP, 2011).
31. LEVI, INTRODUCTION TO LEGAL REASONING
32. M.N.SRINIVAS-LAW AND SOCIAL CHANGE
33. PABLO DE GREIFF AND CIARAN CRONIN (EDS.), GLOBAL JUSTICE AND TRANSNATIONAL POLITICS: ESSAYS ON THE MORAL AND POLITICAL CHALLENGES OF GLOBALIZATION (MIT PRESS, 2002).
34. PERCY E. CORBETT, THE GROWTH OF WORLD LAW 184 (1971).
35. PETER GERANGELOS, THE SEPARATION OF POWERS AND LEGISLATIVE INTERFERENCE IN JUDICIAL PROCESS.(2010)
36. R.DHAVAN, THE SUPREME COURT OF INDIA
37. RICHARD NEELS HOW COURTS GOVERNS AMERICA
38. ROSALYN HIGGINS, DEVELOPMENT OF INTERNATIONAL LAW THROUGH THE POLITICAL ORGANS OF THE UNITED NATIONS (1963).
39. RUPERT CROSS PRECEDENT IN ENGLISH LAW
40. SHAMAN, EQUALITY AND LIBERTY IN THE GOLDEN AGE OF STATE CONSTITUTIONAL LAW(2010)

41. SHAPIRO LAW AND POLITICS IN THE SUPREME COURT.
42. SIMON CONEY, JUSTICE BEYOND BORDERS: A GLOBAL POLITICAL THEORY (OXFORD UNIVERSITY PRESS, 2005).
43. SOCIAL SCIENCES APPROACHES TO THE JUDICIAL PROCESS A SYMPOSIUM
44. UPENDRABAXI- MARX LAW AND JUSTICE
45. UPENDRABAXI, THE CRISIS OF INDIAN LEGAL SYSTEM
46. 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).
47. WENHUA SHAN, PENELOPE SIMONS ET AL., REDEFINING SOVEREIGNTY IN INTERNATIONAL ECONOMIC LAW (HART PUBLISHING, 2008).
48. WILLIAM TWINING, GENERAL JURISPRUDENCE: UNDERSTANDING LAW FROM A GLOBAL PERSPECTIVE (CAMBRIDGE UNIVERSITY PRESS, 2009).
49. WORLD COMMISSION ON SOCIAL DIMENSION OF GLOBALIZATION, A FAIR GLOBALIZATION: CREATING OPPORTUNITIES FOR ALL (2004)
50. YASHGAI, THE POLITICAL ECONOMY OF LAW

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SEMESTER II	LAW CC- 522	Credits: 4
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NAME OF THE COURSE: CONSTITUTIONAL STRUCTURE

Course Outcome:

C01: To develop an in-depth knowledge about Indian Constitution

C02: To evaluate the basic concepts of the Indian Constitution

C03: To familiarise the students in the working of Constitutional bodies

C04: To identify the importance of different organs of government and its working.

C05: To critically evaluate the importance of judiciary and its independence

C06: To recognise the spirit and philosophy behind the making of the Indian Constitution.

COURSE CONTENT:

MODULE I: INTRODUCTION TO THE MAKING OF THE CONSTITUTION OF INDIA

Introduction – Constitutional Law of India– Salient features --Constitutionalism - Distinction between Constitution and Constitutionalism Essential features of Constitutionalism -Written Constitution.

Module Outcome:

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

M01: Realize the significance of Constitution and Constitutionalism.

M01: Identify the true spirit and features of the constitution of India.

M01: Differentiate Constitution and Constitutionalism.

MODULE II: CONSTITUTIONAL FOUNDATION

Separation of Powers- Doctrine of Separation of Powers Revisited– Federal Constitutions – Parliamentary and Presidential forms of government – Parliamentary Democracy v Constitutional Democracy

Module Outcome:

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

MO2: Understand the systems of government and the fundamental principles governing its organisation

MO2: Identify the different forms of Government and understand the true spirit of Parliamentary Democracy under the Indian Constitution

MO2: Analyse the distinctiveness in the relation between the different organs of Government in India by making a comparative study.

MO2: Evaluate the relevance of Separation of Powers and compare separation of powers under Indian constitution and other constitutions in the world.

MODULE III: UNION EXECUTIVE & ITS POWERS

Union Executive – Extent of executive power of the Union – The Constitutional position of President– President, Parliament and the Council of Ministers --The principle of aid and advice -- Constitutional position of Prime Minister—The Vice President – Removal of Executive.

Module Outcome:

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

MO3: Analyse the powers of the Union Executive and Executive power of the Union

MO3: Understand the constitutional position of President and the Prime Minister

MO3: Develop the underlying idea behind the principle of aid and advice

MODULE IV: PARLIAMENT & ITS FUNCTIONING SYSTEM

Parliament –Parliamentary Supremacy vis- a vis the Right to Dissent –Legislative Procedures in the passing of different types of Bills –Evolution of Parliamentary Privileges -- The Speaker –The Right to Vote and Veto Power.

Module Outcome:

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

MO4: Analyse the features and significance of parliamentary supremacy

MO4: Comprehend the procedures in the passing of bills

MO4: Describe the evolution of parliamentary privileges

MO4: Understand the powers of Speaker

MODULE V: UNION JUDICIARY & IT'S FUNCTIONING SYSTEM

Union Judiciary –Powers and Jurisdictions -- Legislatures and Courts –President vis-à-vis the Supreme Court – Contempt of Court – Judicial Accountability–Independence of the Judiciary and Removal of Judges.

Module Outcome:

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

MO5: Evaluate the powers and jurisdictions of Supreme Court

MO5: Analyse the foundational concept of judicial accountability

MO5: Understand the significance of contempt of court

MO5: Comprehend the stand of Indian Judicial System and its independence

MODULE VI: STATE EXECUTIVE & ITS POWERS

State Executive – Role of Governor – State Legislature – Composition and functions – the Speaker – Role and functions – The High Court and Subordinate Judiciary - Powers and Jurisdictions.

Module Outcome:

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

MO6:Comprehend the role and significance of state executive

MO6: Understand the powers of speakers in state legislature

MO6: Describe the significance of state judiciary

MO6: Analyse the significance of the High Court and Subordinate Judiciary

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

BOOKS

1. Seervai, H.M., The Constitutional Law of India
2. Singh, M.P., (Ed)., Constitution of India
3. Hassan , Zoya , B., India's Living Constitution
4. Bagehot, W., The English Constitution
5. Jose Antonio Cheibub; Presidentialism, Parliamentarism and Democracy
6. Rodney Brazies; Constitutional practice
7. DDBasu; Commentary of Constitution of India
8. CAD; Constitutional Assembly Debate
9. AV Dicey; Comparative Constitutionalism
10. M V Pylee; Constitution of the World

ARTICLES

2. Beyond Constitutionalism Beyond the State; Gavin W Anderson
3. Constitutionalism; A K Rogers
4. The spirit of Laws; The Doctrine of Separation of powers; George Rossman

5. Considering power in Separation of Powers; Stephen D
6. The Constitutional Principle of Separation of powers; Thomas W Merrill
7. Restoring Separation of Powers; Erwin Chemerinsty

SEMESTER II	LAW CC-521	Credits: 4
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NAME OF THE COURSE: CONSTITUTIONAL RIGHTS AND SOCIAL JUSTICE

COURSE OUTCOME:

C01: To identify the basic objective of Indian Constitution

C02: To develop an in-depth knowledge about the drafting of the constitution

C03: To evaluate the role of Constitution as a tool of social revolution

C04: To understand the vital principles aiding social justice of the Constitution and its significance

C05: To analyse the contemporary transitions of the basic document and the role played by the Judicial Interpretation

C06: To evaluate the legislative overhaul and the role of judicial review in realising social justice

COURSE CONTENT:

MODULE I: FOUNDATIONAL CONCEPTS OF THE MAKING OF THE CONSTITUTION

Basic objective of the Constitution – Constitution and Social revolution – Constitution and Human Rights-Preamble Relevance of Fundamental Rights and Directive Principles of State Policy- Interrelationship between Fundamental Rights and DPSP- Transition of DPSP into Fundamental rights by judicial interpretation- Fundamental Duties.

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

MO1: Analyse the basic objective of the framing of the Constitution.

MO1: Develop understanding of the economic, social and cultural rights, the DPSP

MO1: Enable student to understand the effectiveness and enforcement of DPSP , their relationship with fundamental rights.

MO1: Enunciate on the necessity, justification and evolvement of basic structure doctrine.

MO1: Enumerate on the fundamental duties and its importance on society

MODULE II RIGHT TO EQUALITY AND THE BASIC PRINCIPLES

Equality before law and equal protection of laws – Protective Discrimination – Reservation and affirmative action- Reasonable Classification.

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

MO2: Discuss the concept of Equality before Law and Rule of Law

MO2: Review and analyse the concepts of affirmative action and protective discrimination

MO2: Critically evaluate the concept of reasonable classification

MO2: Understand the aspects relating to reservation and affirmative action

MODULE III FOUNDATIONAL PRINCIPLES OF RIGHT TO LIFE & LIBERTY

Right to life and Personal Liberty – Judicial Activism in giving new content to right to life – Impact of development in science and Technology in rights guaranteed under Art. 21

Module Outcome:

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

MO3: Evaluate the basic principles in par with the concept of right to life and liberty

MO3: Enumerate the chain of transition of the whole rights guaranteed under Art. 21 through judicial interpretation

MO3: Discuss the impact of development in science and technology in rights guaranteed under Art.21

MODULE IV: FOUNDATIONAL PRINCIPLES OF FUNDAMENTAL FREEDOMS

Fundamental Freedom under Art. 19- Interrelationship of Fundamental rights – Freedom of religion and minority rights

Module Outcome:

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

MO4: Identify the basic concepts interlinked with the framing of the fundamental freedoms

MO4: Generate and Evaluate the interrelationship of fundamental rights

MO4: Understand the fundamental aspects of freedom of religion and minority rights

MODULE V: RIGHT TO FAIR TRIAL & PREVENTIVE DETENTION

Constitutional Provision dealing with fair trial - Preventive Detention – Right to move the Supreme Court for enforcing fundamental rights.

Module Outcome:

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

MO5: Evaluate the rights of arrested person guaranteed by the Constitution

MO5: Orient the constitutional validity of preventive detention laws in India

MO5: Enunciate the Preventive Detention laws and the transition of the rights associated

MODULE VI: SOCIAL JUSTICE: CONTEMPORARY AND CLASSICAL TRANSITIONS

Changing dimension of the concept of social justice-Special provision for weaker sections-
Transition in the concept of secularism and religious freedom- Recent Developments in the
Constitutional Interpretation and Social Justice

Module Outcome:

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

MO6: Identify the changing constitutional interpretation in defining laws for social justice

MO6: Enumerate the recent developments in the judicial interpretations and reviews in
making and amending the laws

MO6: Understand the significance of the constitution in the proper realisation of social justice
in its essence

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

BOOKS

1. SEERVAI, H.M., THE CONSTITUTIONAL LAW OF INDIA
2. SINGH, M.P., (ED)., CONSTITUTION OF INDIA
3. DDBASU; COMMENTARY OF CONSTITUTION OF INDIA
4. CAD;CONSTITUTIONAL ASSEMBLY DEBATE
5. AV DICEY;COMPARATIVE CONSTITUTIONALISM

6. AUSTIN, GRANVILLE; W O R K I N G A DEMOCRATIC CONSTITUTION: THE INDIAN EXPERIENCE

7. KASHYAP, SUBHASH C.; CONSTITUTIONAL REFORMS: PROBLEM, PROSPECTS AND PERSPECTIVES

ARTICLES

1. Our Structural Constitution; J. Harvie Wilkinson III

2. The Constitution outside the Constitution; Ernest A. Young

3. Social Revolution and the Equal Rights Amendment; Jo Freeman

4. Evolution of the Constitution; Norman Schofield

5. The Constitution's Accommodation of Social Change; Philip A. Hamburger

6. Fundamental rights in a new Indian Constitution ;m. Venkatarangaiya

7. Directive Principles in the Indian Constitution ;K. C. Markandan

8. Constitutional Changes in India: An Inquiry into the Working of the Constitution; Jagat Narain

SEMESTER II	LAW CC- 523	Credits: 4
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ADMINISTRATIVE LAW PRINCIPLES FOR PROTECTING CITIZENS FROM UNLAWFUL GOVERNMENTAL INTERFERENCE

Course Outcome:

C01- conversant with public law and private law remedies available to an individual against abuse of power by the State.

C02- evaluate different aspects of writ jurisdiction of High Courts and Supreme Court including the general procedure of writ jurisdiction.

C03: Compare Traditional Concept of Secrecy with other jurisdiction and analyse recent trends in Traditional Concept of Secrecy.

C04: Evaluate Governmental Liability of Contract and Tort and compare it with other Jurisdictions.

C05: Command on the constitutional protection of civil servants from unlawful Governmental Interference.

C06: Grasp control mechanism available for citizen unlawful Governmental Interference.

MODULE I: PRIVATE AND PUBLIC LAW REMEDIES

Private law remedies- remedy of injunction and declaration, privileges of State in civil and criminal proceedings, right to information as a remedy, public law remedies- writ jurisdictions of High courts and Supreme Court, scope and limitations, locus standi, public

interest litigations, laches, res judicata, exhaustion of alternative remedies, scope of administrative of directions and remedy. Special leave petition and other Constitutional remedies.

Module Outcome:

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

M01: Examine Public law and private law remedies available to an individual against abuse of power by the State.

M01: Evaluate different aspects of writ jurisdiction of High Courts and Supreme Court including the general procedure of writ jurisdiction.

M01: Scrutinize New trends related to locus standi principle.

M01: conversant with the principles of res judicata laches relating writ jurisdictions.

MODULE II GOVERNMENTAL PRIVILEGE, OFFICIAL SECRECY AND ACCESS TO INFORMATION

Traditional Concept of Governmental Secrecy and Privilege to Withhold Evidence
Governmental Privileges- withholding of documents and evidence-Official Secrets Act, 1923
Rebuttal of governmental privileges Governmental Privileges position in England and India
Concept of Open Government and Transparency Modern Concept of Right to Information.

Module Outcome:

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

M02: Know Governmental Secrecy and Privilege to Withhold Evidence.

M02: Evaluate Traditional Concept of Governmental Secrecy and Privilege to Withhold Evidence in India and compare it US and U.K.

M02: scrutinize Traditional Concept of Governmental Secrecy and Privilege to Withhold Evidence with freedom of speech and expression.

M02: Know Concept of Open Government.

M02: Evaluate Right to Information Act.

M02: To file a Right to Information Application.

MODULE III: GOVERNMENT LIABILITY IN TORTS.

Liability of State - liability of State in tort, Dichotomy in sovereign and non- sovereign functions, violation of statutory duties and liability of State, tortious liability of state and discretionary functions. Damages and statutory limits - exclusion of liability of State agencies- constitutional torts.

Module Outcome:

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

M03: Realize Tortious and Contractual Liability of the Government.

M03: Evaluate Tortious and Contractual Liability of the Government in India and compare it US and U.K.

M03: Examine the dichotomy between sovereign and non-sovereign functions.

M03: Scrutinise constitutional torts.

MODULE IV: GOVERNMENT LIABILITY IN CONTRACTS AND PUBLIC UNDERTAKINGS AND CORPORATIONS

Contractual liability of State - concept of government contracts, constitutional safeguards, application of Contract Act, award of contracts and fundamental rights, application of statutes - how far a State is bound by statutes- Nature, Constitution and powers of Public Undertakings and control over them Privatization of public corporations and its impact in India on concept of state.

Module Outcome:

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

M04: Realize Contractual Liability of the Government.

M04: Evaluate Contractual Liability of the Government in India and compare it US and U.K.

M04: Compare constitutional safeguards and application of contract Act relating to government contracts.

M04: Scrutinise fundamental rights and award of contracts.

M04: Conversant with the power's functions and nature of public corporation and issue relating to its privatization.

MODULE V: PROTECTIONS OF CIVIL SERVANTS FROM FROM UNLAWFUL GOVERNMENTAL INTERFERENCE.

Constitutional protection of civil servants, need for protection of civil servants, Lacunae in the protection. Terms and condition of service, tenure of office – the doctrine of pleasure its extent and limitations and exceptions.

Module Outcome:

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

M05: Realize Constitutional protection of civil servants.

M05: Evaluate the doctrine of pleasure its extent.

M05: Scrutinise the Lacunae in the protection of civil servants.

MODULE VI: REDRESSAL MECHANISM AVAILABLE FOR CITIZENS FROM UNLAWFUL GOVERNMENTAL INTERFERENCE

Control mechanisms, role of courts and tribunals, role of public sector and private sector ombudsman Lok Pal and Lokayukta, role of enquiry commissions, role of CAG, role of regulatory authorities.

Module Outcome:

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

M06: Realize the role of court and tribunals in protecting citizens from unlawful Governmental interference.

M06: Evaluate the role on ombudsman, Lokayuktha CAG in protecting citizens rights from unlawful Governmental Interference.

MO6: familiar with various enquiry commissions and its effects.

MO6: Conversant with role of regulatory authorities.

ACTIVITIES, LEARNING RESOURCES & ASSESSMENT

Suggested Class Room Activities:

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

Reference:

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

18. SCHWARTZ, ADMINISTRATIVE LAW (3RD ED. 1972)
19. WADE AND FORSYTH, ADMINISTRATIVE LAW (11TH ED. 2014)
- 20.

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SEMESTER II	LAW CC-524	Credits: 4
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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- Criticism of IPRs
 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 intangilility- 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 agreements and Treaties with respect to IPRs - 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 Marks 1891- Trade Mark 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 Conventions establishing the World Intellectual Property Organization (WIPO) 1967-WTO Agreement on the Trade Related Aspects of Intellectual Property (TRIPS) 1994-The Uruguay Round-Implementation and Review- Practical implications of the TRIPS Agreement - TRIPS Plus

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 extent 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

Balancing of rights of IPR Holder and society

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.TORREMAN, 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)

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www.ipindia.nic.in

www.dipp.gov.in

SEMESTER III	LAW CC -531	Credits: 4
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NAME OF THE COURSE: LAW RELATING TO PUBLIC SERVICE

Couse Outcomes:

C01- Conversant with pre constitutional and post constitutional developments of civil service in India .

C02- Evaluate the fundamental freedoms and its restrictions available to civil servants

C03: Grasp the concept of doctrine of pleasure and its restrictions.

C04: Cognition on laws relating to corruption.

C05: Command on the constitutional protection of civil servants.

C06: Mastery in law relating to social security available to civil servants .

MODULE I: CIVIL SERVANTS AND PUBLIC SERVICE

Concept of civil service civil service in India – Pre constitutional developments- civil servants and post constitutional developments – civil servants and protective discrimination – Fundamental freedoms and its restriction to civil servants.

Module Outcome:

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

M01: Recognise civil servants.

M01: Evaluate civil servants and protective discrimination.

M01: cognition on fundamental freedoms and its restriction to civil servants.

MODULE II: CONSTITUTIONAL PROTECTION TO CIVIL SERVANTS.

Constitution for regulating recruitment and conditions of service of civil servants (Art 309)
Doctrine of Pleasure Art 310 and its exception constitutional safeguards to civil servants in the matters of Dismissal, Removal and Reduction of Rank – Exceptions to Constitutional safeguards.

Module Outcome:

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

M02: cognition on doctrine of pleasure and its restriction.

M02: comprehension on constitutional safeguards of civil servants in service matters.

MODULE III: RECRUITMENT PROCEDURE

Recruitment- Agencies of Recruitment – Conditions of service – Probation – confirmation – seniority promotion – transfer – deputation – pay- leave – superannuation. Disciplinary proceedings while holding office – consultation with PSC

Module Outcome:

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

M03: cognition on Recruitment procedure and condition of services.

M03: comprehension on various service laws relating terms and condition of services.

MODULE IV CORRUPTION AND PUBLIC SERVICE.

Corruption nature definition and meaning- Law relating to corruption – relevant provisions of IPC – Prevention of corruption Act- recent trends – Right to information act – whistle blowers protection act – Right to service Act.

Module Outcome:

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

M04: cognition on corruption and law relating to corruption.

M04: comprehension on various laws relating to corruption.

M04: Familiar with right to service Act.

MODULE V: SPECIAL SERVICES AND PUBLIC SERVICE COMMISSIONS

All India services – Judicial service – Law relating to services in Public Enterprises- role and function of union and state public service commissions.

Module Outcome:

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

M05: grip on laws relating to special services.

M05: comprehension on various laws relating to public enterprises.

M05: Familiar with role and function of public service commissions.

MODULE VI: SOCIAL SECURITY MEASURES AND LEGAL REMEDIES IN SERVICE MATTERS

pension gratuity provident fund Re-employment- employment of children of those dying in harness Legal remedies in service matters – Departmental remedies Judicial remedies through Administrative tribunals.

Module Outcome:

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

M06: aware on laws relating to social security measure available to public servants.

M06: comprehension on departmental remedies.

M06: Familiar with judicial remedies through administrative tribunal.

ACTIVITIES, LEARNING RESOURCES & ASSESSMENT

Suggested Class Room Activities:

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

LEARNING RESOURCES

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2. Ezo's Service Law in India
3. Chabra Administrative Tribunal
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5. Central Social Service Rule
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Statues

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2. Trade Unions Act, 1926
3. Athitration and Conciliation ActJ 986
4. Factories Act.1948
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6. Minimum Wages Act
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8. Migrant Labour Act
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12. Public Insurance Liability Act
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SEMESTER III	LAW CC -532	Credits: 4
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NAME OF THE COURSE: LAW RELATING TO PATENTS

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: : Evaluate the functioning of the systems within the patent regime which foster access to medicines

COURSE CONTENT

Module I:

Historical development of patent system - theoretical justification for patent protection

Economics of Patents- economic rationale- First to File v. First to Invent

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: Critically evaluate the criteria for ownership of patents.

Module II :

Development of international patent system – historical development of Paris Convention – basic principles of Paris Convention – minimum standards – revision of Paris Convention- PCT- Mashelkar Committee Report- TRIPS Agreement and patent system – historical development of TRIPS – TRIPS Plus (ACKTA) New international challenges to patent system .

Module Outcome:

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

M02: Evaluate the harmonization of protection in the field of IP law

M02: Critically analyse the extent of balancing of competing interest of holders of IP rights and public interest by the TRIPS and TRIPS Plus initiatives.

Module III :

Eligibility And Subject Matter Of Patents –A comparative study : Test of novelty, inventive step and utility; Exceptions to Patentability sec. 3 and sec 4. ; Article 27 of the TRIPS Agreement; patentability of biotechnological inventions, Patents for life, Business Methods, Sports Moves and computer software.

Module Outcome:

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

M03: Able to identify a patentable invention

M03: Compare the patentability under different jurisdiction.

M03: Apply the principles and test the patentability of biotech, pharmaceutical and computer based inventions.

Module IV: History of Indian patent law – structure of Indian Patent Act 1970 –

Requirements for obtaining patents- 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

Module Outcome:

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

M04: Understand the historical evolution of Indian patent regime

M04: Explain the procedure of filing a patent in India

Module V :

Patent prosecution in India – filing of patents- pre and post grant opposition-Infringement and remedies- Acts not amounting to infringement including parallel imports Concept of patent prosecution Highway (PPH) - Patent Amendment Act 1999, 2002 and 2005 – new challenges

Module Outcome:

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

M05: Evaluate Patent prosecution in India

M05 :Identify the actions that are amounting to infringement of a patent right

M05: Evaluate the adaptation of Indian patent law to the international changes.

Module VI :

Patents and Healthcare sector-Patents and Right to health- access and affordability- Patentability of Pharmaceuticals, Patentability of Stem cell research, patents during pandemics- Patent Pooling-Gene patents

Module Outcome:

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

M06: Explain the concept of right to health in the context of access to medicines and related products.

M06: Analyse the extent to which health related products can be accommodated into the patent regime.

Suggested Class Room Activities:

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

LEARNING RESOURCES

References

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- MARTIN, HAROLD, JOHN, CASES AND MATERIALS ON PATENT LAW(West 2003)
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- SRIKRISHNA, NONOBVIOUSNESS AND PATENTS (West 2008)
- SRIVIDHYA RAGAVAN, PATENT AND TRADE DISPARITIES IN DEVELOPING COUNTRIES (Oxford University Press 2012)

SEMESTER III	LAW CC -533	Credits: 4
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NAME OF THE COURSE: LAW RELATING TO COPYRIGHT AND DESIGNS

Course Outcomes:

- **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.

M01: Evaluate nature and characteristics of Copyright.

M01: Evaluate the International Scenario on Copyright.

M01: 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:

M02: Realize Subject matter and Ownership of Copyright.

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

M02: Evaluate the principles evolved for Classes of work, Author and Ownership in the course of Employment.

M02: 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:

M04: Understand Offences, Infringement and Remedies

M04: Realize Civil Remedies and Appeals.

M04: Evaluate the principles of Limitations on Copyright.

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

M04: 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:

M05: Understand the concept of Copyright Registration. Copyright register, Copyright Bodies

M05: Evaluate Registration of Copyright Societies, Rights and Liabilities

M05: Define International Copyright.

M05: 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:

M06: Define Copyright and Design.

M06: Understand Registrable Design.

M06: Analyse the procedure for Registration of Design, Publication, Transmission, Licensing and Assignment

M06: 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

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2. BENTLY, DAVIS AND GINSBURG, COPYRIGHT AND PRIVACY
3. CASO, GIOVANELLA, BALANCING COPYRIGHT LAW IN THE DIGITAL AGE
4. COPINGER AND SKONE JAMES ON COPYRIGHT
5. DAS, LAW OF COPYRIGHT
6. GILLIAN DAVIES, COPYRIGHT ANF THE PUBLIC INTEREST, INTERNATIONAL COPYRIGHT AND ACCESS TO KNOWLEDGE
7. GOLDSTEIN, HUGENHOLTZ, INTERNATIONAL COPYRIGHT
8. JANE C GINSBURG, EDUARDO TREPPOZ, INTERNATIONAL COPYRIGHT LAW, TEXT AND CASES
9. LAL'S COMMENTARY ON THE COPYRIGHT ACT, 1957

10. NETANEL, COPYRIGHT PARADOX, FLINT, FITZPATRICK AND THORNE, A USER GUIDE TO COPYRIGHT
11. NIMMER ON COPYRIGHT, INDIAN REPRINT
12. PATRY, MORAL PANICS AND THE COPYRIGHT WARS
13. ROBERT SPOO, WITHOUT COPYRIGHT
14. TEHRANIAN, INFRINGEMENT NATION
15. V K AHUJA, LAW OF COPYRIGHT AND NEIGHBOURING RIGHTS
16. VON LEWINSKI, INTERNATIONAL COPYRIGHT LAW AND POLICY, STAMATOUDI, COPYRIGHT IN MULTIMEDIA PRODUCTS

SEMESTER III	LAW DE-534	Credits: 4
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NAME OF THE COURSE: ENVIRONMENTAL LAW

Course Outcomes:

- 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: UNDERSTANDING 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.

M01: Define the meaning need and purpose of Environmental Law

M01: Explain the sources of Environmental Law

M01: 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 21st 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:

M02: Understand Environmental Law making by International Organization.

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

M02: Describe concept of Sustainable Development.

M02: 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:

M03: Recognise Environmental policy during the Pre-independence period

M03: Evaluate Environmental policy during Ancient, Medieval and British period.

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

M03: 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, Green Tribunal Act, Coastal Zone Management.

Module Outcome:

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

M04: Recognise Common law aspects of Environmental Law.

M04: Evaluate Constitutional aspects of Environmental Law.

M04: 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- sustainable development principles- polluter pays- precautionary and inter generation equity principles- Comparison with England Cases.- People's participation, EIA. Limitation of PIL to protect Environment, Efficacy of Remedies- Sec 133 CrPC, remedies under CPC, 1908

Module Outcome:

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

M05: Understand concept of Judicial Activism on Environmental Protection.

M05: Evaluate various Judicial decisions related to Environmental Protection.

M05: Examine the concept of Sustainable development, Polluter pay principle, Precautionary and Inter generation equity principles made by Indian Judiciary

M05: 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:

M06: Understand Corporate Social Responsibility

M06: Evaluate concept of E-waste management, garbage disposal issues

M06: Examine the importance of Climate change issues.

M06: Evaluate the importance of Groundwater management, Wetland management.

M06: 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

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SEMESTER III	LAW DE-535	Credits: 4
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NAME OF THE COURSE: LAW AND INTERNATIONAL CONFLICT RESOLUTION

Course Outcomes:

CO1: Internalization of the various theoretical viewpoints regarding each of the fundamental domain with regard to the emergence of the discipline of conflict resolution.

CO2: 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.

CO3: Evaluate the changing dimensions of static recognition and the significance of the international conflict resolution in its various implementing entities.

CO4: Evaluate the principal elements of the major developments of State Responsibility and Intervention vis-à-vis the emergence of the contemporary conflict resolution discipline

CO5: Describe and identify the procedures for conflict resolution mechanism in the vital zones of sea, air

and outer space.

CO6: 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- defacto and dejure 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

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18. P. Chandrashekhara Rao, International Law in Times of Fundamental Change (4th Ed. 2013).
19. Paras Diwan and Peeyush Diwan, Private International Law, 4th Ed., (1998).
20. Peter Malanczuk, Akehurst's Modern Introduction to International Law (1997).
21. Private International Law, Cheshire and Norths 11th Ed. (1987).
22. Role of International Community in Protection of Human Rights, Ved Pal Singh Deswal (2012).
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24. V.S. Mani, S. Bhatt and V.B. Reddy, Recent Trends in International Space Law and Policy (1st Ed., 1997).

SEMESTER IV	LAW CC -542	Credits: 2
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NAME OF THE COURSE: LAW RELATING TO GEOGRAPHICAL INDICATIONS, AND SUI GENERIS SYSTEMS OF IP PROTECTION.

Course Outcomes:

CO1: Predict GI tag eligibility of products and compare and justify the different levels of protections available.

CO2: Describe and identify the procedures for GI registration and determine the various available remedies for its infringement.

CO3: Evaluate the various considerations required and mechanisms available for the protection of TK under the international and national initiatives.

CO4: Develop a model sui generis system for TK protection

COURSE CONTENT

Module I:

Meaning of GI, Historical Background-Introduction- International Evolution of Geographical Indication.- Indication of Source-Appellations of Origin.-Paris Convention-Madrid Agreement-Lisbon Agreement-

Module Outcome:

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

M01: Identify a products eligibility for GI Tag

M01 : Compare and justify the different levels of protection available.

Module II :

WTO-TRIPs Regime for the protection of GI-Emerging Issues-TRIPs Article 23 Controversy-Special protection to wines and spirits-Comparative Analysis-

Module Outcome:

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

M02: State the current international standards set for Geographical Indications

M02: Critically analyse the controversy over higher protection to wines and spirits under TRIPS

Module III: 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.

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 the criteria for getting a GI tag in India

M03:Register for a GI under the Indian law

M03:Identify the actions leading to GI infringement

M03:Evaluate the new challenges to GI claims

M03: To evaluate the relevance of protection of these properties to a developing country like India

Module IV:

Different sui generis approaches -Advantages and options for developing countries- Sui generic protection for plant and genetic resources - Protection of new varieties of plants, UPOV; Protection of Plant Varieties and Farmers Rights Act, 2001 - Biological Diversity Act, 2002 - Administration and Enforcement of sui generis rights

Module Outcome:

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

M04:Understand the need for TK protection

M04:Identify the specific features of TK that raise challenges for its protection

M04:Evaluate the various international initiatives to protect TK

M04: List and explain the limitation of extending IP protection to TK

Module V: 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:

M04: Understand the need for TK protection

M04: Identify the specific features of TK that raise challenges for its protection

M04: Evaluate the various international initiatives to protect TK

M04: 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

GEOGRAPHICAL INDICATION

- BERNARD O'CONNOR, THE LAW OF GEOGRAPHICAL INDICATIONS 35 (Blisset Group, Great Britain 2007).
- C.BASAVAIAH, INTELLECTUAL PROPERTY RIGHTS IN M.ASHOK KUMAR AND MOHD.IQBAL ALI (ED.) INTELLECTUAL PROPERTY RIGHTS 119 (Serial Publications, 2008).
- C.REINOLD NOYES, THE INSTITUTION OF PROPERTY, 1 (The Law Book Exchange Ltd Newjersey, 2007).
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- 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 (Ashgate 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 Routledge, 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 OFTHE 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 BIO- TECHNOLOGY 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. LAIRD (ED.) BIODIVERSITY AND TRADITIONAL KNOWLEDGE: EQUITABLE PARTNERSHIPS IN PRACTICE (Earth Scan Publications Ltd., 2002).
- N. K. ACHARYA, INTELLECTUAL PROPERTY RIGHTS (Asia Law House, 2001).
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- 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).
- SUSATTEBIBERKLEMM, "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).

SEMESTER IV	LAW CC -541	Credits: 4
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**NAME OF THE COURSE: LAW RELATING TO TRADEMARKS, PASSING OFF AND
TRADE SECRETS**

Course Outcomes:

C01: Expose the students to the historical and theoretical foundations of trademark protection

C02: 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 .

C03: Familiarise the students with the interrelationship between TradeMarks and Domain Names and the Caselaws relating to disputes with it.

C04: 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

C05: Enable the student to learn the substantive and procedural aspects of the law relating to trademark law.

C06: 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.

C07: 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--Types of information that could be trade secret- Importance of Trade Secrets -Protection of Trade Secrets A comparative Perspective- Confidential Information- Application of Confidential Information to Employer Employee relationship - TRIPS protection to undisclosed information - 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:

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 THROUGHOUT 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)
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- MELVIN F. JAGER, TRADE SECRETS THROUGHOUT THE WORLD (West 2014)

- ROBERT C CHRISTOPHER AND DORR H MUNCH, PROTECTING TRADE SECRET, PATENT COPYRIGHT AND TRADE MARK
- ROGER M. MILGRIM, MILGRIM ON TRADE SECRETS (Lexis Nexis 2001)

SEMESTER IV	LAW DE-543LAW	Credits: 4
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NAME OF THE COURSE: LAW, SCIENCE AND TECHNOLOGY

Course Outcomes:

CO1: to conceptually understand the interrelationship between law, science & technology

CO2: to evaluate the existing role of the legal system and policies in the field of scientific and technological advancements

CO3: To analyse how law is addressing the human right issues created by new technological interventions and scientific advancements.

COURSE CONTENT

MODULE I:

Relationship between science, technology, and law - Effects of science and technology on law - Effects of law on science and technology - role of law in managing the impacts of science and technology - Benefits of new technologies - Ethical implications of technology - Legal v. scientific standards - New technologies v. old laws - Challenges faced by law in the field of science and technology – interrelationship during pandemics- Science and Human rights.

Module Outcome:

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

MO1 : To understand the interface between law and science.

MO1: To understand the concept of science and Human rights

MODULE II :

Information science and Communication – Right to privacy -Right to information-Data privacy and security- Privacy- big data and emerging technologies- privacy in the workplace, online

security -Digital communication- Communication law-Cloud computing -cyber law crimes and regulatory framework- Artificial Intelligence – law- ethics and policy- legal personhood of artificial intelligence .

Module Outcome:

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

MO2: To understand the extend of advent of law in tackling the human right issues created by the technological advancements in ITC.

MO2: To examine how law will effectively address the issues arising in cyberspace.

MO2: To evaluate the existing legal system in dealing with dilemma of legal personhood of artificial intelligence.

MODULE III :

Electronic commerce- Internet bussiness law and policy- internet commerce emerging legal framework- internet crimes

Module Outcome:

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

MO3: Discuss the role of law in protecting the interest of the stakeholders in the case of e commerce.

MO3: Critically evaluate the legal system's efficiency in tackling internet bussiness.

MODULE IV :

Biotechnology law and policy - Biotechnology - bio ethics-

- Biotechnology and Biological Diversity, The Impact of Biotechnology on Biological Diversity: Erosion of plant genetic resources • Patenting of new plant varieties, The green revolution and biotechnology. • Legal Regulation of Biotechnology, Regulation of government sponsored research Regulation of release of genetically mutated micro-organisms • Food regulation – food adulteration- Genetically engineered Food Plant Genetic Resources in Nature: Abundance of biological diversity • The Genetic mutation of Seed: Seed industry at global level: Indian Seeds Act,1966. Comparative perspective, Progress of biotechnology and legal regulation in India

Module Outcome:

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

MO4: Analyse the ethical , moral and legal issues posed by biotechnology.

MO4: Analyse the role of state in protecting the interest and human rights of the people

MODULE V :

Health Law and Policy - Health technologies innovation and law – surrogate motherhood, voluntary euthanasia, human cloning, Genetic Engineering – Right to health- right to adequate standard of living- right to integrity – informed consent -confidentiality - Right to human health and impact of development in medical science- Drug Regulation.

Module Outcome:

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

MO5: Critically understand the impact of development in medical science to right to health.

MO5: Explain the concept of right to health in the context of access to medicines and related products.

MODULE VI :

E -Judiciary - On-line filing and availability of court records-list of business information system-filing counter computerization -courtnic- interactive voice response- Judgement information system -Technical competence

Litigation and science- scientific evidence- e discovery and digital evidence – cyber forensic

E – Governance

Module Outcome:

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

MO6: Critically analyse the role played by science in justice delivery system.

MO6: Examine how scientific and technological advancements have substantive and procedural effects on law.

Suggested Class Room Activities:

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

LEARNING RESOURCES

References

1. DR JYOTHI RATTAN, CYBER LAWS AND INFORMATION TECHNOLOGY (2019).

2. DR. VIBHA AHUJA & DR. GEETA JOTWANI, THE REGULATION OF GENETICALLY MODIFIED ORGANISMS IN INDIA,
3. KARNIKA SETH, COMPUTERS, INTERNET AND NEW TECHNOLOGY LAWS (2013)
4. LORI B. ANDREWS, JANE E. FULLARTON, NEIL A. HOLTZMAN & ARNO G. MOTULSKY, ASSESSING GENETIC RISKS IMPLICATIONS FOR HEALTH AND SOCIAL POLICY, NATIONAL ACADEMIES OF SCIENCES, (1994).
5. RAJAN, K. S. (2006). BIOCAPITAL: THE CONSTITUTION OF POSTGENOMIC LIFE. DUKE UNIVERSITY PRESS
6. RAJAN, K. S. (ED.). (2012). LIVELY CAPITAL: BIOTECHNOLOGIES, ETHICS, AND GOVERNANCE IN GLOBAL MARKETS. DUKE UNIVERSITY PRESS.
7. S.S. PUROHIT & S.K. MATHUR, BIOTECHNOLOGY: FUNDAMENTALS AND APPLICATIONS, AEROBIO INDIAN (2000).
8. LEGAL FRAMEWORK FOR HEALTH CARE IN INDIA VERMA, SK DESCRIPTION: NEW DELHI, LEXIS NEXIS 2002 ISBN: 81-87162-58-9 BOOKS
9. ACCESSING HEALTH CARE : HEALY, JUDITH DESCRIPTION: OXFORD UNIVERSITY PRESS, : XVII, 378P. BOOKS

SEMESTER IV	LAW CC-544	Credits: 6
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NAME OF THE COURSE: DISSERTATION

Course Objectives

C01: Analyze the foundational principles of their chosen thesis topic in law, undertake legal research with primary and secondary materials, and evaluate legal information.

C02: Apply the law to complex issues, and critique the operation of the law from a policy perspective, individually.

C03: Structure and sustain concise and cohesive written arguments for a legal audience.

C04: Conduct and analyze legal research, and write, individually.

C05: Analyze the impact of law from policy perspectives, and in the context of social and cultural diversity.

C06: Reflect on their abilities to effectively undertake individual work.

Dissertation will be written on some current topic of legal importance to be allotted after accepting the synopsis by the Head of the Department. The Dissertation will be evaluated by external examiner. A panel of 3 subject experts will be drawn by the HoD in consultation with the supervisor.

GENERIC COURSE (for extra departmental elective)	LAW GC 501	: INTRODUCTION TO HUMAN RIGHTS LAW
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NAME OF THE COURSE: INTRODUCTION TO HUMAN RIGHTS LAW

COURSE OBJECTIVE

CO1 Evolve a theoretical grounding in human rights law.

CO2 Provide an insight into the prevailing law and policy in the field of human.

CO3 Conversant the students about the idea of human rights its international and national scenario.

COURSE CONTENT

MODULE I: GENESIS OF HUMAN RIGHTS

Theories of human rights -Natural rights – UDHR civil and political rights, economic social and cultural rights, American convention on human rights.

Module Outcome:

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

M01: Realize human rights, its meaning and evolution.

M02: Evaluate nature and characteristics of human rights.

M03: Evaluate the International Scenario on human rights.

MODULE II: HUMAN RIGHTS AT INTERNATIONAL LEVEL

U.N , general assembly economic social council, human rights council UN commissioner for Human Rights committees under international treaties , international criminal courts.

Module Outcome:

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

M01: Familiarize human rights, at International Level.

M02: Familiarize international institutions related to human rights.

MODULE III: HUMAN RIGHTS AND CONSTITUTION.

Indian constitution and social revolution – eradication of untouchability- constitutional safeguards for the S.C, S.T and minorities. Constitutional protections to women and children.

Module Outcome:

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

M01: familiarise Indian constitution as a social document.

M02: understand the constitutional safeguards for women and children.

Suggested Class Room Activities:

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

LEARNING RESOURCES**References**

1. Ian brownlie et al basic documents on human rights.(2006).
2. P.r Gandhi (ed) blackstones , international human rights documents (2001) .
3. V.r kirshna iyer , huam rights – a judge miscellany.
4. V.N. Shukla's Constitution of Indiaby Prof (Dr.) Mahendra Pal Singh

GENERIC COURSE (for extra departmental elective)	LAW GC 502	ENVIRONMENTAL LAW
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Course Outcomes:

CO1: To understand the concept, need, purpose of Environmental Law and its complexities in its making.

CO2: To analyse the International regulatory trends in Environmental protection.

CO3: To examine the Environmental Law in India

COURSE CONTENTS

MODULE I: UNDERSTANDING ENVIRONMENTAL LAW

Environment- meaning and definition- environmental law- need and purpose- sources of 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

MODULE II: INTERNATIONAL ENVIRONMENTAL LAW

Environmental law making by international organization- 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 21st Century- United Nations Convention on Climate Change- Kyoto protocol-

Module Outcome:

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

M01: Understand Environmental Law making by International Organization.

M02: Describe concept of Sustainable Development.

M03: Analyse the impact of International regulatory trends in Environmental Protection.

MODULE III ENVIRONMENTAL LAW IN INDIA- Legislative and Judicial Interpretation

Environmental policy during the pre- independence period- ancient, medieval and British period- post independence period- five year plans- Indian Legislative Framework and Judicial Activism.

Module Outcome:

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

M01: Recognize Environmental policy during the Pre-independence period

MO2: Understand Environmental policy during first three Five -year plans.

MO3: Evaluate the legislative and judicial interpretation of national environmental framework

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

