

**Dr. Ram Manohar Lohiya National Law University  
Lucknow**

**B.A.LL.B. (Hons.)  
IXth Semester**

**PROFESSIONAL ETHICS**

**Syllabus**

**UNIT -I: Legal Profession in India: - General Introduction**

- Advocacy Profession: - Nature, Meaning and Scope
- Legal Profession as paradigm- The eternal Profession/ business dichotomy
- Basic Characteristics of Advocacy Profession: - Seven Lamps of Advocacy by Judge Edward Abbott Parry
- Evolution and Development of Legal Profession in India
- Legal Education and Legal Profession in India

**UNIT-II: Professional Ethics: - Policy and Standards of Conduct**

- Professional Ethics: - Nature, Meaning and Scope, Relation between Ethics, Morality and Dharma
- Rules of Standards of Professional Conduct and Etiquettes: - Rights and Duties of Lawyers
- Attorney Advertising and Ethical issues
- Punishment for the Breach of Professional Conduct
- Restrictions on Senior Advocates

**UNIT-III: Legal Framework of Advocacy Profession in India**

- The Advocate Act, 1961: - Composition, Powers and Functions of Bar Councils (Sec.3-15),
- Admission and Enrolment of Advocates (Sec.16-28), Right to Practice (Sec.29-34),
- The Bar Council of India Rules
- The Role of Bar Council of India and State Bar Councils

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## UNIT-IV: Professional Misconduct and Disciplinary Proceedings

- Professional Misconduct: - Nature, Meaning and Scope, Conduct of Advocates (Sec.35-44)
- Professional Misconduct and Judicial Responses
- Right to go on Strikes and Boycott of Courts by the Lawyers
- Advocate's Right to take up Law Teaching

## UNIT-V: Contempt of Court

- Contempt of Courts Act, 1971: - Meaning, Nature and Scope of Contempt
- Civil and Criminal Contempt: - Defenses, Contempt by Judges and Magistrates
- Punishment for Contempt
- Procedure in Contempt Cases

## References:

1. Dr. P. B. Mukherji; Professional Ethics of the Advocate (University of Burdwan, 1975)
2. Justice V. R. Krishna Iyer, Law, Lawyers and Justice (B.R. Publication Corp, Delhi, 1989)
3. Raju Ramchandran, Professional Ethics; Changing Profession and Changing Ethics (Lexis Nexis Butterworths 2014)
4. Bar council of India Selected Judgements on Professional Ethics ( Bar Council of India 3<sup>rd</sup> ed 2019)
5. Ashok Kumar Jain, Advocacy & Professional Ethics (Ascent Publication, Delhi 2<sup>nd</sup> ed 2021).

Prepared by:

Dr. Manoj Kumar and Dr. Samreen Hussain

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## **B.A. LL.B. (Hons.) Ninth Semester 2024-25**

### **Land Law (UP)**

#### **Unit I - Land Reforms**

- History and Development of the Land Tenure System
- Constitutional Provisions on Agrarian Reform Legislation
- The U.P. Zamindari Abolition and Land Reforms Act, 1950 and U.P. Land Reforms (Amendment) Acts- – Bhumidhar, Sirdar, Asami, Adhivasi
- U.P. Consolidation of Holdings Act, 1953

#### **Unit II – Uttar Pradesh Urban Planning and Development**

- Concept of urban planning and development
- The Uttar Pradesh Urban (Planning and Development) Act 1973 – Definitions, the Development Authority and its objects
- Development of Lands, Acquisition and Disposal of Land
- The Uttar Pradesh Urban Building (Regulation of Letting, Rent and Eviction) Act, 1972 – Definitions, Constitution of Rent Control Tribunals, Regulation of Rent, Letting and Eviction.

#### **Unit III- Tenancy and Ceiling Laws**

- Uttar Pradesh Regulation of Urban Premises Tenancy Act, 2021 – Definitions, tenancy, rent
- Rights and obligations of the landlord and tenant
- The Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 – Definitions, ceiling on land holdings, exemption and acquisition of surplus land
- Determination and payment of amount, disposal and settlement of surplus land

#### **Unit IV- U.P. Revenue Code (Amendment) Act, 2016**

- Silent features of the Land Revenue Code

- Revenue Courts and Revenue Authorities
- Management of Properties of Gram Panchayat or other local authorities
- Government Lessees and Assessment and collection of Land Revenue

### **Recommended Readings**

1. RR Maurya, CLP's Uttar Pradesh Land Laws, Central Law Agency.
2. Ram Naresh Chaudhary and Sunil Kumar Chaudhary, Commentary on Uttar Pradesh Revenue Code and U.P. Revenue Code Rules, 2016, EBC.
3. Dr. Ashish Kumar Srivastava, The Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, Satyam Law International.
4. Surendra Malik, Supreme Court on Tenancy and Land Law, EBC.

**LAW, SCIENCE AND TECHNOLOGY**  
**Ninth Semester (Optional Paper)**  
**(2024)**

**UNIT-I: Introduction**

- Developments in Science and Technology
- Nexus between Science, Technology and Law
- Impact of Human Rights Law on Science and Technology
- The Need for control of Science and Technology

**UNIT-II: Science and Technology in the Courts**

- Impact of Technology on the Courts; NICNET, Tele-Justice, Technology and ADR
- Science and Technology in Legal Proceedings
- Use of Forensic Science in Criminal Matters
- Use of Technology in the Courts and Challenges

**UNIT-III: Biotechnology and Law**

- Biotechnology: Introduction from Legal Angle
- Issues involved in Biotechnological Innovations
- Genetic Engineering: Ethical and Moral Issues

**UNIT-IV: Nuclear Technology and the Law**

- Uses and Misuses
- International and National position
- Human Rights *Vis-a vis* Nuclear Technology

**UNIT-V: Emerging Issues**

- Emerging Technologies and Issues
- Climate Change Mitigation Technologies
- Law of Privacy *Vis-à-vis* Science and Technology

**Books**

1. "Science and Technology in Society: From Biotechnology to the Internet" by Eric W. Schienkein
2. "Law, Science, and Technology: A Symposium" edited by Peter H. Schuck
3. "Science, Technology, and Law" by Michael A. Cusumano
4. "Science and Technology Law" by Russell L. Weaver, Cynthia L. Cooper, Mark V. Tushnet
5. "The Impact of Human Rights Law on Science and Technology" edited by Stephanie Yearwood
6. "Control of Science and Technology: A Look into the Future" edited by John H. Barton, Catherine T. Koshland
7. "Law and Biotechnology: Cases and Materials" by Ana Santos Rutschman
8. "Biotechnology and Intellectual Property Rights: Legal and Social Implications" by Leanne Wiseman
9. "Nuclear Law: The Law Applying to Nuclear Installations and Radioactive Substances in its Historic Context" by Stephen Tromans
10. "Nuclear Weapons and International Law: From the London Nuclear Warfare Tribunal via the International Court of Justice to the Treaty on the Prohibition of Nuclear Weapons" by Daniel Rietiker
11. "Emerging Technologies and the Law: Forms and Functions of Innovation" edited by Jonathan A. Eisen, Hannes Westerman
12. "Technology and Privacy: The New Landscape" by Philip E. Agre, Marc Rotenberg
13. "Privacy in the New Media Age" by Jon L. Mills
14. "Surveillance, Privacy, and the Law: Employee Monitoring and Workplace Privacy" by Susan J. Elliott

  
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DR. RAM MANOHAR LOHIYA NATIONAL LAW UNIVERSITY,  
LUCKNOW  
B.A. LL.B. (Hons.) 9<sup>th</sup> SEMESTER 2024  
Women & Law

COURSE CONTENT

**Objective of the course Study:**

This course examines the relationship between women and the law from historical, theoretical, and practical perspectives. It explores how the law has addressed issues of gender equality, women's rights, and the unique challenges faced by women in various legal domains.

The course aims to:

1. Understand the historical context and evolution of women's legal rights.
2. Analyze feminist legal theories and their impact on the development of laws affecting women.
3. Examine the role of law in addressing gender discrimination and promoting gender equality.
4. Explore legal issues and challenges faced by women in various areas, such as employment, family, reproductive rights, and violence.
5. Critically evaluate the effectiveness of existing laws and policies in protecting women's rights.
6. Develop an understanding of international human rights laws and instruments related to women.

**UNIT I**

**WOMEN: A PANAROMIC VIEW**

1. Feminist legal theories and perspectives
2. Position of Women in Post - Independence Period
  - Constitutional protections and legal frameworks
  - Employment discrimination and equal opportunity laws
  - Educational opportunities and gender equity

**UNIT II**

**GLOBAL STATUS OF WOMEN**



- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- UN instruments and declarations related to women's right
- Regional human rights mechanisms and women's rights

### **UNIT III**

#### **WOMEN AND ACCESS TO JUSTICE**

##### Reproductive Rights and Family Law

- Abortion rights and reproductive health laws
- Assisted reproductive technologies and surrogacy
- Marriage, divorce, and child custody laws

### **UNIT IV**

##### Violence against Women

- Domestic violence and intimate partner violence laws
- Sexual assault and harassment laws
- Trafficking and exploitation of women

### **UNIT V**

##### Women in the Workplace

- Pay equity and wage discrimination
- Sexual harassment and hostile work environments
- Maternity leave and family-friendly policies

#### **Recommended Readings:**

1. Gaur, Empowerment of Women in India (2005), Law Publishers (India) Pvt. Ltd. Allahabad.
2. Vinay Sharma, Dowry Deaths Legal Provisions and Judicial Interpretation (2007),
3. Dr. Sarojini Saxena, Femijuris, Chapter-5, India Publishing Co., Raipur.
4. Reena Patel, Hindu Women's Property Rights in Rural India(2007), Chapter-6, Ashgate Publ. Co. Burlington , USA .
5. Mamta Rao, Law Relating to Women and Children (2005), Eastern Book Co. Lucknow.
6. G.B.Reddy, Women and the Law (2004), Gogia Law Agency, Hyderabad.
7. R.K.Raizada , Women and The Law : Problems and Prospects (1996),
8. Flavia Agnes, Women and Law in India (2006), Chapters 2,3,4,6 & 7, Oxford Uni. Press, New Delhi.

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9. Dr. Preeti Mishra, Domestic Violence against Women legal control and judicial response  
Deep & Deep Publication Delhi
10. Engendering Law- Essay in Honour of Lotika Sarkar
11. Leena Gonsalves, Women And Human Rights
12. Indra Jaising, Men's Law Women's Lives
13. Paras Diwan, Law relating to Dowry, Dowry deaths, Bride burning, Rape and related offences



*Optional Paper*  
**CONSUMER PROTECTION LAW**

**Dr. Aditya Pratap Singh**  
**Dr. Aman Deep Singh**

**Objective:** This paper seeks to familiarize the students with of their rights as a consumer, the social framework of consumer rights and legal framework of protecting consumer rights. It also provides an understanding of the procedure of redress of consumer complaints, and the role of different agencies in establishing product and service standards. The student should be able to comprehend the business firms' interface with consumers and the consumer related regulatory and business environment.

**UNIT-I: Introduction**

- Genesis of consumer protection laws in India
- Growth and origin of consumer movement at global and national level
- Rights available to consumers under the Consumers protection and other related laws

**UNIT-II: The Consumer Protection Law in India**

- Consumer Protection Act ; Salient Features
- Organizational set-up under the Consumer Protection Act: Consumer Protection Councils, Central Consumer Protection Authority, Consumer Disputes Redressal Commissions

**UNIT-III: Grievance Redressal Mechanism under the Indian Consumer Protection Law**

- Who can file a complaint? Grounds of filing a complaint; Limitation period; Procedure for filing and hearing of a complaint; Disposal of cases, Relief/Remedy available; Temporary Injunction, Enforcement of order, Appeal, frivolous and vexatious complaints; Offences and penalties.
- Mediation : Procedure and settlement
- Leading Cases decided under Consumer Protection law by Supreme Court/National Commission: Medical Negligence; Banking; Insurance; Housing & Real Estate; Electricity and Telecom Services; Education; Defective Products; Unfair Trade Practices.

**UNIT-IV: Product Liability**

- Product liability action
- Liability of product manufacturer.

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- Liability of product service provider.
- Liability of product sellers.
- Exceptions to product liability action

## **UNIT-V: Contemporary Issues in Consumer Affairs**

- Misleading Advertisements and sustainable consumption, National Consumer Helpline, Comparative Product testing, Sustainable consumption and energy ratings.
- Quality and Standardization: Voluntary and Mandatory standards; Role of BIS, Indian Standards Mark (ISI), Ag-mark, Hallmarking, Licensing and Surveillance; Role of International Standards: ISO an Overview

### **REFERENCES:**

1. Khanna, Sri Ram, SavitaHanspal, SheetalKapoor, and H.K. Awasthi. (2007)Consumer Affairs, Universities Press.
2. Choudhary, Ram Naresh Prasad (2005). Consumer Protection Law Provisions and Procedure, Deep and Deep Publications Pvt Ltd.
3. G. Ganesan and M. Sumathy. (2012). Globalisation and Consumerism: Issues and Challenges, Regal Publications
4. Suresh Misra and SapnaChadah (2012). Consumer Protection in India: Issues and Concerns, IIPA, New Delhi
5. RajyalaxmiRao (2012), Consumer is King, Universal Law Publishing Company
6. Girimaji, Pushpa (2002). Consumer Right for Everyone Penguin Books.
7. E-books : - [www.consumereducation.in](http://www.consumereducation.in)

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*Intellectual Property Management (Semester IX, B.A.LL.B. (Hons.), 2024-25)*

**INTELLECTUAL PROPERTY RIGHTS - HONOURS GROUP**

**Overview:**

The paper on Intellectual Property Management seeks to acquaint students about various aspects of IP and its relevance in business world. At present business world is dynamic and complex and competition is globalized. Success rates in innovation in such context are low. Only 0.6% of innovative ideas are eventually successful. Partly this can be attributed to failure on part of enterprises and organizations to properly manage the IP. Thus, the course seeks to deal with the concept of IP management and its issues including risk management, Commercialization of IP including transfer of technology, and lastly, valuation of IP, royalties, and IP taxation.

**Objectives:**

- To stress the importance of IP Management for enterprises and organizations.
- To understand the strategic issues for commercialization of IP.
- To understand risk minimization and management of brands.
- To be able to undertake IP negotiations.
- To be able to understand commercialization routes and be able to draft agreements for the same.
- To know about methods of IP valuation.
- To understand issues surrounding royalties and taxation.

**Number of class hours:** Approximately 40 (36+4)

**Exercises to be undertaken during the course:** Apart from class discussions, a few group exercises of IP negotiation and license agreement drafting would also be undertaken. (4 class hours).

**Limitations:** Understandably, IP management in an enterprise is a team activity requiring contributions from multiple fields including legal. The course shall limit itself to the role to be played by legal side and what kind of interactions it can expect from other departments.

8. *Intellectual Property Culture*, Eric M. Dobrusin, Ronald A. Krasnow, Oxford, 2008.
9. *Intellectual Property in government Contracts*, James G. McEwen, David s. Bloch, Richard M. Gray, Oxford University Press (2009).
10. *Intellectual Property Law and Taxation*, Nigel Eastaway, Richard Gallafent, Victor A F Dauppe, Jacquelyn Kimber, Sweet & Maxwell, 7th Ed. (2008).
11. *Intellectual Property Management in R&D Collaborations: The Case of the Service Industry Sector*, Martin A. Bader, Physica-Verlag, A Springer Company (2006).
12. *Intellectual Property Operations and Implementation in the 21st Century Corporation*, Lanning G. Bryer, Scott j. Lebson, Matthew D. Asbell, Wiley (2011).
13. *Intellectual Property Rights Management in Developing Countries*, eds. Sheila Mavis Nyatto, Catherine Caballero, M.A. M. Fernando, Centre for S&T of the Non-Aligned and other Developing Countries (NAM S&T Centre).
14. *Intellectual Property Rights, Development and Catch-up: An International Comparative Study*, Eds. Hiroyuki Odagiri and Ors. Oxford University Press (2010).
15. *Intellectual Property: The Lifeblood of Your Company*, Mark Elmslie and Simon Portman, Chandos Publishing (2006).
16. *Intellectual Property: Valuation, Exploitation and infringement Damages*, Russell L. Parr, Wiley (2018).
17. *International Public Goods and Transfer of Technology: Under a Globalized Intellectual property Regime*, Eds., Keith E. Maskus and Jerome H. Reichman, Cambridge University Press (2005).
18. *Licensing of Intellectual Property and other Information Assets*, Raymond T. Nimmer, LexisNexis, 2nd Ed.
19. *Managing and Sharing Research Data: A Guide to Good Practice*, Louise Corti, Veerle Van den Eynden, Libby Bishop, Matthew Woollard, Sage 2nd Ed.
20. *Merchandising Intellectual Property*, John H. Adams, Julian B. Hickey, Guy Tritton, Tottel Pub.
21. *Patent Law for Scientists and Engineers*, Ed. Avery n. Goldstein, Taylor & Francis
22. Paul McGinness, *Intellectual Property Commercialisation: A business Manager's Companion* LexisNexis Butterworths Australia (2003).
23. *Taxation of Intellectual Property*, Anne Fairpo, Tottel Pub. 2nd Edition.
24. *Technology Law*, Mark Grossman, Esq. Universal Law Pub. Co.
25. *Technology Transfer: Law, Practice and Precedents*, Mark Anderson, Butterworths, LexisNexis, 2nd Ed. (2003).
26. *The Business of Intellectual Property*, Christopher M. Arena, Eduardo M. Carreras, Oxford University Pub.
27. *The International Trade Policy for Technology Transfers: Legal and Economic Dilemmas on Multilateralism versus Bilateralism*, Yi Shin Tang, Wolters Kluwer, Law & Business (2009).
28. *WIPO case studies source*.

Note: The above resources are merely illustrative and not exhaustive. Reliance can be placed also on other additional resources.

DR. RAM MANOHAR LOHIYA NATIONAL LAW UNIVERSITY, LUCKNOW  
B.A. LL.B. (Hons.) 9<sup>th</sup> SEMESTER 2024  
RIGHT TO INFORMATION LAW

COURSE CONTENT

**Objective of the course study:**

The course is designed to equip students, how the right to information infuses transparency and accountability in governance and preventing abuse of power. The aim of the course is to highlight the basic guidelines of RTI Act, the relationship between Right to information act and good governance and the issues relating to RTI act to adopt the best practices.

**Unit-I**

- Introduction of Right to Information Act 2005: History, Background, Objectives,
- Constitutional basis; Supreme Court on Right to information
- RTI and Other related laws – (The Official Secrets Act, 1923; The Public Records Act, 1993; The Public Records Rules, 1997; The Freedom of Information Act, 2002; The Commission of Inquiry Act, 1952; The Commission of Inquiry (Central) Rules, 1972)

**Unit-II**

- RTI Act and its Implementation: Definitions, Right to information and obligations of public authorities
- Central Information Commission; State Information Commission; Powers and functions of Information Commissions
- Appeals and penalties, relevant case study
- Impact of The Right to Information (Amendment) Act, 2019 on independence and autonomy Information Commissioners

**UNIT - III**

- RTI and Good Governance
- Governance and Bureaucratic Responses, Whistleblowers' protection,
- RTI and Good Governance in the context of Globalization, Liberalization and Privatization

**Suggested Readings:**

1. J H Barowalia, Commentary on the right to Information Act, Universal Law Publications
2. S V Joga Rao, Law Relating to Right to Information, vol. 1
3. Sathe S. P., "Right to Information", 1st ed., Lexis Nexis Butterworths, New Delhi, 2006.
4. Acharya N. K., "Commentary on Right to Information Act, 2005", 7th ed., Asia Law House, Hyderabad, 2008

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5. The Right to Information Act Book, By Shruti Desai
6. The Right to Information Act,2005 By Dheera Khanawal & Krishna K. Khanawal
7. The Right to Information :Law-Policy-Practice By Rodney D Ryder
8. Handbook on The Right to Information Act by P.K.Das
9. Treaties on The Right to Information Act 2005 by Dr.Hiraj Kumar
10. Goel S. L, "Right to Information and Good Governance", Deep and Deep Publications Private Limited, New Delhi, 2007

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## **PAPER 3: INTELLECTUAL PROPERTY MANAGEMENT**

### **Overview**

The paper on Intellectual Property Management seeks to acquaint students about various aspects of IP and its relevance in business world. At present business world is dynamic and complex and competition is globalized. Success rates in innovation in such context are low. Only 0.6% of innovative ideas are eventually successful. Partly this can be attributed to failure on part of enterprises and organisation to properly manage the IP. Thus, the course seeks to deal with the concept of IP management and its issues including risk management, Commercialisation of IP including transfer of technology, and lastly valuation of IP, royalties and IP taxation.

**Number of class hours:** Approximately 40

**Exercises to be undertaken during the course:** Apart from class discussions, a few group exercises of IP negotiation and license agreement drafting would also be undertaken.

**Limitations:** Understandably, IP management in an enterprise is a team activity requiring contributions from multiple fields including legal. The course shall limit itself to the role to be played by legal side and what kind of interactions it can expect from other departments.

### **Proposed Syllabus**

#### **UNIT 1: Introduction to Intellectual Property Management (9 class hours)**

- i. Basic concepts and importance.
- ii. Economics of IP.
- iii. Assets and IP assets.
- iv. Strategic Issues for commercialisation including IP protection and enforcement.

#### **UNIT 2: IP Management Issues (9 class hours)**

- i. IP Management: In Detail.
- ii. Brand Management.
- iii. Risk Management.
- iv. Analysing Commercial Opportunity.
- v. Rewarding Staff.

### UNIT 3: Commercialisation of IP (11 class hours)

- i. IP Negotiations.
- ii. Legal Structures for IP Commercialisation.
- iii. Options for commercialising: Licensing, Anti-competition Issue, Technology Transfer Issues, Franchising, and Spin-Offs.
- iv. International Dealings.

### UNIT 4: Financial Issues in IP Management (11 class hours)

- i. Concept of cost and value.
- ii. Traditional IP Valuation: market value, cost value and income value methods.
- iii. Modern methods of valuation.
- iv. Royalties.
- v. Provisions under taxation law.

### Suggested Readings (arranged alphabetically)

- Corporate Counsel's Guide to Intellectual Property, West.
- Intellectual Property and Free Trade Agreements, eds., *Christopher Heath & Aslem K. Sanders*. Hart Pub.
- Intellectual Property Commercialisation: A Business Manager's Companion, *Paul McGinness*, LexisNexis Butterworths (2003).
- Intellectual Property Culture, *Eric M. Dobrusin, Ronald A. Krasnow*, Oxford, 2008.
- Intellectual Property in government Contracts, *James G. McEwen, David s. Bloch, Richard M. Gray*, Oxford University Press (2009).
- Intellectual Property Law and Taxation, *Nigel Eastaway, Richard Gallafent, Victor A F Dauppe, Jacquelyn Kimber*, Sweet & Maxwell, 7<sup>th</sup> Ed. (2008).
- Intellectual Property Management in R&D Collaborations: The Case of the Service Industry Sector, *Martin A. Bader*, Physica-Verlag, A Springer Company (2006).
- Intellectual Property Operations and Implementation in the 21<sup>st</sup> Century Corporation, *Lanning G. Bryer, Scott j. Lebson, Matthew D. Asbell*, Wiley (2011).
- Intellectual Property Rights Management in Developing Countries, eds. *Sheila Mavis Nyatto, Catherine Caballero, M.A. M. Fernando*, Centre for S&T of the Non-Aligned and other Developing Countries (NAM S&T Centre).

- Intellectual Property Rights, Development and Catch-up: An International Comparative Study, Eds. *Hiroyuki Odagiri and Ors*, Oxford University Press (2010).
- Intellectual Property: The Lifeblood of Your Company, *Mark Elmslie and Simon Portman*, Chandos Publishing (2006).
- Intellectual Property: Valuation, Exploitation and Infringement Damages, *Russell L. Parr*, Wiley (2018).
- International Public Goods and Transfer of Technology: Under a Globalized Intellectual Property Regime, Eds., *Keith E. Maskus and Jerome H. Reichman*, Cambridge University Press (2005).
- Licensing of Intellectual Property and other Information Assets, *Raymond T. Nimmer*, LexisNexis, 2<sup>nd</sup> Ed.
- Managing and Sharing Research Data: A Guide to Good Practice, *Louise Corti, Veerle Van den Eynden, Libby Bishop, Matthew Woollard*, Sage 2<sup>nd</sup> Ed.
- Merchandising Intellectual Property, *John H. Adams, Julian B. Hickey, Guy Tritton*, Tottel Pub.
- Patent Law for Scientists and Engineers, Ed. *Avery n. Goldstein*, Taylor & Francis
- Taxation of Intellectual Property, *Anne Fairpo*, Tottel Pub. 2<sup>nd</sup> Edition.
- Technology Law, *Mark Grossman, Esq.* Universal Law Pub. Co.
- Technology Transfer: Law, Practice and Precedents, *Mark Anderson*, Butterworths, LexisNexis, 2<sup>nd</sup> Ed. (2003).
- The Business of Intellectual Property, *Christopher M. Arena, Eduardo M. Carreras*, Oxford University Pub.
- The International Trade Policy for Technology Transfers: Legal and Economic Dilemmas on Multilateralism versus Bilateralism, *Yi Shin Tang*, Wolters Kluwer, Law & Business (2009).

*Note: The above resources are merely illustrative and not exhaustive. Reliance can be placed also on other additional resources.*

**Dr Ram Manohar Lohiya National Law University**

**B.A. LL.B (Hons.)**

**Monsoon Semester (Ninth Semester)**

**Course Title: Humanitarian and Refugee Law**

**Unit 1**

**Topic: Introduction to International Humanitarian Law**

- Historical background and development
- Customary International Humanitarian Law
- International Instruments on International Humanitarian Law
- Application of International Humanitarian Law

**Unit 2**

**Topic: Key Issues in International Humanitarian Law**

- Means and Methods of Warfare.
- Combatants and Prisoners of War
- Protection of Civilians
- Role of International Humanitarian Law in protecting Environment

**Unit 3**

**Topic: Refugee Law**

- Introduction
- International Legal Instruments
- Regional Conventions on protection of refugees.
- Status of Refugees in India

**Recommended Readings:**

1. Fleck, Dieter (ed), *The Handbook of International Humanitarian Law* (2<sup>nd</sup> edn, OUP 2008).
2. Mani, V.S. (ed), *Handbook of International Humanitarian Law in South Asia* (OUP 2007).
3. David Kennedy, *Of Law and War*, (Princeton, 2006)
4. Alexander, Amanda, (2015) "A Short History of International Humanitarian Law", *European Journal of International Law*, vol. 26 no. 1, pp. 109-138.

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5. Emily Crawford, "Unequal Before the Law: The Case for the Elimination of the Distribution between International and Non-International Armed Conflicts", *Leiden Journal of International Law*, vol. 20, no. 2, (2007), pp. 441-465.
6. James G. Stewart, "Towards a Single Definition of Armed Conflict in International Humanitarian Law: A Critique of Internationalized Armed Conflict", *International Review of the Red Cross*, vol. 85, no. 850, (2003), pp. 313-350.
7. Chimni, B.S. *International Refugee Law: A Reader*, New Delhi: Sage Publications, 2000.
8. Goodwin-Gill, Guy S., McAdam, Jane, *The Refugee in International Law*, Third Revised Edition, Oxford University Press, 2007.
9. Chimni, B.S. (200 I), 'Reforming the International Refugee Regime: A Dialogic Model', *Journal of Refugee Studies*, 14, pp. 151-68.
10. Hathaway James C., *The Rights of Refugees under International Law*, Cambridge University Press, Cambridge, 2005

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**HONOURS GROUP**  
**BUSINESS LAW**  
**A4 Financial Market Regulation**

**Unit-I: Financial Regulatory Authorities**

- **Introduction: Need and Significance of Financial Market Regulation**
- **Regulators in India**
  - **Securities and Exchange Board of India**
  - **Reserve Bank of India**
  - Ministry of Finance
  - Ministry of Corporate Affairs
  - **Insurance Regulatory and Development Authority of India**
  - Pension Fund Regulatory and Development Authority

**Unit-II: Depositories and Financial Instruments**

- Analysis of Depositories Act, 1996
- **Constitution, role and functions of Depository, depository participants, issuers and registrars**
- **Instruments: Debentures, sweat equity shares, certificate of deposit, commercial papers, treasury bills**

**Unit-III: Financial Regulation and Money Laundering**

- Money Laundering: Introduction and meaning
- **SEBI Guidelines on Money Laundering**
- **Anti-money Laundering: Meaning, Prevention of Money Laundering Act, 2002**

**REFERENCES:**

**Acts and Guidelines**

1. Banking Regulation Act, 1949
2. Securities and Exchange Board of India Act, 1992
3. Insurance Regulatory and Development Authority Act, 1999
4. Pension Fund Regulatory and Development Authority Act, 2013
5. Guidelines on Anti-Money Laundering (AML) Standards and Combating the Financing of Terrorism (CFT)/Obligations of Securities Market Intermediaries under the Prevention of Money Laundering Act, 2002 and Rules framed there under
6. Reserve Bank of India Financial Stability Report, July 2020

**Text Books and References**

1. Banking and Financial Services Regulation. Blair, William Allison, Austin Morton, Guy (London: Lexis Nexis) 2002.
2. Governance of Financial Institutions. Busch, Danny, Ferrarini, Guido; Solinge, Gerard van (United Kingdom: Oxford University Press) 2019.
3. Financial Markets and Institutions. Gurusamy, S (New Delhi: Mcgraw Hill Education Pvt. Ltd.) 2009.
4. Oxford Handbook of Financial Regulation. Moloney, Niamh (United Kingdom: Oxford University Press) 2017.
5. Capital Market in India. E. Gorden and K. Natarajan

6. Indian Financial System. Khan, M Y (New Delhi: McGraw Hill Education) 2016.
7. Indian Financial System. Machiraju, H.R. (Vikas: New Delhi) 2013.

### Articles

1. SEBI's Framework for listing of Commercial Papers, MUNMI PHUKON, [2019] 111 taxmann.com 171 (Article)/[2019] 46 CPT 530 (Article)
2. SEBI disallows investment by Mutual Funds in unlisted debt instruments and unlisted equity shares, TIMOTHY LOPES, [2019] 110 taxmann.com 476 (Article)
3. Indian Financial Code vis a vis Indian Financial Law: The Way Forward, Kondaiah Jonnalagadda, 1 RFMLR (2014) 128
4. Blockchain Boom and Corporate Finance Revolution: A Futuristic Solution or Mere Superstition?, Lakshana R., 4 RSRR 20 (2018)
5. The New Scope of 'debentures' Under the Companies Act, 2013: Does it Cover Commercial Paper?, Shriya Nayyar, NLIU LR (2015) 139
6. Compliance Checklist for Issue of Sweat Equity Shares under Companies Act, Gaurav N. Pingle, (2019) PL (CSP) September 76
7. International Anti-Money Laundering Regime and India, Owais Hasan Khan, CNLU LJ (6) [2016-17] 179
8. Liability of Professionals under Money Laundering Act, D.C. AGRAWAL, [2017] 83 taxmann.com 410 (Article)/[2017] 39 CPT 813 (Article)
9. Is Money Laundering a standalone offence under PMLA ?, DR. M.S. KRISHNA KUMAR, [2019] 103 taxmann.com 335 (Article)/[2019] 152 SCL 37 (Mag.)
10. Role of Banks in Prevention of Money Laundering, AJAY KUMAR GARG, [2005] 62 SCL 206 (MAG)
11. 'Know Your Customer' (KYC) and Prevention of Money Laundering, DR.FIRDOS T.SHROFF, [2006] 69 SCL 42 (MAG)
12. Obligations of Stock brokers under Prevention of Money Laundering Act, AJAY KUMAR GARG, [2006] 69 SCL 32 (MAG)
13. RBI Consolidates Rules on Money Market Instruments, SURBHI JAISWAL, [2016] 71 taxmann.com 267 (Article)
14. Financial Market Regulation: The Case of Italy and a Proposal for the Euro Area, Giorgio Di Giorgio, Carmine Di Noia, and Laura Piatti
15. FPI Regime Version 2.0 — Regulatory and Tax Update, Siddharth Shah, Daksha Baxi, Vivaik Sharma, and Ankit Namdeo, (2017) PL (CL) September 86
16. Legislative Strategy for Setting up an Independent Debt Management Agency, Radhika Pandey and Ila Patnaik, (2017) 10 NUJS L Rev 395

### Cases

1. Gautam Kundu v. Directorate of Enforcement, (2015) 16 SCC 1
2. Manohar Lal Sharma v. Central Bureau of Investigation, (2017) 16 SCC 442
3. Internet and Mobile Association of India v. Reserve Bank of India, 2020 SCC OnLine SC 275
4. Rajendra Y. Shah and Others v. Amu Shares and Securities Ltd. and Others, 2019 SCC OnLine Bom 4101
5. Sahara India Real Estate Corporation Limited v. SEBI, (2013) 1 SCC 1

6. ICICI Bank Ltd. v. Official Liquidator of APS Star Industries Ltd., CIVIL APPEAL No. 8393 OF 2010
7. Deloitte Haskins & Sells LLP v. Union of India, [2020] 115 taxmann.com 65 (NCLAT-New Delhi)
8. Authorized Officer, State Bank of Travancore v. Mathew K.C., [2018] 89 taxmann.com 429 (SC)

The list of cases is not exhaustive and more cases will be discussed during the course of Semester.

## HONOURS GROUP

### INTERNATIONAL LAW

#### **B4: International Dispute Resolution Mechanism**

##### **UNIT I: International Investment Protection**

- Bilateral Investment Treaties (BIT) and Free Trade Agreement (FTAs)
- Procedural Issues in International Investment Arbitration
- Judicial Restraints in Investment Treaty Arbitration
- Role of ICSID in International Investment Protection

##### **UNIT II: Regulatory Instruments in the Disputes of International Trade and Economics**

- International Contracts and the Role of CISG
- International Contracts and UNIDROIT Principles on Int. Commercial Contracts
- Public Private Partnership in Infrastructure Development and the dispute resolution thereof

##### **UNIT III: Legal Mechanism of International Water Disputes Resolution**

- The Transboundary Water Disputes and the UN Watercourses Convention, 1997
- Universal and Regional Approaches to Resolving International Water Disputes
- Non-State Actors in International Water Disputes.

#### REFERENCES:

- i. Evolution in Investment Treaty Law and Arbitration by Chester Brown and Kate Miles (Cambridge University Press 2011)
- ii. Investment Treaty Arbitration and Public Law by Gus Van Harten (Oxford University Press, 2006)
- iii. Commentary on the UN Convention on the International sale of Goods by Ingeborg H Schwenzer and Peter Schlechtriem (Oxford University Press, 2010)
- iv. Resolution of International Water Disputes Edited by International Permanent Court of Arbitration (Kluwer Law International 2013)
- v. Inter-State River Water Disputes: Genesis, Evolution and Analysis, K.K. Lahiri, Eastern Book Company (2016)

## Course Contents

### HONOURS GROUP- CONSTITUTIONAL LAW

Session- 2024-25 (IX Sem)

## Citizenship and Immigration Law

**Aims and Objective of Course**-Citizenship Law deals with the mode and manners of acquisition of Citizenship in one or the other jurisdictions, at the same time taught will be familiar with deprivation of Legal status of Citizenship on certain grounds. Immigration Law course acquaints students with the rights and obligations of immigrants, as well as the procedures for entering, staying, and leaving a country.

### UNIT- I: Introduction to Citizenship and Immigration Law

- Citizenship Law: Meaning, Nature and Scope
- Immigration Law: Meaning, Nature and Scope
- Principles of Citizenship Law- *Jus soli, Jus sanguinis, Jus matriomii*
- Dual Nationality

### UNIT- II: Limits to Citizenship Law & Immigration Law-Controlling Measures

- Citizenship Determinants

Statutory Laws,

Case laws,

Treaties

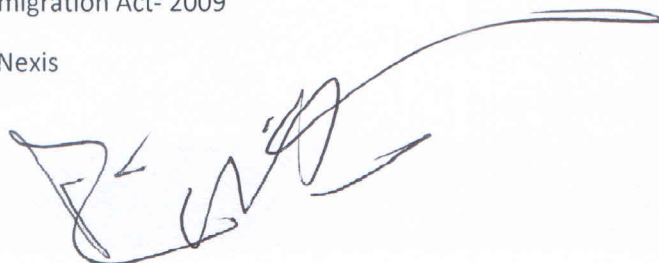
- Naturalization-The process of acquiring citizenship in different jurisdictions

### UNIT-III Special Provisions of Some Countries relating to Citizenship & Immigration

- U.S.A.
- France
- United Kingdom
- India
- China

### REFERENCES:

1. Immigration & Asylum Law, Gina Clayton - Oxford University Press
2. Immigration Law Laura, Devine- Thomson Reuters
3. Immigration, Asylum & H. Rights- Nicholas Blake- O.U.P.
4. Legislation - The Borders, Citizenship & Immigration Act- 2009
5. Immigration Laws, Kanupriya Goyal- Lexis Nexis



**(B.A.LL.B. Hons.) IX Semester-2024**

**Title of the Paper- Offences against Child & Juvenile Offences**

**(Criminal law Honours Group)**

**Course Objective:**

The objective of this course is to provide students with a comprehensive understanding of the legal framework surrounding offences against children and juvenile offenders. Through an examination of relevant statutes, case law, and scholarly literature, students will gain insight into the various forms of sexual and asexual offences against children, the international and domestic legal responses to these offences, and the legislative measures in place for the protection of children and rehabilitation of juvenile offenders.

**Learning Outcomes:**

Upon successful completion of this course, students will be able to:

- (a) Analyze the prevalence and nature of sexual offences against children through a study of statistical data, enabling them to understand the gravity of the issue and its societal impact.
- (b) Evaluate the international normative framework concerning offences against children, including conventions, treaties, and protocols, and assess their effectiveness in addressing the global menace.
- (c) Critically examine the Indian legal response to sexual offences against children, with a focus on the Protection of Children against Sexual Offences Act, 2012 (POCSO), and its jurisprudential and legislative implications.
- (d) Identify and assess the unique challenges posed by cyber offences against children, including online grooming, sextortion, and cyberbullying, and explore strategies for the protection of child victims in the digital age.
- (e) Analyze asexual offences against children under the Indian Penal Code/Bharatiya Nyaya Sanhita (IPC/BNS), the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act), and other relevant legislation, with a focus on exposure/abandonment, human trafficking, child labour, and child marriages.

- (f) Examine the legislative framework and procedural safeguards provided by the JJ Act for children in conflict with law, including measures for their care, protection, and rehabilitation.
- (g) Evaluate the concept of restorative justice within the realm of juvenile justice, considering its potential benefits and addressing concerns regarding its implementation.
- (h) Demonstrate the ability to apply legal principles and theories to analyze real-life scenarios involving offences against children and juvenile offenders, thereby developing critical thinking and problem-solving skills.

## **Unit-1**

**(12 Hours)**

### **Sexual offences against Children**

- 1.1. The horror story retold- the stark reality of offences against children- a study in the light of statistical data
- 1.2. The International normative framework to deal with the menace
- 1.3. Indian response to the problem of sexual offences against children
- 1.4. Understanding Protection of Children against Sexual Offences Act, 2012 (POCSO) - the jurisprudential and legislative paradigm
- 1.5. Child victim of cyber offences

## **Unit-2**

**(12 Hours)**

### **Asexual (or non-sexual) offences against children**

- 2.1. Offences against children in the IPC/BNS- dangerous exposure; aggravated forms of kidnapping; human trafficking etc.
- 2.2. Offences against children under the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act)
- 2.3. Offences relating to child labour and child marriages

2.4 Protecting children from harmful publications- viability analysis in the internet era

### **Unit-3**

**(12 Hours)**

#### **Offences by children- Children in conflict with law**

3.1. Understanding the problem- statistical and media account

3.2. Criminological study of the problem- causes leading to children coming in conflict with law

3.3. Legislative framework to deal with children in conflict with law- the JJ Act

3.4. Restorative justice in the realm of juvenile justice-issues and concerns

#### **Readings:**

1- Ved Kumari, The JJ Act, 2015- A Critical Analyses, (Universal Book Co, 2017).

2- User Handbook on Protection of Children from Sexual Offences Act, 2012, available at <http://ncpcr.gov.in/showfile.php?lang=1&level=1&&sublinkid=1289&lid=1514>

3- Child Victim of Cyber Crime Legal Tool Kit, available at <http://ncpcr.gov.in/showfile.php?lang=1&level=1&&sublinkid=1298&lid=1519>

4- Kumar Askand Pandey, Juvenile Justice- A Commentary, (r/p with supplement 2024, Eastern Book Co., 1<sup>st</sup> ed., 2019).

5- Corriero Michael A., "JUDGING CHILDREN AS CHILDREN – A RESTORATIVE JUVENILE JUSTICE SYSTEM", available at <https://www.unicef.org/tdad/3michaelcorriero%281%29.pdf>

6- D. P Verma and Shruti Jane Eusebius (ed.), Juvenile Justice Law in India: A Critical Study, (National Judicial Academy, Bhopal, 2020), available at [http://www.nja.nic.in/Journals\\_Publications\\_Newsletters/Juvenile%20Justice%20Law%20in%20India%20A%20critical%20Study,%20Edited%20by%20Prof.%20D.%20P%20Verma%20and%20Shruti%20Jane%20Eusebius.pdf](http://www.nja.nic.in/Journals_Publications_Newsletters/Juvenile%20Justice%20Law%20in%20India%20A%20critical%20Study,%20Edited%20by%20Prof.%20D.%20P%20Verma%20and%20Shruti%20Jane%20Eusebius.pdf)

**HONOURS GROUP**  
***BUSINESS LAW***  
**A6 E-Commerce Law**

**UNIT-I: Introduction to E-Commerce**

- Evolution of Internet
- Strategic Capabilities of Internet
- UNCITRAL Model Law on E-Commerce
- Definition of E- Commerce, Scope of E-Commerce, Benefits of E-Commerce, Models of E-Commerce.

**UNIT-II: E-Commerce and Payment Mechanism and Cyber Space**

- Payment Mechanism in Cyber Space
- Electronic Fund Transfer (EFT)
- The Electronic Clearing Services (ECS)
- Online Payments and Legal regime

**UNIT-III: Issues in E-Commerce**

- IT Act and E-Commerce, E-Contracting, Jurisdiction issues, E-Tax and E-Dispute
- Consumer Protection in Cyber Space
- E-Consumer Support and Services
- Remedies available to Online Consumers

**Suggestive Readings:**

1. Information Technology- Law & Practice-2014 -Sharma, Vakul.
2. Cyber Laws in the Information Technology Age:2009-Seth, Karnika.
3. Cyber-crime in India: a comparative study 2009 -Dasgupta,M.

## Syllabus

B.A., LL.B. IX Semester (2024-25)

HONOURS GROUP - BUSINESS LAW

A5 - Merger and Acquisition

### **Course Overview:**

Mergers and amalgamations are vital processes in corporate law that facilitate business consolidation, restructuring, and growth. This course provides law students with a comprehensive understanding of the legal framework, regulatory requirements, and practical considerations involved in mergers and amalgamations. Students will explore various aspects of these transactions, including regulatory compliance, drafting of agreements, taxation implications, and corporate governance issues.

### **UNIT-I: Corporate Restructuring- An Introduction**

- Corporate Development Strategies- Acquisitions and Divestitures
- Mergers, Acquisitions, Takeovers,
- Strategic Alliance, Joint Ventures, Partnerships,
- Reverse Takeovers, Spin Offs, Equity Carve Outs,
- Leveraged Buyouts, Demerger, Buyback of Shares.

### **UNIT-II: Negotiation/Approach for Merger**

- Implementation of Merger and Acquisition,
- Legalities Involved in Merger,
- Merger aspects under Competition Law,
- Managing Post-Merger Issues,
- Ethical Issues of Merger and Take-over.

### **UNIT-III: Statutory provisions relating to Mergers and Acquisitions**

- Compromises, Arrangements and Reconstruction- Analysis of Section 390, 393, 394 395 and 396.
- Amalgamation and Insolvency and Bankruptcy Code.
- Merger of Foreign Companies with Indian Companies.

### **Suggested Readings:**

1. Mergers et al, S Ramanujam (Lexis Nexis)
2. Mergers and Acquisitions, Sridharan and Pandian (Lexis Nexis)

3. Mergers and Acquisitions, Patrick A Gaughan

4. Company Law, G.K.Kapoor (Taxmann)

**Learning Outcomes:**

- Understand the various methods of corporate restructuring, need, processes and the purpose.
- Develop a comprehensive understanding of the legal and regulatory framework governing mergers and amalgamations.
- Analyze complex corporate transactions and navigating regulatory compliance while applying legal principles to real-world scenarios.
- Critically evaluate the economic, financial, and strategic implications of mergers and amalgamations.
- Stay abreast of emerging trends and regulatory developments in the field of corporate restructuring.

Prof. (Dr.) Manish Singh

**Dr Ram Manohar Lohiya National Law University**  
**B.A. LL.B (Hons.)**  
**Monsoon Semester (Ninth Semester)**  
**Course Title: International Criminal law and International Criminal**  
**Court**

**Unit 1: - Introduction**

- The Concept of Individual Criminal Responsibility under International Law
- Distinction between State Responsibility and Individual Criminal Responsibility under International Law
- Nuremberg and Tokyo Tribunals
- Adhoc and Hybrid/Mixed Tribunals

**Unit 2: - Crimes under International Criminal Law**

- War Crimes
- Crimes Against Humanity
- Genocide
- Crime of Aggression

**Unit 3: - International Criminal Court**

- Establishment of the Court, Structure and Administration of the Court
- Jurisdiction of the Court, Complementarity, Admissibility, Pretrial, Trial, Appeal and Punishment and Enforcement of Punishments
- India and International Criminal Court
- Critical Evaluation of International Criminal Court and Contemporary Challenges

**Recommended Reading:**

1. Andrew Novak, The International Criminal Court: An Introduction, Springer Publication.
2. William Schabas, An Introduction to the International Criminal Court, 4th edn (CUP, Cambridge, 2011)
3. Antonio Cassese and Paola Gaeta, International Criminal Law, OUP (2013).
4. M. Cherif Bassiouni, Introduction to International Criminal Law, Brill Publication (2003).
5. Asad G. Kiyani, Third World Approaches to International Criminal Law, American Journal of International Law (2017)

6. Srinivas Burra, Is International Criminal Justice in the Pursuit of Human Rights?, in Borhan Uddin Khan and Md. Jahid Hossain Bhuiyan (eds), *'Human Rights and International Criminal Law'* (Leiden|Boston: Brill|Nijhoff, 2022), pp. 23-48.
7. Haris Jamil, Critical evaluation of India's position on the Rome Statute, *Indian Journal of International Law* (2018).
8. Usha Ramanathan, India and the ICC, *Journal of International Criminal Justice* (2005).

**COURSE NAME: FARMER'S AND BREEDERS RIGHTS**

**FACULTY NAME : DR. BHANU PRATAP SINGH**

**EMAIL: [BHANURMLNLU2013@GMAIL.COM](mailto:BHANURMLNLU2013@GMAIL.COM)**

**OBJECTIVES OF THE PAPER:**

In the past, agriculture, plant breeding, and cultivation practices were rooted in community and tradition. However, these activities have significantly transformed with modern technology's advent, privatization, and monopolization. The introduction of Intellectual Property Rights (IPR) to these fields has shifted the tradition of freely distributing seeds to a more controlled approach to cultivation, leading to the development of Plant Breeders' Rights (PBRs). As a signatory of the TRIPS Agreement, India was compelled to adopt a sui generis system to protect new plant varieties. In establishing legislation for the protection of plant breeders, the rights of the farming community were also explicitly acknowledged within the Indian legal framework. Therefore, students must familiarize themselves with the national and international legal standards governing PBRs to grasp the various legal systems and their implications on the socio-economic landscape and the legal structure, particularly in India and globally.

**LEARNING OUTCOMES:**

After completing this course, students will understand farmers' and breeders' rights in India, as covered under different legislations, policies, and international conventions. They will be tasked with critically analyzing the rights of farmers and breeders concerning plant varieties, along with the challenges faced in enforcing these rights through various case studies. Moreover, the course aims to enhance students' practical, persuasive, and critical reasoning skills through discussions on different policies and programs related to farmers' and breeders' rights in India and globally.

UNIT: I – Background history leading to contemporary laws; definitions of seeds, plants, propagation materials, the Seeds Act of 1966, definition of plant variety, new variety, plant breeder, farmer, cultivator, plant breeders' rights (PBRs), and farmers' rights; differentiating between PBRs and intellectual property rights (IPRs, such as patents), and the effects of the PBRs system on the country's socio-economic development.

UNIT: II – An analytical overview of the key aspects of the Protection of Plant Varieties and Farmers' Rights (PPV&FR) Act, 2001, including the definitions and significance of a New Variety, Essentially Derived Variety (EDV), Farmer Variety, and existing variety.

UNIT: III – Conditions or requirements for the registration of a plant variety, registrable and non-registrable plant varieties, procedure for the registration of different kinds of plant varieties, opposition proceedings and grounds of opposition, rights available to the plant breeders, researchers, farmers and communities upon the registration of a variety, term of protection available for different registered varieties and benefit-sharing; surrender and revocation of certificate and rectification of register.

UNIT IV: Transfer of rights or interest: Assignment, Transmission and Licenses, Remedies for infringement of breeders' rights, offenses and penalties; Protection of Plant Varieties and Farmers' Right Authority and Registry, Plant Varieties Protection Appellate Tribunal, Powers of the Central and State Governments under the PPV&FR Act, 2001.

**UNIT: IV** – Provisions of international legal instruments having a bearing on plant variety protection: TRIPS Agreement, 1994, Intergovernmental Convention for the Protection of New Varieties of Plants (UPOV), International Treaty on Plant Genetic Resources for Food and Agriculture (IGPFR), Comparative analysis with European plant variety protection regime, Genetically Modified seeds and transgenic seeds, the relationship between the TRIPS agreement and the Convention On Biological Diversity and the protection of Traditional Knowledge.

#### REFERENCES

- Philippe Cullet, Intellectual Property Protection and Sustainable Development, Lexis Nexis, 2005.
- Elizabeth Verkey, Law of Plant Varieties Protection, Eastern Book Company, 2007.
- Vandana Shiva, Protect or Plunder: Understanding Intellectual Property Rights, Zed Books Ltd., London, 2001.
- Watal Jayashree, Intellectual Property Rights in the World Developing Countries (Oxford University Press, New Delhi, 2001).
- V. K. Ahuja, Intellectual Property Rights, Lexis Nexis, New Delhi.
- CEERA, Handbook on Biodiversity Law, Access and Benefit Sharing (CEERA Publications, 2019). Available at, <https://ceerapub.nls.ac.in/wp-content/uploads/2019/05/Handbook-on-Biodiversity-law-Access-and-Benefit-Sharing.pdf>.
- UPOV and the TRIPS Review, Grain Publication, (Nov. 5, 1998), <https://grain.org/en/article/2097-upov-and-the-trips-review-s>.
- Srividhya Ragavan & Jamie Mayer O'Shields, Has India Addressed Its Farmers' Woes – A Story of Plant Protection Issues, 20, GEO. INT'L ENVTL. L. REV. 102, 103 (2007).
- Review of the Provisions Of Article 27.3(B) Summary of Issues raised and points made, World Trade Organization, 20, 21 (Mar.9, 2006), [https://www.wto.org/english/tratop\\_e/trips\\_e/ta\\_docs\\_e/4\\_ipcw369rev1\\_e.pdf](https://www.wto.org/english/tratop_e/trips_e/ta_docs_e/4_ipcw369rev1_e.pdf)
- Christoph Antons, Sui Generis Protection For Plant Varieties And Traditional Knowledge In Biodiversity And Agriculture: The International Framework And National Approaches In The Philippines And India, Indian Journal of Law and Technology, 123, <https://repository.nls.ac.in/cgi/viewcontent.cgi?article=1058&context=ijlt>.
- Keith Fuglie & James M. MacDonald, Expanded Intellectual Property Protections for Crop Seeds Increase Innovation and Market Power for Companies, Usda, Economic Research Service, <https://www.ers.usda.gov/amber-waves/2023/august/expanded-intellectual-property-protections-for-crop-seeds-increase-innovation-and-market-power-for-companies/>
- Martin Ekvad, Plant variety rights and patents –how it works, The Royal Swedish Academy of Agriculture And Forestry, [https://cpvo.europa.eu/sites/default/files/documents/ekvad\\_-\\_plant\\_variety\\_rights\\_and\\_patents\\_-\\_how\\_it\\_works.pdf](https://cpvo.europa.eu/sites/default/files/documents/ekvad_-_plant_variety_rights_and_patents_-_how_it_works.pdf)

Dr Ram Manohar Lohiya National Law University

LLB

2024-25

Monsoon Semester (9<sup>th</sup> Semester)

Course Title: **IPRs in Pharma Industry**

Course Structure

**Unit 1: International Legal Regime for IPRs and Pharma Industry**

- ❖ Big Pharma and the Generics Industry
- ❖ Role of IPRs in Pharma Industry
- ❖ Role of Pharma Industry in the Making of TRIPS
- ❖ Important Issues in Grant of Pharmaceutical Patent
- ❖ TRIPS Flexibilities, Doha Declaration, & Pharma Sector

**Unit 2: IPRs and Indian Pharma Industry**

- ❖ An overview of Indian Pharmaceutical Industry
- ❖ Pharmaceutical Patents in India and TRIPS Flexibilities
- ❖ Drug Regulatory Framework in India
- ❖ Drug Price Control in India
- ❖ Relevance of Patent Oppositions

**Unit 3: Important IPR Related Issues in Pharma Industry**

- ❖ Human Rights Approach to IP and Pharma Industry
- ❖ Access to COVID Medical Products
- ❖ IP on Biologics including Vaccines
- ❖ Demand for TRIPS Waiver & 2022 Ministerial Decision

❖ Need for Local Production of Pharmaceuticals & Technology Transfer

### Suggested Books

- Amaka Vanni, *“Patent Games in the Global South: Pharmaceutical Patent Law Making in Brazil, India, and Nigeria”*, Hart Publishing, 1<sup>st</sup> ed., 2019
- Carlos M. Correa (ed.), *“A Guide to Pharmaceutical Patents”*, South Centre, 2<sup>nd</sup> ed., 2012
- Carlos M. Correa & Reto M. Hilty(eds.), *“Access to Medicines and Vaccines: Implementing Flexibilities under Intellectual Property Law”*, Springer, 1<sup>st</sup> ed., 2022
- S Ragavan & A Vanni (eds.), *“Intellectual Property Law and Access to Medicines: TRIPS Agreement, Health, and Pharmaceuticals. Law, Development and Globalization”*, Routledge, 1<sup>st</sup> ed., 2021
- Dinesh S. Thakur & Prashant Reddy, *“The Truth Pill: The Myth of Drug Regulation in India”*, Simon & Schuster, 1<sup>st</sup> ed., 2022
- Prashant Reddy & Sumathi Chandrashekar, *“Create, Copy, Disrupt: India’s Intellectual Property Dilemmas”*, OUP, 1<sup>st</sup> ed., 2017
- S Ragavan & A Vanni (eds.), *“Intellectual Property Law and Access to Medicines: TRIPS Agreement, Health, and Pharmaceuticals. Law, Development and Globalization”*, Routledge, 1<sup>st</sup> ed., 2021
- Jayashree Watal & Antony Taubma (eds.), *“The making of the TRIPS Agreement: Personal Insights from the Uruguay Round Negotiations, WTO, 1<sup>st</sup> ed., 2015*
- Graeme W. Austin & Laurence Helfer, *“Human Rights and Intellectual Property: Mapping the Global Interface, 1<sup>st</sup> ed., Cambridge University Press, 2011*
- Madhavi Sunder, *“From Goods to a Good Life: Intellectual Property and Global Justice”*, Yale University Press, 1st ed., 2012

**B.A.LLB. (Hons.) Ninth Sem. (Hons. Paper)**

**MEDIA LAW**

**Course Objective:** A media law course aims to provide students with a comprehensive understanding of the legal principles and regulations that govern the media industry. Understand the regulatory requirements imposed on media organizations and delve into the legal protection and limitations on freedom of speech and expression in the context of media. The objective is also to explore legal issues specific to digital media and the internet and stay abreast of emerging legal issues in media law.

**Course Outcome:** After completing the course, students can analyze and critically evaluate legal issues and challenges media organizations face, including ethical dilemmas, regulatory compliance, and emerging legal trends. Students gain an understanding of legal issues specific to digital media and the internet. Create an understating among students about the importance of responsible media, which works within the framework of laws and ethics.

**UNIT-I: Introduction to the Media Law and Legislative History**

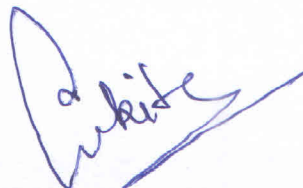
- Understanding the concept of Media and its form- Different theories
- Legislative History of Media
- Media and Gender
- Concentrated Media Ownership

**UNIT-II: Media and the Constitution of India**

- Comparative Constitutional Media Freedoms in Global Context
- Freedom of Speech and Expression and Statutory Laws Relating to Censorship
- Right to Privacy and Right to Information, Trial by Media, Contempt of Court and Media, Parliamentary Privileges
- Media and Environmental Issues

**UNIT-III: Media Ethics and Emerging Issues**


- Media Ethics and Regulation – Era of Yellow Journalism, Magazines, Paid news, Fake news
- Social Media and control of the internet
- Regulation of OTT Platforms
- Media and Advertising
  - ✓ The advertising industry



- ✓ Why does advertising take place?
- ✓ Informative versus persuasive advertising.
- ✓ The rise of Internet advertising.

### REFERENCE BOOKS

1. Madhavi Goradia Divan- Facets of Media Law, EBC.
2. Bernard Williams- Obscenity and Film Censorship, Cambridge University Press.
3. David Sanford Horner, Understanding Media Ethics, Sage Publication.
4. Gillian Doyle, Understanding media economics, Sage, Chapters 8 and 9.
5. Dr. Nilanchala Sethy, Press and Media Laws, Regal Publications
6. AshaRani Mathur, The Indian Media, Illusion, Delusion, and Reality, Rupa Co.,  
Art. Intolerance, Censorship and Freedom of the Press- Soli J. Sorabjee, Women  
and the Media-Rami Chhabra, The Media Environment- Bittu Sahgal, Media and  
Environmental Issues- Jay Mazoomdaar, The Narmada Movement and the Media.
7. Rosalind Gill, Gender and the Media, Rawat Publications.
8. Telecom, Media & Press Laws Manual

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## CORPORATE CRIMES/ WHITE COLLAR CRIMES

### **Course Objectives**

- Demonstrating comprehension of white-collar crime in areas of interest or professional field
- Identifying the bone of contention in White Collar Crime/Corporate crimes.
- Assessing the Morality conundrum in white-collar criminality
- Evaluating problem-solving strategies
- Developing science-based solutions
- Synthesizing the characteristics and classifications of white-collar crime/Corporate crimes
- Describing the various perspectives and methods for studying white-collar crime/corporate crimes

### **Course Outcome**

1. Students learn about corporate crimes, economic scams, and how to combat them.
2. Students learn about the concepts of white-collar crime, how to apply basic research methods, and how to identify problems.
3. Students learn about the characteristics and classifications of white-collar crime, theories that explain it, and the costs and consequences to victims.
4. Students learn about corporate and white-collar crime and the economic, political, and social impact of white-collar crime.
5. Students learn about key corporate offenses, their social context, and how criminal liability is attributed to corporations.

### Course Content

#### **UNIT- I: Nature and Definition**

- Nature and scope of White Collar Crime
- Meaning and nature of Corporate Crime
- Mens rea and vicarious liability
- Types of Corporate Crimes
- Comparison between White Collar Crime, Corporate Crime and Organized Crime

#### **UNIT- II: Corporate Crimes**

- Psychological and socio-economic factors underlying corporate fraud
- Corporate Criminal Liability
- Nexus of Corporate Crime and Politics

- Rational Choice Theory of Corporate Crime
- Criminological Theory and Organizational Crime
- Judicial attitude towards Corporate Crimes
- Instances of Corporate Fraud:
  - Harshad Mehta Case (Stock Market Scam)
  - Satyam Scam
  - Saradha Chit Fund Scam
  - DHFL- Karvy Fraud

### **UNIT- III: White Collar Crime**

- Conception of White Collar Crimes and Indian approaches to Socio-economic Crimes
- Application of Criminal Justice principles to White Collar Crimes
- Privileged class deviance: Official deviance, Police deviance, Professional deviance

### **Legal and Judicial Response to White Collar Crime and Corporate Crimes and Enforcement Agencies**

- Special Acts
  - Prevention of Corruption Act, 1988
  - Prevention of Money Laundering Act, 2002
  - Companies Act, 2013
  - Foreign Exchange Management Act, 1999
- A R Antulay Case (1988)
- Police, CBI, ED, State Anti-corruption Bureau
- Central Vigilance Commission
- Public Accounts Committee
- Ombudsman

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