

LL. M. Semester-I

Core

LMC101 Law & Social Transformation

LMC102 Indian Constitutional Law: the New Challenges

LMC103 Case Analysis

Elective

(i) Specialization Group I- Constitution and Legal Order

LME101 Mass Media law

or

LME102 Administrative Process: Nature & Scope

(ii) Specialization Group II-Criminal Law

LME103 Comparative Criminal Procedure

or

LME 104 Environment & Development: Law and Policy

(iii) Specialization Group III-Human Rights Law

LME105 Concept & Development of Human Rights

or

LME106 Law of Industrial & Intellectual Property

Skill

LMS101 Skill Development

LL. M. Semester-I

LAW AND SOCIAL TRANSFORMATION IN INDIA

Core Course LMC101

Credit 06

Continuous Evaluation 40 marks
Term End Examination 60 marks

Objectives of the course

This course is designed to offer the teacher and the taught with – (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore law and legal institutions as a means to achieve development within the framework of law. The endeavor is to make the students aware of the role the law has played and has to play in the contemporary Indian society. The following syllabus prepared with this perspective will be spread over a period of one semester

UNIT-I

1. Law and social change

- 1.1 Law as an instrument of social change.
- 1.2 Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institution in India and its impact on further development of law and legal institutions in India.

2. Religion and the law

- 2.1 Religion as a divisive factor.
- 2.2 Secularism as a solution to the problem.
- 2.3 Reform of the law on secular lines: problems
- 2.4 Freedom of religion and non-discrimination on the basis of religion.
- 2.5 Religious minorities and the law.

UNIT-II

3. Language and the law

- 3.1 Language as a divisive factor: formation for linguistic states.

- 3.2 Constitutional guarantees to linguistic minorities.
- 3.3 Language policy and the Constitution: Official language; multi-language system.
- 3.4 Non-discrimination on the ground of language.

4 Community and the law

- 4.1 Caste as a divisive factor.
- 4.2 Non-discrimination on the ground of caste.
- 4.3 Acceptance of caste as a factor to undo past injustices.
- 4.4 Protective discrimination: Scheduled castes, tribes and backward classes.
- 4.5 Reservation; Statutory Commissions, Statutory provisions.

UNIT-III

5. Regionalism and the law

- 5.1 Regionalism as a divisive factor.
- 5.2 Concept of India as one unit.
- 5.3 Right of movement, residence and business; impassibility of state or regional barriers.
- 5.4 Equality in matters of employment: the slogan “Sons of the soil” and its practice.
- 5.5 Admission to educational institutions: preference to residents of a state.

6. Women and the law

- 6.1 Crimes against women.
- 6.2 Gender injustice and its various forms.
- 6.3 Women’s Commission.
- 6.4 Empowerment of women: Constitutional and other legal provisions.

UNIT-IV

7. Children and the law

- 7.1 Child labour.
- 7.2 Sexual exploitation.
- 7.3 Adoption and related problems.
- 7.4 Children and education.

8. Modernisation and the law

- 8.1 Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
- 8.2 Modernisation of social institutions through law.
- 8.2. Reform of family law.
- 8.2.2 Agrarian reform: _ Industrialization of agriculture.
- 8.2.3. Industrial reform: Free enterprise v. State regulation- Industrialization v. environmental protection.
- 8.3 Reform of court processes.
- 8.3.1 Criminal law: Plea bargaining; compounding and payment of compensation to victims.
- 8.3.2 Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats ,
- 8.3.3 Prison reforms.
- 8.4 Democratic decentralization and local self- government.

UNIT-V

9. Alternative approaches to law

- 9.1 The jurisprudence of Sarvodaya---Gandhiji, Vinoba Bhave; Jayaprakash Narayan---- Surrender of dacoits; concept of grama nyayalayas.
- 9.2 Socialist thought on law and justice: An enquiry through constitutional debates on the right to property.
- 9.3 Indian Marxist critique of law and justice.
- 9.4 Naxalite movement: causes and cure.

Select Bibliography

Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford,

Robert Lingat, The Classical Law of India (1998), Oxford

U.Baxi, The Crisis of the Indian Legal System (1982), Vikas, New Delhi.

U.Baxi(ed.), Law and poverty Critical Essays (1988). Tripathi, Bombay.

Manushi, A Journal about Women and Society.

Duncan Derret, *The State, Religion and Law in India* (1999). Oxford University press, New Delhi.

H.M. Seervai, *Constitutional Law of India* (1996), Tripathi.

D.D.Basu, *Shorter Constitution of India* (1996), Prentice – Hall of India (P) Ltd., New Delhi.

Sunil Deshta and Kiran Deshta , *Law and Menace of Child Labour* (2000) Armol Publications Delhi.

Savitri Gunasekhare , *Children , Law and Justice*(1997), Sage

Indian Law Institute, *Law and Social Change: Indo-American Reflections*, Tripathi (1988)

J.B.Kripalani, *Gandhi: His Life and Thought*,(1970) Ministry of Information and Broadcasting, Government of India

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

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

LL. M. Semester-I

INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

Core Course LMC102

Credit 06

Continuous Evaluation 40 marks

Term End Examination 60 marks

Objectives of the Course

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic Knowledge of Indian Constitutional Law at LL.B. level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law of specialisation. Obviously, rubrics under this paper require modification and updating from time to time. The following syllabus prepared with this perspective will be spread over a period of one semester.

UNIT-I

1. Federalism

- 1.1 Creation of new states
- 1.2 Allocation and share of resources – distribution of grants in aid
 - 1.2.1 The inter – state disputes on resources
- 1.3 Rehabilitation of internally displaced persons.
- 1.4 Center’s responsibility and internal disturbance within States.
- 1.5 Directions of the Center to the State under Article 356 and 365
- 1.6 Federal Comity: Relationship of trust and faith between Central and State.
- 1.7 Special Status of certain States.
 - 1.7.1 Tribal Areas, Scheduled Areas

2. “State”: Need for widening the definition in the wake of liberalisation .

UNIT-II

3. **Right to equality: privatisation and its impact on affirmative action.**
4. **Empowerment of women.**

UNIT-III

5. **Freedom of press and challenges of new scientific development**
 - 5.1 Freedom of speech and right to broadcast and telecast.
 - 5.2 Right to Strikes, hartal and bandh.
6. **Emerging regime of new rights and remedies**
 - 6.1 Reading Directive Principles and Fundamental Duties into Fundamental Rights
 - 6.1.1. Compensation jurisprudence
 - 6.1.2. Right to education
 - 6.1.2.1 Commercialization of education and its impact.
 - 6.1.2.2. Brain drain by foreign education market.

UNIT-IV

7. **Right of minorities to establish and administer educational institutions and state control.**
8. **Separation of powers: stresses and strain**
 - 8.1 Judicial activism and judicial restraint.
 - 8.2 PIL: implementation.
 - 8.3 Judicial independence.
 - 8.4 Appointment, transfer and removal of judges.
 - 8.5 Accountability: executive and judiciary.

UNIT-V

9. **Secularism and religious fanaticism.**

10. Democratic process

- 10.1. Nexus of politics with criminals and the business.
- 10.2. Election
- 10.3. Election commission: status,
- 10.4. Electoral Reforms
- 10.5. Coalition government, 'stability , durability, corrupt practice'
- 10.6. Grass root democracy,

Select bibliography

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

LL. M. Semester-I

CASE ANALYSIS

Core Course LMC103

Credit 06

Continuous Evaluation 40 marks

Term End Examination 60 marks

The students shall choose the case for analysis from the Subject of Specialization Group which they have opted.

LL. M. Semester-I

Specialization Group I- CONSTITUTION & LEGAL ORDER

MASS MEDIA LAW

Elective Course LME101

Credit 06

Continuous Evaluation 40 marks

Term End Examination 60 marks

Objective of the course

Mass media such as press, radio and television, films play a vital role in socialization, culturalisation and modernization of a society. The visual media are bound to have a much greater impact on human mind. But while these media have such a potential value as mass educators, they are also susceptible to destructive and harmful uses for promoting criminal anti-social and selfish escapist tendencies. While their positive potential as mass educators has to be harnessed for developmental purpose, their negative, harmful potential has to be curbed in public interest. Law plays a dual role vis-à-vis such media. On the one hand, it protects the creative freedom involved in them, on the other; it has to regulate them so as to avoid their possible abuse. This paper will deal with such interaction between law and mass media.

The following syllabus prepared with this perspective will be spread over a period of one semester.

UNIT-I

1. Mass media- Types of – Press Films, Radio Television

Ownership patterns-Press-Private-Public

Ownership patterns-Films-Private

Ownership patterns-Radio & Television, Public

Difference between visual and non-Visual Media- impact on People's minds.

UNIT-II

2. Press-Freedom of Speech and Expression –Article 19 (1) (a)

2.1 Includes Freedom of the press.

- 2.2 Law of defamation, obscenity, blasphemy and sedition.
- 2.3 The relating to employees wages and service condition,
- 2.4 Price and Page Schedule Regulation
- 2.5 Newsprint Control Order
- 2.6 Advertisement –is it included within freedom of speech and expression?
- 2.7 Press and the Monopolies and Restrictive Trade Practices Act.

UNIT-III

- 3. Films-How far including freedom in of speech and expression?
 - 3.1.Censorship of films-constitutionality.
 - 3.2.The Abbas Case.
 - 3.3.Difference between films and press –why pre-censorship valid fro film but not for the press?
 - 3.4.Censorship under the Cinematograph Act.

UNIT-IV

- 4. Radio and Television – Government monopoly.
 - 4.1 Why Government department?
 - 4.2 Should there be an autonomous corporation?
 - 4.3 Effect of television on people.
 - 4.4. Report of the Chanda Committee.
 - 4.5. Government policy.
 - 4.6 Commercial advertisement
 - 4.7 Internal Scrutiny of serials, etc.
 - 4.8 Judicial Review of Doordarshan decisions: Freedom to telecast.

UNIT-V

- 5. Constitutional Restrictions.
 - 5.1 Radio and Television subject to law of defamation and obscenity
 - 5.2 Power to legislate- Article 246 read with the Seventh Schedule.
 - 5.3 Power to impose tax- licensing and license fee.

Select bibliography

M.P. Jain, Constitutional Law of India (1994) Wadhwa.

H.M.. Seervai, Constitutional law of India, Vol. I (1001) Tripathi, Bombay.

John B. Howard, “ The Social Accountability of Public Enterprises “ in Law and Community Controls in New Development Strategies (International Center for law in Development 1980)

Bruce Michael Boyd, “ Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression” 14.J.I.L.I 501 (1972)

Rajeev Dhavan “ On the law of the press in India “ 26 J.I.L.I. 288 (1984)

Rajeev Dhavan, “ Legitimizing Government Rhetoric: Reflection on Some Aspects of the second Press Commission” 26 J.I.L.I. 391 (1984)

Soli Sorabjee, Law of Press Censorship in India (1976)

Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends (1984)

D.D.Basu, The Law of Press of India (1980)

Student should consult relevant volumes of the Annual Survey of India law published by the Indian Law Institute. (Constitution Law 1 & 11, Administrative Law and Public Interest litigation).

LL. M. Semester-I

ADMINISTRATIVE PROCESS: NATURE AND SCOPE

Elective Course LME102

Credit 06

Continuous Evaluation 40 marks

Term End Examination 60 marks

Objective of the course

The administrative explosion of the 19th century in the common law world brought in new norms of relationship between the state and its citizens. In due course, the continental strategies of control over administration had their influence along with this the civil service and administrative agencies gained more and more importance when the state launched welfare programmes and became the guardian of the rights of individuals. The standards of administrative behaviour are moulded and supported through constitutional values in the lands of constitutional sovereignty. Necessarily, a student of law relating to administration should get a deep knowledge of the operation and changing phenomena of these standards from a comparative angle. This is so especially in the wake of technological revolution and its aftermath on the administration.

The syllabus prepared with the above mentioned objective comprises of 42 units to be spread over a semester.

UNIT-I

- 1. Administrative Process**
 - 1.1. Nature and meaning
 - 1.2. The role of civil service

UNIT-II

- 2. Administrative Process: Regulation to De-regulation and Control to Decontrol Globalization and Liberalization**
 - 2.1. Constitutional standards
 - 2.2. Comparative aspects

UNIT-III

3. Rule of Law

- 3.1 Changing dimensions
- 3.2 Regulation of administrative process

4. Separation of powers: From Rigidity to Flexibility

UNIT-IV

5. Delegated Legislation: Problems, Process and control

6. Power and duty

- 6.1 Doctrine of police power
- 6.2 Doctrine of eminent power
- 6.3 Taxing power
- 6.4 Responsibility and accountability

UNIT-V

7. Administrative Discretion

- 1.1 Structuring and limiting
- 1.2 Impact of technological development

Select bibliography

Friedman, The State and the Rule of Law in a Mixed Economy

Dicey, Introduction to the Law of the Constitution

Davis, Discretionary Justice

Jain & Jain, Principle of Administrative Law (1986) Tripathi

De Smith, Judicial Review of Administrative Action (1995)

M.P. Jain, Cases and materials on Administrative Law (1996), Vol. I Wadhwa, Nagpur

LL. M. Semester-I

Specialization Group II- CRIMINAL LAW

COMPARATIVE CRIMINAL PROCEDURE

Elective Course LME103

Credit 06

Continuous Evaluation 40 marks

Term End Examination 60 marks

Objectives of the course

Criminal Procedure is being taught as a compulsory paper at the level of LL.B. today. However, a jurisprudential thrust has to be given to this subject at the post-graduate level as this is a subject who has constitutional undertones and jurisprudential importance. A study of comparative criminal procedure helps students develop an ecumenical approach and broadens their vision. It inspires them renew and revise their laws to be in tune with development systems. The paper is taught with reference to India England, France and China.

UNIT-I

1. Organisation of Courts and Prosecuting Agencies

Hierarchy of criminal courts and their jurisdiction

Nyaya Panchayats in India

Panchayats in tribal areas

Organisation of prosecuting agencies for prosecuting criminals

Prosecutors and the police

Withdrawal of prosecution

UNIT-II

2. Pre-trial Procedures

Arrest and questioning of the accused

The rights of the accused

The evidentiary value of statements/articles seized/ collected by the police

Right to counsel

Roles of the prosecutor and the judicial officer in investigation

UNIT-III

3. Trial Procedure

- 3.1 The accusatory system of trial and the inquisitorial system
- 3.2 Role of the judge, the prosecutor and defence attorney in the trial
- 3.3 Admissibility and inadmissibility of evidence
 - 3.3.1 Expert evidence
- 3.4 Appeal of the court in awarding appropriate punishment
- 3.5 Plea bargaining

UNIT-IV

1. Correction and Aftercare services

- 1.1 Institutional correction of the offenders
- 1.2 General comparison – After-care service in India and France
- 1.3 The role of the court in correction programmes in India

2. Preventive Measures in India

- 2.1 Provisions in the Criminal Procedure Code
- 2.2 Special enactments

UNIT-V

3. Public Interest Litigation

- 6.1 Directions for criminal prosecution

Select bibliography

Celia, Hampton, Criminal Procedure

Wilkins and Cross, Outline of the Law of Evidence

Archhold, Pleading, Evidence and Practice in Criminal Cases

Sarkar, Law of Evidence

K.N.Chandrasekharan Pillai (ed.) R.V.Kellar's Outlines of Criminal Procedure (2000),

Eastren, Lucknow.

Patric Devlin, *The Criminal Prosecution in England*

American Series of Foreign Penal Code Criminal Procedure Code of People's Republic of China, John N. Ferdico, *Criminal Procedure* (1996), West

Sanders & Young, *Criminal Justice* (1994)

Christina Van Den Wyngart, *Criminal Procedure Systems in European Community* Joel Samaha, *Criminal Procedure* (1997) West.

Criminal Procedure Code, 1973

The French Code of Criminal Procedure

14th and 41st Report of India Law Commission.

The Paper will be taught with reference, wherever necessary, to the procedure in India, England US France, Russia and China

LL. M. Semester-I

ENVIRONMENT AND DEVELOPMENT: LAW AND POLICY

Elective Course LME104

Credit 06

Continuous Evaluation 40 marks

Term End Examination 60 marks

Objectives of the course

The concept of environment lay embedded in ancient ethos. Throughout the centuries there were invisible processes working for the maintenance and improvement of environment. Towards the close of the last millennium one finds widening dimensions of environmental protection strategies. Their gained ground the environmental consciousness. How do these developments stand reflected in formulation of polices and in following constitutional values in India? This is the thrust of the paper.

The following syllabus prepared with these perspectives will comprise about 42 units of one hour duration to be spread over a period of one semester.

Syllabus

1. The Idea of Environment

- 1.1. Ancient and medieval writings
- 1.2. Traditions
- 1.3. Natural and biological science: perspectives

2. Development

- 2.1. Theories of development
- 2.2. Right to development
- 2.3. Sustainable development- national and international perspectives
- 2.4. Developing economies

3. Policy and Law

- 3.1. From Stockholm to Rio and after
- 3.2. Post- Independence India
- 3.3. Role of government
- 3.4. Five Year Plans

- 3.5. Forest Policy
- 3.6. Conservation strategy
- 3.7. Water policy

4. Population, Environment and Development

- 4.1. Population explosion and environmental impact
- 4.2. Population and development
- 4.3. Population and sustainable development

5. Constitutional Perspectives

5.1. Fundamental Rights

- 5.1.1. Right to environment
- 5.1.2. Enforcement of the right
- 5.1.3. Directive principles and fundamental duties
- 5.1.4. Legislative power
- 5.1.5. Environment: Emerging concepts and challenges
- 5.1.6. Polluter pay principle: absolute liability of hazardous industry
- 5.1.7. Precautionary principle
- 5.1.8. Public trust doctrine

Select Bibliography

C.M.Abraham, Environmental Jurisprudence in India (1999), Kulwer

Madhav Gadgil and Ramachandra Guha, This fissured Island: An Ecological History of India (1996), Oxford

R.B. Singh & Suresh Misra, Environmental Law in India (1996), Concept Publishing Co, New Delhi

Kailash Thakur, Environmental Protection: Law and Policy in (1997), Deep & Deep Publication New Delhi.

Richard L. Riversz, et. Al. (eds), Environmental Law, the Economy and Sustainable Development (2000), Cambridge

Christopher D.Stone, Should Trees Have Standing and other Essays on Law, Morals and the Environment (1996), Oceana

Stuart Bell and Donald McGillivray, Environmental Law (2000), Blackstone Press

Charles A.R. Webster, Environmental Health Law (1981)

Leelakrishnan , P et.al. (eds.) Law and Environment (1990), Eastern

Leelakrishnan, P, The Environment Law in India (1999), Butterworths-India

Department of Science and Technology, Government of India, Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report)

Thomasj> Schoenbaum, Environmental Policy Law (1992), Foundation Press, Inc. Westbury, New York.

Darryl D'Monte, Temples or Tombs Industry versus Environment: Three Controversies (1985), Central for Science and Environment, New Delhi.

Indian Journal of Public Administration, Special Number on Environment and Administration, July –September 1988, Vol. XXXV, No. 3 pp. 353- 801

Khosho, Environmental Concerns and Strategies (1988), Ashsish , Delhi

Environment 1984-85 and the State of Indian Environment 1999-2000.

World Commission on Environment and Development, Our Common Future (1987), Oxford,

Garrett Hardin, The Ostrich Factor: Our Population Myopia (1998), Oxford

LL. M. Semester-I

Specialization Group III- HUMAN RIGHTS LAW

CONCEPT AND DEVELOPMENT OF HUMAN RIGHTS

Elective Course LME105

Credit 06

Continuous Evaluation 40 marks

Term End Examination 60 marks

Objectives of the course

Protection of Human Rights (HR) became an important issue after the Second World War and after the acceptance of Universal Declaration of Human Rights. The growth of HR Law and jurisprudence thereafter was spontaneous and continuous. The changes in the global scenario bring new concept of HR new concept endowed with human beings. However, they are not mere privileges given to the subjects by the ruler but are liberties permitted to the 'citizens' in a democracy. Manifestly a law that violates human rights is no law at all. Probably this perspective may give an impression that human rights are not different from natural rights envisaged by the natural law school.

Although Indian polity waited for more than one score and five years fro adoption of Fundamental Duties in the Constitution, it is beyond doubt that every human being has responsibilities and obligation not only towards the other follow beings, but also towards the society at large. Only when a society is aware of this right-duty relationship can there be any meaning to human rights.

This course is intended to highlight the concept of human rights, their evolution and their importance in our society now particularly in the era of privatization, globalisation and liberation.

Prepared with the above perspective, the following syllabus comprises of about 42 units to be spread over a period of one semester.

Unit-I

1. Human Rights: Concept.

Human rights in Indian tradition: ancient, medieval and modern

Human rights in western tradition

Development of natural rights

Human rights in international law and national law.

Unit-II

2. Classification of Human Rights – First, Second and Third Generations: Historical Development.

Unit-III

3. Human Rights: Politics and Society

- 1.1. Colonisation, imperialism and human rights
- 1.2. Power, practices, accountability and transparency
- 1.3. Liberalization, privatization and globalization.
- 1.4. Human duties: responsibilities and obligations

Unit-IV

4. Human Rights and Judicial Process

Judicial activism.

Unit-V

5. Human Rights Protection Agencies

Select bibliography

Angela Hegarty, Siobhan Leonard, Human Rights an Agenda for the 21st Century (1999)

Lalit Parmer, Human Rights (1998)

Rama Jois, Human Rights: Bharatiya Values (1998)

David P. Forsythe, Human Rights in International Relations.

Lon L. Fuller, The Morality of Law

John Finnis, Natural Law and Natural Rights, (1980)

Julius Stone, Human Law and Human Justice, (2000), Universal, New Delhi.

M.G.Chitkara, Human Rights: Commitment and Betrayal (1996)

V.D. Kulshreshtra, Landmarks in the Indian Legal and Constitutional History, (1995)

Robert Lewngat, The Classical Law of India (1998), Oxford.

LL. M. Semester-I

LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY

Elective Course LME106

Credit 06

Continuous Evaluation 40 marks

Term End Examination 60 marks

Objectives of the course

The concept of intellectual property rights as developed in India cannot be divorced from the developments in the international arena as well as in the nation-to-nation relations. The impact of IPR regime on the economic front is emphasized in this paper. In particular, greater attention would be given here to the law relating to unfair and restrictive trade practices as affecting the regime of intellectual property rights. New areas of development, especially plant patenting and patenting of new forms of life (biotechnology) should receive special attention. Evidentiary aspects of infringement, and human right dimensions of the regime of intellectual property law will also be addressed.

UNIT-I

1. IPR and International Perspectives
2. Trademarks and Consumer Protection (Study of UNCTAD report on the subject)
3. The Legal Regime of Unfair Trade Practices and of Intellectual Industrial Property
 - 3.1. United Nations approaches (UNCTAD, UNCITRAL)
 - 3.2. EEC approaches
 - 3.3. Position in U.S.
 - 3.4. The Indian situation.
4. Special Problems of the Status of Computer Software in Copyright and Patent Law:
A Comparative Study

UNIT-II

5. Biotechnology Patents:

- 5.1. Nature and types of biotechnology patents
- 5.2. Patent over new forms of life: TRIPS obligations
- 5.3. Plant patenting
- 5.4. Sui generis protection for plant varieties
- 5.5. Multinational ownership
- 5.6. Regulation of environment and health hazards in biotechnology patents
- 5.7. Indian policy and position.

UNIT-III

6. Patent Search, Examination and Records:

- 6.1. International and global patent information retrieval systems (European Patent Treaty).
- 6.2. Patent Co-operation Treaty (PCT)
- 6.3. Differences in resources for patent examination between developed and developing societies
- 6.4. The Indian situation

UNIT-IV

7. Special Problems of Proof of Infringement:

- 7.1. Status of intellectual property in transit - TRIPS obligation - Indian position.
- 7.2. The evidentiary problems in action of passing off.
- 7.3. The proof of non-anticipation, novelty of inventions protected by patent law
- 7.4. Evidentiary problems in piracy: TRIPS obligation - reversal of burden of proof in process patent
- 7.5. Need and Scope of Law Reforms.

UNIT -V

8. Intellectual Property and Human Right

- 8.1. Freedom of speech and expression as the basis of the regime of intellectual property right –
Copy right protection on internet - WCT (WIPO Copyright Treaty, 1996)

8.2. Legal status of hazardous research protected by the regime of intellectual property law.

8.3. Human right of the impoverished masses intellectual property protection of new products for

Health care and food security

8.4. Traditional knowledge - protection- biodiversity convention- right of indigenous people.

Select Bibliography

Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.

Terenee P. Stewart (ed.), *The GATT Uruguay Round: A Negotiating History (1986-1994)* the End

Game (Part - 1) (1999), Kluwer

Iver P. Cooper, *Biotechnology and Law* (1998), Clerk Boardman Callaghan, New York

David Bainbridge, *Software Copyright Law* (1999), Butterworths

Sookman, *Computer Law* (1998), Carswell

Carlos M. Correa (ed.), *Intellectual Property and International Trade* (1998), Kluwer

Patent Co-operation Treaty Hand Book (1998), Sweet and Maxwell

Christopher Wadlow, *The Law of Passing-Off* (1998), Sweet and Maxwell

W.R.Cornish, *Intellectual Property Law* (1999), Sweet and Maxwell

LL. M. Semester-I

SKILL DEVELOPMENT MODULE

Skill Course LMS101

**Credit 02
100 Marks**

Comprehensive *Viva-Voce*

Credit 06

Comprehensive *viva-voce* of 4 virtual credits will be conducted at the end of each semester of the programme by a board of examiners. The grades awarded in the viva-voce shall be shown separately in the grade-sheet.