

**FIVE-YEAR INTEGRATED LAW COURSE
FACULTY OF LAW, UNIVERSITY OF DELHI
B.A.LL.B. (H) and B.B.A.LL.B. (H)
COURSE STRUCTURE**

SEMESTER VII – BA.LL.B(H) & BBA.LL.B(H)

1. Mediation and Conciliation Skills (SEC) - Skill Course 5
2. Labour Law [CP 19]
3. Environmental Law [CP-20]
4. International Trade Law/Human Rights Law- Optional Paper [OP-1]
5. Aviation Laws/ Intellectual Property Law- Optional Paper [OP – 2]
6. Honours Paper [HLP 3]
7. Honours Paper [HLP 4]

IP Law	Business Law	Law and Technology
Law relating to Trademarks	Banking and Insurance Law	Legal regimes on Privacy and Data Protection
Copyright Law	Corporate Governance and Social Responsibility of Business	Law on Block-chain and Regulation of FinTech Industry

SKILL COURSE-5

MEDIATION AND CONCILIATION SKILLS- SKILL COURSE

Course Objectives

Mediation and Conciliation have been seen to lead to resolutions without arduous trials, and, moreover, solutions are arrived at in a relatively shorter time. The aim of this course is to teach students the art of Mediation and Conciliation, enabling them to appreciate and understand the true nature and benefits of mediation, which, in turn, will pave the way for great reform in the Indian Legal System. Greater acceptability and adoption of mediation will reduce the burden on courts and enable parties to reach quick, efficient resolutions in disputes, thereby leading to amicable, peaceful, and mutually agreed settlements without the intervention of the court.

Learning Outcomes

After the completion of this course, the student will:

- Be able to understand the historical antecedents, needs and elements of the mediation process.
- Be conversant with the key concepts under the Mediation Act, 2023.
- Comprehend the process of mediation, practice mediators' skills and draw settlement agreements.
- Acquire skills required for effective communication.

Unit 1: Mediation: Need and Legal Framework

- I. **Importance of Mediation:** Pendency of cases in India, its causes and consequences. The need for Alternative Dispute Resolution. Mediation as a flexible, timely, cost-effective mode of alternative dispute resolution. Mediation by Mahajans, Panchas and religious leaders. Ahimsa, Satyagraha and Gandhian principles of pragmatic, non-violent conflict resolution.
- I. **The Mediation Act, 2023:** Scope and application of the Act, Definitions, Mediation agreement, pre-litigation mediation, Disputes or matters not fit for mediation, Appointment of mediators, Conflict of interest and disclosure, termination and replacement of the mediator, Mediation proceedings, Role of mediator, confidentiality, Enforcement of mediated settlement agreement, Online mediation, Mediation Council of India, Mediation Institutes and Community Mediation.

- II. UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation, 2018; United Nations Convention on International Settlement Agreements Resulting from Mediation (the Singapore Convention on Mediation).

Unit 2: Elements of Mediation Process and Strategies (Demo and practice sessions)

- I. **Process/stages of Mediation:** Problem-defining, Problem-solving and settlement stages. Opening round, joint sessions and private caucus. Gathering information, analysing issues and interests, generating options and proposals, resolving disagreements, reaching agreement.
- II. **Approaches to Mediation:** Facilitative, Evaluative and Transformative Mediation. Role of the Mediator as a neutral facilitator, impartial moderator, trusted interlocutor but never a legal advisor.
- III. **Elements of verbal and non-verbal communication:** Choice of words, clarity of thought and expression, right pitch, tone and emphasis, body language.
- IV. **Conducting effective mediation:** summarizing the facts, understanding respective positions, discussing issues rationally, recognizing both individual and common interests, empathizing with underlying emotions and asking relevant open-ended questions, conveying offers and proposals, applying reality checks. Assessing the alternatives to a negotiated settlement (BATNA, WATNA, MLATNA); Causes for impasse; Breaking the impasse.
- V. **Ensuring positive outcomes:** Distributive v Integrative negotiation. Expanding the pie and developing win-win solutions.

Unit 3: Experiential Learning

- I. Visit to Mediation centres and gaining understanding of the process.
- II. Periodic attendance at court-annexed mediation centres to observe mediation sessions.
- III. Gaining practical mediation experience as observers with private mediators recommended and approved by Bar Council of India and at private mediation centres (duly approved by Bar Council of India) or court-annexed mediation centres.

References:

- Sriram Panchu, Mediation - Practice and Law (3rd edn, 2021) Lexis Nexis
- Iram Majid, Mediation: Theory to Practice (1st edn, 2022) Thomson Reuters.
- Mediation and Conciliation Project Committee, Supreme Court of India, Mediation Training Manual of India.
- Roger Fisher, William Ury and Bruce Patton, Getting to Yes: How to Negotiate Agreement Without Giving In (2012).

Evaluation: Internal Assessment – 50 marks

- **Practical** – 20 marks
Simulated Role-play Exercise
- **Theory/Draft Submission** – 30 marks
Preparation of the report pursuant to the visit to the mediation Centre
Drafting a settlement agreement
Drafting a mediation plan

1. LABOUR LAW- COMPULSORY PAPER

Learning Objectives:

Labour and work are intrinsic to human life. It is the basic means of livelihood for most of the population of the country, linking it to the dignity and self-actualisation of a human being. At the same time, labour and work are tied to an economic system which can run counter to the rights of the workers. Therefore, labour law becomes essential to ensure that dignity and fair working-conditions are provided to the workers. Thus, the labour laws ensure that the workers are not reduced to commodities while ensuring that efficient allocation of resources can happen in an economy. The Indian legislative framework for the protection of the labour force is complex. There is multiple legislation to deal with labour and employment issues. Paradoxically, legislative measures have often failed to provide adequate outcome of offering protection to the labour force. The Government of India intends to simplify the legislative structure by introducing four labour codes, with the intention of increasing the ease of doing business in India. The present course focuses on the regulation of labour and employment in India.

Learning Outcomes:

After completion of this course, the students will be able to:

- Understand the concept of labour and its role in economy of the country.
- Appreciate the industrial relationships and its significance.
- Critically examine the role of collective bargaining and the functioning of Trade Unions.
- Understand the dynamics of industrial disputes, their impact and the settlement process.

Course Contents:

Unit- I: Introduction to Labour Law

- Sociological Understanding and Philosophical Issues of Labour
- Labour in Formal and Informal Sectors
- History and Development of Labour Law,
- Right to Work to Labour and International Law
- Constitutional Scheme of Labour Regulations in India

Unit- II: Trade Union- Definition, Registration and Recognition

- Trade Union: Objectives and Significance
- Trade Unionism and Trade Union Movements

- Trade Union Movement in India
- Law and Practise Recognizing Trade Unions
- Legal Status of Registered Trade Unions
- Collective Bargaining and Its Significance

List of Cases:

1. *Rangaswami v. Registrar of Trade Unions*, AIR 1962 Mad. 231
2. *The Tamil Nadu Non-Gazetted Government Officers' Union, Madras v. The Registrar of Trade Unions*, AIR 1962 Mad. 234
3. *In Re Inland Steam Navigation Worker's Union*, AIR 1936 Cal 59
4. *The Food Corporation of India Staff Union v. Food Corporation of India & Ors*, AIR 1995 SC 1344.

Unit- III: Basic Concepts of Labour Law

- Industrial Relations: Concept and Significance
- Impact of Globalization on Industrial Relations
- Changing Dimensions of Industrial Relations in India
- Definitions of Industry, and Industrial Disputes
- Definition of Workmen, Employees, and Worker
- Definition of Employer, Immediate and Principal Employer, and Occupier

List of Cases:

5. *Bangalore Water Supply and Sewerage Board v. A. Rajappa*, AIR 1978 SC 548
6. *Workmen of Dimakuchi Tea Estate v. Management of Dimakuchi Tea Estate*, AIR 1958 SC 353
7. *Municipal Corporation of Delhi v. Female Workers (Muster Roll)* AIR 2000 SC 1274
8. *J.H. Jadhav v. Forbes Gokak Ltd.* (2005) 3 SCC 202
9. *Dharangadhra Chemical Works Ltd. v. State of Saurashtra*, AIR 1957 SC 264
10. *A. Sundarambal v. Government of Goa, Daman & Diu*, AIR 1988 SC 1700

Unit- IV: Means of Economic Coercion

- Meaning of Strikes and Lock-outs
- Justifiability of Strikes and Lock-outs
- Strike and Temporary Closing of Place of employment
- Prohibition of Strikes and Lock-outs
- Illegal Strikes and Lock-outs and Payment of wages

List of Cases:

11. *Management of Chandramalai Estate v. Its Workmen*, AIR 1960 SC 902
12. *Syndicate Bank v. K. Umesh Nayak* (1994) 5 SCC 572
13. *Essorpe Mills Ltd. v. P.O.; Labour Court* (2008) 7 SCC 594
14. *T.K. Rangarajan v. Government of Tamil Nadu and others*, (2003) 6 SCC 581

Unit- V: Termination of Employment

- Lay-off: Definition, Right to Lay-off and Consequences
- Difference between Lay-off and Lock-Out
- Retrenchment: Definition, Conditions Precedent and Procedure
- Rights of Retrenched and Laid-off Workers
- Closure, Discharge and Dismissal

List of Cases:

15. *Punjab Land Development and Reclamation Corporation Ltd. v. Presiding Officer, Labour Court* (1990) 3 SCC 682

16. *The Workmen of Fire Stone Tyre & Rubber Co. Pvt. Ltd. v. Fire Stone Tyre & Rubber Co. Pvt. Ltd.* (1976) 3 SCC 819
17. *U.P. State Brassware Corporation Ltd. v. Uday Narain Pandey* (2006) 1 SCC 479
18. *Deepali Gundu Surwase v. Kranti Junior Adhyapak & Ors* (2013) 10 SCC 324
19. *Management of the Barara Cooperative Marketing cum Processing Society Ltd. v. Workman Pratap Singh* AIR 2019 SC 228
20. *Manju Saxena v. Union of India, Supreme Court of India Civil Appeal Nos. 1176611767 OF 2018*
21. *Ram Manohar Lohia Joint Hospital v. Munna Prasad Saini Civil Appeal No. 5810 of 2021*

Unit- VI: Dispute Resolution Processes and Standing Orders

- Reference to Board/Court/Tribunal/Arbitration
- Settlement of Industrial Disputes and Awards
- Concept and Nature of Standing Orders
- Operation and Binding Effects of Standing Orders
- Modification and Temporary Application

Prescribed Legislations and Reports:

- The Industrial Relations Code, 2020
- The Industrial Disputes Act, 1947
- The Trade Unions Act, 1926
- The Industrial Employment (Standing Orders) Act, 1946,
- The Report of the First National Commission on Labour, 1969
- The Report of the Second National Commission on Labour, 2002

Essential Readings:

- Guy Davidov and Brian Langille (eds.) *The Idea of Labour Law*, (Oxford University Press, 2013)
- V.G. Goswami, *Labour and Industrial Laws* (Allahabad: Central Law Agency)
- S.C. Srivastava, *Industrial Relations and Labour Laws* (New Delhi: Vikas Publishing Co.)
- K.M. Pillai, *Labour and Industrial Law* (Allahabad: Allahabad Law Agency)
- Piyali Ghosh and Shefali Nandan, *Industrial Relations and Labour Laws* (New Delhi: McGraw Hill Education (India) Pvt. Ltd.)
- Kamala Sankaran, *Protecting the Worker in the Informal Economy: The Role of Labour Law, Boundaries and Frontiers of Labour Law 205-207* (Davidov and Langille ed., Hart Publishing, 2005)
- Kamala Sankaran, *Freedom of Association in India and International Labour Standards* (2009)

Suggested Readings:

- P.L. Malik, *K.D. Srivastava's Law Relating to Trade Unions and Unfair Labour Practices in India* (Lucknow: Eastern Book Company, 4th Edition, 2002 with Supplement 2003)
- Anand Prakash, Suresh C. Srivastava and P. Kalpakam, *Labour Law and Labour Relations : Cases and Materials* (Indian Law Institute, 2007)
- E.M. Rao, *O.P. Malhotra's the Law of Industrial Disputes* (New Delhi: LexisNexis India, 6th Edition, 2004)

- Sumeet Malik, *P.L. Malik's Industrial Law* (Lucknow: Eastern Book Company, 24th Edition, 2015)
- K.D. Srivastava, *Industrial Employment (Standing Orders) Act, 1946* (4th ed., 1998 with Supplement 2003)
- UN Committee on Economic, Social and Cultural Rights, General Comment No. 18 on Article 6: Right to Work, 2006

Important Note:

- The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
- The students are required to study the legislations as amended up-to-date, recent judgements and consult the latest editions of books.

2. ENVIRONMENTAL LAW- COMPULSORY PAPER

Course Objectives:

- To introduce students to the evolution, scope, and sources of environmental law at international and domestic levels.
- To examine foundational principles governing environmental protection and sustainable development.
- To analyse constitutional, statutory, and judicial mechanisms for environmental governance in India.
- To develop critical understanding of environmental adjudication, compliance, and enforcement through case law.

Learning Outcomes:

At the end of this course students will be able to:

- Understand and apply key principles of international and Indian environmental law.
- Analyse environmental issues through constitutional, statutory, and rights-based frameworks.
- Interpret landmark judicial decisions shaping environmental jurisprudence in India.
- Evaluate institutional mechanisms such as Pollution Control Boards and the National Green Tribunal.

Course Contents:

Unit I: International Environmental Law and Fundamental Principles of Environmental Protection

- Development and scope of international environmental law
- Core principles: state responsibility, precaution, sustainable development
- Major international instruments: Stockholm Declaration, Rio Declaration, United Nations Framework Convention on Climate Change, Kyoto Protocol, Paris Agreement, Convention on Biological Diversity
- Human right to a healthy environment and sustainable development goals
- Development vs environment debate
- Sustainable development (inter-generational and intra-generational equity)
- Precautionary principle and polluter pays principle

- Public trust doctrine and community rights
- Environmental dimensions of Fundamental Rights (Articles 14, 19, 21)
- Directive Principles and Fundamental Duties
- Public Interest Litigation and expanded locus standi
- Role of Supreme Court and High Courts

Cases:

- *Trail Smelter Arbitration (USA v. Canada)* 3 R.I.A.A. 1905 (1941)
- *Gabcikovo–Nagymaros Project (Hungary v. Slovakia)* 1997 I.C.J. 7
- *Vellore Citizens Welfare Forum v. Union of India* (1996) 5 SCC 647
- *Indian Council for Enviro-Legal Action v. Union of India* (1996) 3 SCC 212
- *Subhash Kumar v. State of Bihar* 1991 AIR 420
- *M.C. Mehta v. Union of India* (1997) 2 SCC 353.

Unit II: Right of Nature: Emerging Jurisprudence

- Concept & Shift in Approach
- Rights of Nature & Legal Personhood
- Comparative & Indian Jurisprudence
- Doctrinal & Constitutional Integration
- Challenges & Critical Debate

Cases:

India

- *Mohd. Salim v. State of Uttarakhand* (2017)
- *Animal Welfare Board of India v. A. Nagaraja* (2014)
- M.C. Mehta series (environmental jurisprudence foundation)

International

- Whanganui River Case (2017, New Zealand)
- Atrato River Case (2016, Colombia)

Unit III: Prevention and Control of Pollution

- Water (Prevention and Control of Pollution) Act, 1974
- Air (Prevention and Control of Pollution) Act, 1981
- Role and powers of Pollution Control Boards
- Noise and vehicular pollution control mechanisms

Cases:

- *Municipal Council, Ratlam v. Vardichand* AIR 1980 SC 162
- *Forum, Prevention of Environment & Sound Pollution v. Union of India* AIR 2006 SC 348

Unit IV: Environmental Protection and Hazardous Activities

- Environment (Protection) Act, 1986
- Environmental Impact Assessment (EIA) regime
- Hazardous substances, strict and absolute liability
- Climate change and energy law concerns

Cases:

- *M.C. Mehta v. Union of India* (Oleum Gas Leak Case) AIR 1987 SC 965
- *Union Carbide Corporation v. Union of India* 1992 AIR SC 248

Unit V: National Green Tribunal

- Need for specialised environmental courts
- National Green Tribunal Act, 2010
- Jurisdiction, powers, procedures, and remedies
- Access to justice and environmental adjudication

Cases:

- *Techi Tagi Tara v. Rajendra Singh Bhandari* 2017 INSC 986
- *Municipal Corporation of Greater Mumbai v. Ankita Sinha* (2022) 13 SCC 401

Unit VI: Forests, Biodiversity and Wildlife Protection

- Indian Forest Act, 1927 and Forest (Conservation) Act, 1980
- Forest Rights Act, 2006
- Biological Diversity Act, 2002
- Wildlife Protection Act, 1972

Cases:

- *Orissa Mining Corporation v. Ministry of Environment & Forests* (2013) 6 SCC 476
- *T.N. Godavarman Thirumulpad v. Union of India* (1997) 2 SCC 267.

Suggestive Readings

1. Philippe Sands & Jacqueline Peel, *Principles of International Environmental Law*
2. Shyam Diwan & Armin Rosencranz, *Environmental Law and Policy in India*
3. P. Leelakrishnan, *Environmental Law in India*

3. INTERNATIONAL TRADE LAW (OP-1)

Course Objectives:

The objectives of this course is

- To develop an understanding of the legal principles governing international trade, including the role of the WTO and trade agreements.
- To equip students with the ability to critically analyze international trade agreements and dispute settlement mechanisms.
- To examine how international trade laws intersect with national policies.
- To develop practical skills in applying international trade law to hypothetical and real-world scenarios, including trade negotiations, and dispute resolution.

Learning Outcomes:

After this course the students will be able to:

- Demonstrate comprehensive knowledge of the fundamental legal principles governing international trade.
- Critically evaluate and interpret the provisions of international trade agreements and the legal reasoning used in trade dispute settlement cases.

- Analyze the interaction between international trade law and national policies, assessing how domestic regulations align or conflict with international trade obligations.
- Formulate well-reasoned legal arguments and strategies for addressing contemporary issues in global trade, demonstrating both analytical and practical legal skills.

Unit I: Theoretical and Historical Background and Evolution of WTO

- Historical Perspective of International Trade
- Introduction to Global Economics and International Trade Law
- Protectionism and Free Trade theories
- The Havana Charter & Birth of GATT, 1947
- GATT Rounds of Negotiation
- GATT 1994 & The WTO: Its Genesis (Uruguay Round 1986 to 1994)
- WTO Agreements, Understandings, Annexes, Membership
- Organizational Structure of WTO
- Objective, Functions and Structure of WTO (Key Organs/Bodies)
- Decision Making Process, Voting, Amendment, Waiver etc.

Unit II: Dispute Settlement Procedures under GATT and WTO

- Dispute settlement under GATT: Article XXII, Article XXIII, its merits & demerits
- Dispute Settlement Procedure under the WTO charter (refer Agreement on Dispute Settlement Understanding), Consultation, Dispute Panel Body, Appellate Body, Implementation of findings/decisions of WTO Dispute Settlement Body (Refer Article XXV GATT)
- Difference between the GATT and WTO dispute settlement procedures

Unit III: The Principles of GATT & WTO & its exceptions

- Most-Favoured-Nation Treatment (MFN) under Article 1 of GATT 1947: its meaning, scope, significance & advantages
- Exceptions to MFN (Annexes A to F of Article 1, Customs Unions and Free Trade Areas (Art. XXXIV), Generalized System of Preferences (Art XXV), Art. XXXV, Art XXV, Art. XX, Art XXI, XII-XVIII, Art. VI, Subsidies Code and Government Procurement Code, Art XXIII, XIX (Escape Clause); Regional Associations like NAFTA, EU, BRICS, SAFTA, TTIP, RCEP etc.
- National treatment principle (NT) under Article III, GATT: its Origin & Scope, Meaning, Methodology.
- Meaning and scope of 'Like product'
- **Principle of Market Access** (Elimination of quantitative restrictions and tariff bindings)
- **Principles of Trade Facilitation**
 - GATT provisions relating to trade facilitation
 - The Trade Facilitation Agreement
 - Other Agreements under Annex IA relating to trade facilitation
- Exceptions to the Rules on Trade in Goods and Regulation of Non-Tariff Barriers
- General Exceptions under GATT

- Security Exceptions
- Exceptions to Protect Particular Industries
 - Antidumping Measures
 - Subsidies and Countervailing Measures & Fisheries Subsidies
 - Safeguard Measures

Cases:

- Application of Article 1:1 to Rebates on Internal Taxes [India Tax Rebates on Exports] (1948); II GATT B.I.S.D.12, available at https://www.wto.org/english/tratop_e/dispu_e/gatt_e/48tax_exp.pdf
- Japan-Taxes on Alcoholic Beverages case, Complaints by the European Communities, Canada, and the United States against Japan, (WT/DS8, DS10, DS11), Appellate Body and Panel Reports adopted on 1 November,1996, available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/WT/DS/8ABR.pdf&Open=True>
- India – Measures Affecting the Automotive Sector case, Complaint by US & EU against India, WT/DS146/R, 5 April,2002, available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/WT/DS/175ABR.pdf&Open=True>
- European Communities – Measures Prohibiting the Importation and Marketing of Seal Products, WT/DS400/AB/R and WT/DS401/AB/R (adopted 18 June2014), available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/DS/400ABR.pdf&Open=True>
- United States- Certain Measures on Steel and Aluminum Products, DS 547 (2019) 6. United States- Certain Measures Relating to the Renewable Energy Sector, DS 510 (2019), available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/DS/510R.pdf&Open=True>

Unit IV: Subsidies and Countervailing Measures and Dumping and Anti-Dumping Duties

- Identification of Subsidies that are subject to the SCM Agreement
- Definition of ‘Subsidy’, ‘Specificity’.
- Regulation of Specific Subsidies
- Prohibited Subsidies
- Non- actionable Subsidies
- Actionable Subsidies
- Dispute Settlement and Remedies
- Anti-dumping Investigations
 - i) Initiation
 - ii) Evidence used in the Investigation
 - iii) Key substantive issues: Dumping, injury and causation
- Anti- dumping Measures
 - i) Provisional measures

- ii) Price undertakings
- iii) Duration & review of duties
- iv) The use of Anti-dumping Measures other than Tariff Duties
- Challenging AD measures in WTO Dispute Settlement
 - i) Standard of Review
 - ii) The measures to be challenged
 - iii) Good faith, Even-handedness, Impartiality

Cases:

- U.S. –Countervailing Measures on Certain Hot-Rolled Carbon Steel Flat Products From India, WT/DS 436/AB/R (19 December 2014), available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/DS/436ABR.pdf&Open=True>
- Canada-Certain Measures Relating to the Renewable Energy Sector, WT/DS412/AB/R (24 May 2013), available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/DS/412ABR.pdf&Open=True>
- India – Measures Concerning Sugar and Sugarcane, DS 579 & 580 & 581 (2020).
- India-Export Related Measures, DS 541(2019), available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/DS/541R.pdf&Open=True>
- United States-Anti-Dumping and Countervailing Measures on Steel Plate from India case, Complaint by India against US, WT/DS 206, 19 Feb., 2003, available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/WT/DS/206R-00.pdf&Open=True>
- United States- Countervailing and Anti-dumping Measures on Certain Products from China case, Complaint by China against US, WT/DS 449, 7 July, 2014, available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/DS/449ABR.pdf&Open=True>
- China-Anti-Dumping and Countervailing Duties on Certain Automobiles from the United States case, Complaint by US against China, WT/DS 440, 18 June, 2014, available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/DS/440R.pdf&Open=True>
- *Union of India & Ors v. M/S Kumho Petrochemicals Co. Ltd* (2017) 8 SCC 307.
- *Eveready Industries India Ltd v. Union of India & Ors* (2019) Delhi HC.

Unit V: GATS, TRIMS, TRIPS

General Agreement on Trade in Services

General Introduction and its scope

General obligations and disciplines

MFN Principle (GATS Article II & Annex)

Domestic regulations (GATS Article VI)

Exceptions (GATS Article XIV)

Specific commitments (GATS Parts III-IV)

Market access

National treatment

Trade-Related Investment Measures (TRIMS)

Introduction

National Treatment and Quantitative Restrictions, Inconsistent TRIMs

Notification & Transitional Agreements, Transparency

Provision for Developing Country Members

Agreement on Trade Related Intellectual Property Rights (TRIPS)

General Principles

Specific IPRs protected under TRIPS

Administration of IPRs

Agreement on Agriculture

- Market Access
- Domestic Support
- Export Subsidies
- Food Security

Trade Facilitation Agreement

Cases

- US- Measures Affecting The Cross-Border Supply of Gambling and Betting Services, WT/DS285/AB/R, 7 April 2005, available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/WT/DS/285ABR.pdf&Open=True>
- India-Certain Measures Relating to Solar Cells and Solar Modules case, Complaint by US against India, WT/DS 456, 16 September 2016, available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/WT/DS/285ABR.pdf&Open=True>

Unit VI: Legal Perspective to International Commerce

- Standard Trade Terms (CIF, FOB, FAS)
- Formation and Enforcement of International contracts
- Rights & Liabilities of Parties to Contracts
- Bills of Exchange
- Law Relating to Bills of Exchange

- Commercial Credit in International Trade
- Letter of Credit: Types and the Law Relating to Commercial Credit
- Carriage of Goods by Sea
- Bills of lading and Charter Parties
- Rights and Liabilities of the Parties to Contract of Carriage

Cases:

Humboldt Wedag India Pvt. Ltd. v. Dalmia Cement Ventures Ltd. (2010) SCC Online Del. 3383

Shipping Corporation of India v. Bharat Earth Movers Ltd. (2008) 2 SCC 7.

Contship Container Lines Ltd. v. D.K. Lall (2010) 4 SCC 2.

Readings:

- Faculty of Law, University of Delhi International Trade Law [LB- 5034] Course materials
- Indira Carr, International Trade Law, (5th edn.) Routledge (2014).
- Raj Bhala, International Trade Law: A Comprehensive Textbook (4 Vols), (5th ed.) Carolina Academic Press (2019).
- Autar Krishen Kaul, A Guide to the W.T.O. and GATT: Economics, Law, and Politics, Kluwer Law International (2006).
- James J. Nedumpara, Injury and Causation in Trade Remedy Law: A Study of WTO Law and Country Practices (1st edn.) Springer (2016).
- Sheela Rai, *An Introduction to WTO Jurisprudence* (Thomson Reuters, 2022).
- Jason Chuah, Law of International Trade, (5th edn.) Sweet & Maxwell (2013).
- John Head, General Principles of Business and Economic Law (1st ed.) Carolina Academic (2008).

4. HUMAN RIGHTS LAW (OP-1)

Course Objectives

- To introduce undergraduate law students to the concept, evolution, and significance of human rights.
- To examine constitutional guarantees and statutory mechanisms for protection of human rights in India.
- To familiarise students with institutional frameworks such as courts and human rights commissions.
- To sensitise students to contemporary human rights issues affecting vulnerable and marginalised groups.

Learning Outcomes

On successful completion of the course, students will be able to:

- Explain the concept, nature, and classification of human rights.
- Identify constitutional and statutory safeguards for human rights in India.

- Analyse landmark judicial decisions on human rights.
- Apply human rights principles to practical legal and social problems.

Unit I: Concept and Evolution of Human Rights

- Philosophical foundations of human rights
- Historical development of human rights
- Meaning and definition of human rights
- Classification of human rights:
 - First Generation Rights: Civil and Political Rights
 - Second Generation Rights: Economic, Social and Cultural Rights
 - Third Generation Rights: Collective & Solidarity Rights
- Relationship between rights and duties

Cases:

- *A.K. Gopalan v. State of Madras AIR 1950 SC 27*
- *Kesavananda Bharati v. State of Kerala AIR 1973 SC 1461*

Unit II: Human Rights under the Indian Constitution

- Fundamental Rights under Part III of the Constitution
- Right to Equality (Articles 14–18)
- Fundamental Freedoms (Article 19)
- Right to Life and Personal Liberty (Article 21)
- Directive Principles of State Policy and human rights
- Fundamental Duties and social responsibility

Cases:

- *Maneka Gandhi v. Union of India AIR 1978 SC 597*
- *Francis Coralie Mullin v. Administrator, Union Territory of Delhi AIR 1981 SC 746*

Unit III: Protection of Human Rights Act and Institutions

- The Protection of Human Rights Act, 1993
- National Human Rights Commission:
 - Composition
 - Powers and functions
- State Human Rights Commissions
- Human Rights Courts
- Limitations and challenges in enforcement

Cases:

- *NHRC v. State of Arunachal Pradesh 1996 AIR 1234*
- *People's Union for Civil Liberties v. Union of India AIR 1997 SC 568*

Unit IV: Rights of Vulnerable and Marginalised Groups

- Rights of women
- Rights of children
- Rights of Scheduled Castes and Scheduled Tribes
- Rights of minorities

- Rights of persons with disabilities

Cases:

- *Vishaka v. State of Rajasthan AIR 1997 SC 3011*
- *Sheela Barse v. Union of India (1986) 3 SCC 596*

Unit V: Criminal Justice System and Human Rights

- Rights of arrested persons and accused
- Rights of prisoners and undertrials
- Custodial violence and torture
- Preventive detention and safeguards
- Police powers and human rights

Cases:

- *D.K. Basu v. State of West Bengal (1997) 1 SCC 416*
- *Sunil Batra v. Delhi Administration 1978 SCC (4) 494*

Unit VI: Human Rights and International Law

- Universal Declaration of Human Rights, 1948
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Human Rights Committee
- Role of international conventions in Indian courts
- Harmonisation of international norms with domestic law
- Human rights and terrorism
- Human rights and development
- Media, privacy, and digital rights
- Environmental human rights
- Role of civil society, NGOs, and activism

Cases:

- *Vishaka v. State of Rajasthan (use of international conventions) AIR 1997 SC 3011*
- *Gramophone Company of India v. Birendra Bahadur Pandey (1984) 2 SCC 534*
- *K.S. Puttaswamy v. Union of India (2017) 10 SCC 1*
- *Narmada Bachao Andolan v. Union of India 2000 (10) SCC 664*

Suggestive Readings

1. Durga Das Basu, *Human Rights in Constitutional Law*
2. H.O. Agarwal, *Human Rights*
3. Upendra Baxi, *The Future of Human Rights*
4. Justice V.R. Krishna Iyer, *Human Rights and the Law*

5. AVIATION LAWS (OP-2)

Course Objectives:

Aviation laws regulate flight, air travel, aircraft operations, and associated business activities. International treaties and national regulations are key regulatory measures to ensure safety, security, and efficiency such travel, operations, and associated activities. It is an emerging branch of law and has become a demanding course of legal education in the global context. The increasing intensity of such travel, operations, and associated activities well justifies offering of this course as an optional paper. The course will prepare professionals with requisite expertise in compliance, safety, liability, and dispute resolution in the sector.

Learning Outcomes:

Upon completion of the course, students will be able to:

- Understand global aviation industry structure, operation and key issues;
- Appreciate principles, and international and national regulatory systems;
- Analyse complex legal issues related to aviation operations, liability, and consumer rights;
- To understand regulatory compliance and possible resolution of disputes; and
- To examine the emerging challenges of aviation industry.

Course Contents:

Unit- I: Introduction to Aviation Law

- Meaning, scope, and significance of Aviation Law
- Historical Development of Aviation Law
- Differentiation between Public and Private Aviation Law
- Fundamental Principles: Sovereignty of Airspace, and Freedom of the Skies

Unit- II: International Legal Framework

- International Civil Aviation Organization: Formation, and Functions
- The Chicago Convention, 1944: Principles of International Air Law.
- The Warsaw Convention, 1929 and the Montreal Convention, 1999: Liability regimes.
- The Cape Town Convention: Aircraft Financing and Leasing
- Liberalization of International Air Travel: Open Skies Agreements

Unit- III: Regional and National Regulatory Frameworks

- Regional Agreements: EU Aviation Policy, and ASEAN Single Aviation Market.
- National Regulatory Authorities
- FAA in the USA, EASA in Europe, and DGCA in India

Unit- IV: Indian Regulatory Framework and Judicial Decisions

- The Bharatiya Vayuyan Adhiniyam 2024 and The Aircraft Act, 1934: Historical background, Objectives and purposes, salient features, and Major Provisions

- The Carriage by Air Act, 1972: Historical background, Objectives and purposes, salient features, and Major Provisions
- The Anti-Hijacking Act, 2016: Historical background; Objectives and purposes, salient features, Important provisions
- Regulation of Aviation Industry and Judicial Decisions

Unit- V: Immerging Issues

- Crime On-board Aircrafts
- Challenges associated with crime on-board aircrafts
- Problem of jurisdiction: Tokyo Convention of 1963, Montreal Protocol, 2014 (Protocol to amend the Tokyo convention), Hague Convention, 1970 (The Anti-Hijacking Convention), Beijing Protocol to Hague Convention, 2010, and Beijing Convention, 2010

Essential Readings:

- Ron Bartsch, International Aviation Law: A Practical Guide
- Suzanne K. Kearns, Fundamentals of International Aviation
- Laurence E. Gesell, Aviation and the Law
- N.K. Nandal, Foundations of Aviation Law
- Davalsab M. Ladammanavar, Indian Aviation Law & Regulations

Important Note:

- The topics and cases given above are not exhaustive. Teacher teaching the course shall be at liberty to add new topics/cases.
- The students are required to study the legislations as amended up-to-date, recent judgements and consult the latest editions of the books.

6. INTELLECTUAL PROPERTY LAW (OP-2)

OBJECTIVE:

This course aims to introduce students to the foundations and evolution of Intellectual Property Rights (IPR) and their growing relevance in business, innovation, and creative industries. It will:

- Provide conceptual clarity on major forms of IPR.
- Examine the Indian legal framework and international conventions.
- Explore management and commercial dimensions of IPR, such as branding,

- licensing, and valuation.
- Encourage critical understanding of IP policy in light of innovation, access, and public interest.

LEARNING OUTCOMES:

By the end of this course, students should be able to:

1. Explain the philosophical and economic justifications for Intellectual Property Rights.
2. Identify and differentiate between various forms of IPRs and their protection mechanisms.
3. Interpret and apply statutory provisions and case laws relating to Patents, Copyrights, Trademarks, Designs, and Geographical Indications.
4. Assess the impact of IPRs in business strategy, digital economy, and innovation management.
5. Critically evaluate the balance between private rights and public interest in IPR regimes.

Unit I: Introduction to Intellectual Property (4 Hours)

- Nature and meaning of IPR
- Justifications for IP: Natural rights, reward theory, incentive theory, personality theory
- Evolution of IP protection in India
- Classification of IP and distinction from other proprietary rights
- Interface of IP and business (Branding, goodwill, innovation economy)

Essential Readings:

- W.R. Cornish & David Llewelyn, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights*
- The WIPO Intellectual Property Handbook (selected chapters)

Unit II: Copyright and Related Rights (5 Hours)

- Subject matter: Literary, artistic, musical, dramatic works, sound recordings, cinematograph films, computer programs
- Ownership, authorship, and rights conferred
- Exceptions – fair dealing, education, research, parody, etc.
- Infringement and remedies
- Digital copyright issues – online piracy, DRM, AI-generated works

Key Case Laws:

- *Eastern Book Co. v. D.B. Modak* (2008)
- *R.G. Anand v. Deluxe Films* (1978)
- *Super Cassettes Industries Ltd. v. MySpace Inc.* (2017)

Unit III: Trademark and Passing Off (5 Hours)

- Concept of trademark, function and importance in business
- Registration and protection under Trade Marks Act, 1999
- Infringement, passing off, and well-known marks
- Comparative advertising and dilution
- E-commerce and domain name disputes

Key Case Laws:

- *Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd.* (2001)
- *Yahoo Inc. v. Akash Arora* (1999)
- *Toyota v. Prius Auto Industries* (2018)

Unit IV: Patents and Industrial Designs (6 Hours)

- Patentable inventions, non-patentable subject matter (esp. under Indian law)
- Procedure for obtaining patents
- Rights of patentees, compulsory licensing, and revocation
- Industrial Designs – definition, registration, piracy of designs
- Business perspective: R&D, licensing, and IP valuation

Key Case Laws:

- *Novartis AG v. Union of India* (2013)
- *Bishwanath Prasad Radhey Shyam v. Hindustan Metal Industries* (1979)
- *F. Hoffmann-La Roche v. Cipla* (2009)
-

Unit V: Emerging Areas and Policy Issues (4 Hours)

- Geographical Indications and Traditional Knowledge
- Interface of Competition Law and IP
- IP in digital economy: AI, data protection, NFTs
- International conventions – TRIPS, WIPO, Berne, Paris, Madrid, and Indian compliance
- Public interest concerns and sustainable development

Key Case Laws & Readings:

- *Tea Board of India v. ITC Ltd.* (2011)
- *P.V. Narasimha Rao v. Goldstone Technologies Ltd.* (on digital content)
- WIPO–TRIPS materials on Traditional Knowledge

Suggested Readings:

1. W.R. Cornish, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights* (Sweet & Maxwell)

2. P. Narayanan, *Intellectual Property Law* (Eastern Law House)
3. N.S. Gopalakrishnan & T.G. Agitha, *Principles of Intellectual Property* (Eastern Book Company)
4. Vandana Shiva, *Biopiracy: The Plunder of Nature and Knowledge*
5. WIPO Intellectual Property Handbook
6. Relevant Bare Acts:
 - The Patents Act, 1970 (as amended)
 - The Trademarks Act, 1999
 - The Copyright Act, 1957
 - The Designs Act, 2000
 - The Geographical Indications of Goods (Registration and Protection) Act, 1999

7. LAW RELATING TO TRADEMARKS (HLP 3)

Course Objective:

This course aims to provide an in-depth understanding of the law and practice relating to Trademarks and Brand Protection, focusing on both legal and commercial dimensions. It explores the conceptual basis of trademark protection, statutory provisions under the Trade Marks Act, 1999, comparative jurisprudence, and emerging issues in online commerce and global branding.

Learning Outcomes (LOs):

After successful completion, students will be able to:

1. Explain the theoretical and economic justifications for trademark protection.
2. Identify the legal requirements for registration and enforcement of trademarks in India.
3. Analyze key judicial decisions shaping Indian trademark jurisprudence.
4. Examine the role of trademarks in business strategy and brand management.
5. Evaluate emerging issues such as domain name disputes, comparative advertising, and international harmonization.

Unit I: Introduction and Conceptual Framework (4 Hours)

- Evolution and history of trademark law in India and abroad
- Nature, function, and rationale of trademark protection
- Distinction between trademark, trade name, service mark, certification mark, and collective mark
- Economic and business significance of trademarks – brand identity and goodwill

Readings:

- W.R. Cornish & David Llewelyn, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights*
- Narayanan, *Law of Trade Marks and Passing Off* (Eastern Law House)

Unit II: Registration of Trademarks (5 Hours)

- Definition and essential features of a trademark
- Distinctiveness, deceptive similarity, and secondary meaning
- Absolute and relative grounds for refusal (Sections 9 and 11, TM Act 1999)
- Procedure for registration, opposition, and rectification
- Duration, renewal, and assignment of trademarks

Case Laws:

- *Imperial Tobacco Co. v. Registrar of Trade Marks* (1977)
- *Amritdhara Pharmacy v. Satya Deo Gupta* (1963)
- *ITC Ltd. v. Britannia Industries Ltd.* (2016)

Unit III: Infringement and Passing Off (6 Hours)

- Meaning and scope of infringement (Section 29)
- Tests for likelihood of confusion and deceptive similarity
- Concept and scope of passing off – classical trinity
- Remedies: injunction, damages, account of profits, delivery up
- Comparative advertising and trademark dilution

Case Laws:

- *Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd.* (2001)
- *Reckitt & Colman v. Borden Inc.* (1990, “Jif Lemon” case)
- *Hindustan Unilever Ltd. v. Reckitt Benckiser (India) Ltd.* (2014)
- *Daimler Benz AG v. Hybo Hindustan* (1994)

Unit IV: International and Comparative Dimensions (5 Hours)

- Paris Convention and TRIPS Agreement provisions on trademarks
- Madrid Agreement and Madrid Protocol – International registration system
- Protection of well-known marks – WIPO Joint Recommendation
- Comparative overview – UK, EU, and US approaches
- Role of WTO and WIPO in harmonization

Case Laws / References:

- *Toyota Jidosha Kabushiki Kaisha v. Prius Auto Industries Ltd.* (2018)
- WIPO and WTO TRIPS explanatory materials

Unit V: Contemporary Issues in Trademark Law (4 Hours)

- Domain name disputes and cybersquatting (UDRP mechanism)
- Trademark protection in e-commerce and digital markets
- Ambush marketing and keyword advertising
- Interface with competition and consumer law
- Emerging trends: non-traditional marks (sound, smell, color, 3D)

Case Laws:

- *Yahoo Inc. v. Akash Arora* (1999)
- *Tata Sons Ltd. v. Manu Kosuri* (2001)
- *Colgate Palmolive v. Anchor Health & Beauty Care* (2003)

Suggested Readings:

1. Narayanan, *Law of Trade Marks and Passing Off* (Eastern Law House)
2. W.R. Cornish & David Llewelyn, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights*
3. N.S. Gopalakrishnan & T.G. Agitha, *Principles of Intellectual Property* (EBC)
4. V.K. Ahuja, *Law Relating to Intellectual Property Rights*

5. WIPO, *Guide to the International Registration of Marks (Madrid System)*
6. Bare Acts:
 - **Trademarks Act, 1999**
 - **Trademarks Rules, 2017 (as amended)**

8. BANKING AND INSURANCE LAW (HLP 3)

Course Objectives: This course aims to:

- To study the framework of banking and insurance laws applicable in India.
- To understand the key principles and concepts relevant to banking and insurance laws.
- To critically analyze the judicial precedents relevant to the key concepts and principles.
- To examine the emerging issues and trends in the banking and insurance sector.

Learning Outcomes:

After the completion of the course, students will be able to:

1. Acquire an understanding of the legal framework prevalent in the banking and insurance sectors in the country.
2. Appreciate the decisional practice of courts in this area of law.
3. Develop an understanding of the contemporary trends in banking and insurance law.

Part A: Banking Law

Unit I: Introduction to Banking System in India

History of Banking in India, Bank Nationalization and social control over banking, Various types of Banks and their functions, Contract between banker and customer: their rights and duties, Role and functions of Banking Institutions, Banking Sector Reforms in India (Narasimham Committee Report I (1991) and II (1998))

- R.C. Cooper v. Union of India, AIR 1970 SC 564

Unit II: Regulation of Banks and Control by Reserve Bank of India

A. Banking Regulations Act, 1949: Definition of 'bank', 'banker', 'banking', 'banking companies' Development of banking business and companies; Regulations and restrictions; Powers and control exercised by the Reserve Bank of India (B.R. Act, sections 5-36AD) The Banking Regulation (Amendment) Act, 2017 – Provisions regarding Non-performing Assets (NPAs) Functions of RBI. Monetary and Credit Policy Licensing of Banks. Amalgamation of Banking Companies

B. Reserve Bank of India Act, 1934: Establishment and Incorporation of Reserve Bank – Sec 3 Central Banking Functions – 20-28A, 38-43 Collection and Furnishing of Credit Information – 45A-45F, Provisions Relating to Non-Banking Institutions Receiving Deposits and Financial Institutions 45H-45QB

- Sajjan Bank (Private) Ltd. v. Reserve Bank of India, AIR 1961 Mad. 8
- Small Industries Development Bank of India v. M/S Sibco Investment Pvt. Ltd. Supreme Court Judgment dated: 3 January, 2022
- M/S Integrated Finance Co. Ltd v. Reserve Bank of India, (2015) 13 SCC 772
- Vivek Narayan Sharma v. Union of India, Writ Petition (Civil) No. 906 of 2016 decided on 2.1.2023

Unit III: Law relating to Negotiable Instruments

A. Negotiable Instruments Act, 1881; Key Concepts: Negotiable Instruments (Section 13) Promissory Note (Section 4), Bill of Exchange (Section 5), Cheque (Section 6) Parties to Negotiable Instruments (Section 7), Holder and Holder in Due Course (Section 8 and 9) Material Alteration (Section 87-89) Liability of Banker (Section 131)

B. Provisions relating to Dishonour of Cheques: Chapter XVII- Of Penalties in Case of Dishonour of Certain Cheques for Insufficiency of Funds in the Accounts, The Negotiable Instruments (Amendment) Act, 2015- Territorial Jurisdiction, Negotiable Instruments (Amendment) Act, 2018 -Interim Compensation

- Ponnuswami Chettiar v. P. Vellaimuthu Chettiar, AIR 1957 Mad. 355
- Ashok Yeshwant Badeve v. Surendra Madhavrao Nighojakar, AIR 2001 SC 1315 Lachmi Chand v. Madanlal Khemka, AIR 1947 All. 52
- Singheshwar Mandal v. Gita Devi, AIR 1975 Pat. 81
- Nunna Gopalan v. Vuppuluri Lakshminarasamma, AIR 1940 Mad. 631
- Canara Bank Ltd. v. I.V. Rajagopal (1975) 1 M.L.J. 420
- C.C. Alavi Haji v. Palapetty Muhammed 2007 (7) SCALE 380
- Rangappa v. Sri. Mohan (2010) 11 SCC 441
- Laxmi Dyechem v. State of Gujarat and Ors. (2012) 13 SCC 375
- MSR Leathers v. S. Palaniappan 2012 ALL SCR 3025
- G. J. Raja v. Tejraj Surana AIR 2019 SC 3817
- Surinder Singh Deswal and Ors. v. Virender Gandhi (2019) 8 SCALE 445

Part B: Insurance Law

Unit IV: Features of Insurance Contract and Kinds of Insurance

Insurance Contracts as indemnity contracts, Mitigation of Risk, Premium, Kinds of Insurance: Marine Insurance; Fire Insurance; Life Insurance, Formation, performance and discharge of contract

Unit V: Principles of Insurance Contract

A. General Principles – General Essentials of a valid contract: Offer and Acceptance, Consideration, Intention to create legal relationship, Capacity to Contract, Legality of Object

B. Special Principles – Uberrimae Fidei, Causa Proxima, Insurable Interest, Subrogation, Contribution o Contract of Adhesion and Doctrine of Fundamental Breach

- Pink v. Fleming (1890) 25 QBD 396
- Mithoolal Nayak v. Life Insurance Corporation of India. AIR 1962 SC 814
- Kasim Ali Bulbul v. New India Assurance Co. AIR 1968 J & K 39
- Smt. Krishna Wanti Puri v. Life Insurance Corporation of India, AIR 1975 Del. 19
- Smt. Dipashri v. Life Insurance Corporation of India, AIR 1985 Bom 192
- Life Insurance Corporation of India v. Asha Goel, AIR 2001 SC 549

Readings:

- M.L. Tannan, Revised by Vinod Kothari, Tannan's Banking Law and Practice in India, (28th ed., 2022)
- M.L. Tannan, Edited by Mandira Mitra, Tannan's Banking Law Student Edition by M L Tannan, (1st edn, 2015)
- P Krishna Kumar & S Abdul Khader Kunju, Khergamvala on The Negotiable Instruments Act, (23rd Edition, 2022)
- S Krishnamurthy Aiyar, Law Relating to Negotiable Instruments Act, (14th Edition, 2022)
- Dr. Rajesh Gupta & Dr. Gunjan Gupta (revised), S.P. Tyagi's Commentary on The Negotiable Instruments Act, 1881 (2019)
- John Birds, Ben Lynch, Simon Paul, MacGillivray on Insurance Law: Relating to All Risks Other Than Marine, (15th Edition, 2022)
- K.S.N. Murthy & K.V.S. Sarma, Modern Law of Insurance in India (6th Edition, 2019)
- Sumeet Malik, J.V.N. Jaiswal's Law of Insurance- Vols 1&2 (2nd edn., 2016)
- M.N. Srinivasan & K. Kannan (Revised by Justice K. Kannan) Principles of Insurance Law (10th ed., 2017)
- M.N. Mishra, Law of Insurance (9th ed., 2012)

9. LEGAL REGIMES ON PRIVACY AND DATA PROTECTION (HLP 3)

Course Objectives:

- To deconstruct the constitutional evolution of privacy in India, transitioning from the early rejection of privacy to its recognition as a fundamental right.
- To provide a comprehensive doctrinal understanding of the *Digital Personal Data Protection Act, 2023* and the operational nuances of the *DPDP Rules, 2025*.
- To equip students with actionable compliance skills: drafting "clear and plain" privacy notices, managing consent architectures for Significant Data Fiduciaries, and executing Data Protection Impact Assessments (DPIAs).
- To analyse the intersection of privacy with emerging technologies and sectoral regimes, specifically facial recognition (FRS), digital lending (FinTech), and the "Right to be Forgotten."

Learning Outcomes: After completion of the course, students will be able to:

- distinguish between "Consent-based processing" and "Certain Legitimate Uses" under Section 7 of the DPDP Act, applying these grounds to real-world business models.
- identify and classify "Personal Data Breaches" and drafting statutory notifications to the Data Protection Board of India (DPBI) within the stipulated timelines.
- demonstrate the ability to construct constitutional arguments regarding state surveillance by applying the *Puttaswamy* three-fold test of Legality, Necessity, and Proportionality.

- advise on cross-border data transfer compliance, specifically navigating the "Blacklisting" mechanism and sectoral localization norms (RBI).

Unit I: Constitutional Foundations & The Jurisprudence of Privacy

Tracing the trajectory from the "police power" dominance in *Kharak Singh* to the "natural right" formulation in *Puttaswamy*. The distinction between spatial privacy, bodily privacy, and informational privacy (decisional autonomy). The "Three-Fold Test" for valid state interference: Legality, Legitimate State Aim (Necessity), and Proportionality. Telephonic surveillance and the procedural safeguards under the Telegraph Act vs. the post-*Puttaswamy* reality.

Cases:

- *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017) (The 9-Judge Constitution Bench Verdict)
- *People's Union for Civil Liberties (PUCL) v. Union of India* (1997) (Telephone Tapping Guidelines)
- *M.P. Sharma v. Satish Chandra* (1954) (Search and Seizure pre-privacy era)
- *Kharak Singh v. State of Uttar Pradesh* (1962) (Domiciliary Visits and the "Right to be Let Alone")

Unit II: The Statutory Transition: IT Act to DPDP Act, 2023

Critique of the pre-2023 regime: Section 43A of the IT Act, 2000 and the failure of the SPDI Rules, 2011. The Committee Era: Analysis of the Justice A.P. Shah Principles (2012) and the Justice B.N. Srikrishna Committee Report (2018). Key Definitions under DPDP Act 2023: Data Fiduciary, Data Principal, Data Processor, and the new "Consent Manager." The shift from "Sensitive Personal Data" (SPDI) classification to a unified "Digital Personal Data" approach.

Cases:

- *Shreya Singhal v. Union of India* (2015) (Section 66A and the chilling effect on digital expression)
- *State of Tamil Nadu v. Suhas Katti* (2004) (Harassment and electronic evidence)
- *Karmanya Singh Sareen v. Union of India* (The WhatsApp-Facebook Privacy Policy Challenge)

Unit III: Operationalizing the DPDP Act & Rules 2025

The Consent Architecture: Requirements for "Free, Specific, Informed, Unconditional, and Unambiguous" consent (Section 6). Notice Requirements: Drafting itemized privacy notices under Rule 3 of the DPDP Rules, 2025. "Certain Legitimate Uses" (Section 7): Processing for State benefits, employment, and medical emergencies without explicit consent. Rights and Duties of the Data Principal: Right to Grievance Redressal, Correction, and Erasure; Duties against false complaints.

Cases:

- *Justice K.S. Puttaswamy (Aadhaar Judgment) v. Union of India* (2018) (Proportionality in welfare delivery)
- *Vinit Kumar v. Central Bureau of Investigation* (2019) (Bombay HC on surveillance orders post-Puttaswamy)

Unit IV: Compliance, Enforcement & Data Fiduciaries

Obligations of Data Fiduciaries: Security safeguards and the "without undue delay" breach notification standard (Rule 7). Significant Data Fiduciaries (SDFs): Criteria for classification, mandatory DPO appointment, and independent data audits. The Data Protection Board of India (DPBI): Adjudicatory powers, penalty imposition (up to ₹250 Cr), and the TDSAT appellate route. Cross-border Data Transfers: The "Negative List" approach vs. GDPR adequacy norms.

Cases:

- *Amazon Seller Services Pvt Ltd v. Directorate of Enforcement* (Scope of digital investigation)
- *Virendra Khanna v. State of Karnataka* (2021) (Compelled unlocking of devices vs. Article 20(3))

Unit V: Emerging Challenges: Surveillance, RTBF & Sectoral Privacy

The "Right to Be Forgotten" (RTBF) in India: Balancing the right to erasure with open court records and freedom of press. Facial Recognition Systems (FRS): The *DigiYatra* ecosystem, police use of FRS, and the absence of specific statutory authorization. Digital Lending & FinTech Privacy: RBI Guidelines (2022/2025) on restricting access to borrower's mobile data (contacts/gallery). Search and Seizure of Digital Devices: The lacunae in CrPC/BNS and the demand for judicial warrants for smartphone seizures.

Cases:

- *Jorawer Singh Mundy v. Union of India* (Delhi HC on Right to be Forgotten)
- *Karthick Theodore v. Madras High Court* (2024) (Judicial records and the limits of erasure)
- *Foundation for Media Professionals v. Union of India* (Pending SC case on digital device guidelines)

Unit VI: Global Perspectives & The Future of Privacy

Comparative Data Protection: GDPR (EU) vs. DPDPA (India) vs. CCPA (US) – Divergence in "Legitimate Interest" and "Sale of Data." Data Localization: National security vs. global trade (Schrems II implications for Indian outsourcing). AI and Privacy: The intersection of Generative AI training data with DPDPA exemptions for "publicly available personal data." Drafting Workshop: Creating a Privacy Policy and a Data Breach Notification Letter.

Cases:

- *Schrems II* (CJEU judgment on US-EU data transfers)
- *Anil Kapoor v. Simply Life India* (Personality rights and AI misuse)

Suggestive Readings: Textbooks & Commentaries

- Divan, Shyam. *Digital Privacy and India's DPDP Act*. 1st Edition, 2023.
- Matthan, Rahul. *Data Protection Law in India*. Trilegal/Amazon, 2022.
- Gupta, Apar. *Privacy Law: An Indian Perspective*.
- Bhandari, M.K. *Digital Personal Data Protection Act, 2023*. EBC, 2025.

Selected Research Papers & Articles

- Project 39A (NLU Delhi). "Forensic Surveillance and the Criminal Procedure (Identification) Act."
- Internet Freedom Foundation (IFF). "Privacy Prescriptions for Technology Interventions." Working Paper 3/2020.
- Centre for Communication Governance (CCG). "Comments on the Digital Personal Data Protection Rules, 2025."

Key Reports & Policy Frameworks

- Justice B.N. Srikrishna Committee. *A Free and Fair Digital Economy*. (2018).
- Reserve Bank of India. *Guidelines on Digital Lending*. (2022/2025).
- Ministry of Electronics & IT (MeitY). *Digital Personal Data Protection Rules, 2025*.

10. COPYRIGHT LAWS (HLP 4)

Course Objectives:

This paper aims to develop in-depth knowledge of copyright law and its practical implications in creative, technological, and business contexts. Students will:

- Understand the philosophical, legal, and economic justifications for copyright.
- Learn the scope, ownership, and protection mechanisms for different works.
- Examine judicial interpretations shaping Indian copyright jurisprudence.
- Explore digital rights management, licensing, and emerging issues such as AI-generated content and online piracy.
- Integrate legal and managerial perspectives relevant to media, entertainment, and technology sectors.

Learning Outcomes:

By the end of the course, students will be able to:

1. Explain the concept, evolution, and purpose of copyright protection.
2. Identify the subject matter and scope of rights conferred under the Copyright Act, 1957.
3. Apply legal provisions and case laws to analyze copyright ownership and infringement.

4. Evaluate the tension between protection and access in copyright policy.
5. Examine challenges posed by digital media, AI, and cross-border enforcement.

Unit I: Introduction and Theoretical Foundations (4 Hours)

- Concept and meaning of copyright
- Historical evolution: from Statute of Anne to Indian Copyright Act, 1957
- Justifications: Natural rights, reward, incentive, and personality theories
- International developments: Berne Convention, Universal Copyright Convention, TRIPS Agreement, WIPO Internet Treaties

Readings:

- Cornish & Llewelyn, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights*
- N.S. Gopalakrishnan & T.G. Agitha, *Principles of Intellectual Property* (EBC)

Indian Cases:

1. **Entertainment Network (India) Ltd. v. Super Cassette Industries Ltd.**, (2008) 13 SCC 30 – Doctrine of compulsory licensing for radio broadcasting and balancing public interest.
2. **Indian Performing Rights Society v. Eastern Indian Motion Pictures Association**, (1977) 2 SCC 820 – Distinction between producer’s and author’s rights in films.
3. **Gramophone Co. of India Ltd. v. Birendra Bahadur Pandey**, (1984) 2 SCC 534 – Territoriality of copyright and international comity.

Foreign / Comparative Cases:

4. **Feist Publications Inc. v. Rural Telephone Service Co.**, 499 U.S. 340 (1991) – Clarified the originality requirement; “sweat of the brow” rejected in the U.S.
5. **University of London Press Ltd. v. University Tutorial Press Ltd.**, [1916] 2 Ch 601 – Early articulation of originality under common law.

Unit II: Subject Matter and Ownership (5 Hours)

- Literary, artistic, dramatic, musical works, cinematograph films, and sound recordings
- Originality and idea-expression dichotomy
- Authorship and ownership — employer-employee relationships, works for hire
- Rights conferred under the Act (economic and moral rights)
- Term of copyright and related rights

Case Laws:

- *Eastern Book Co. v. D.B. Modak* (2008)
- *R.G. Anand v. Deluxe Films* (1978)
- *Indian Performing Rights Society v. Eastern Indian Motion Pictures Association* (1977)

Unit III: Infringement and Exceptions (6 Hours)

- Meaning and tests for infringement
- Direct and indirect infringement
- Defenses and exceptions under Section 52 (Fair dealing, education, library use, parody, etc.)
- Remedies – civil, criminal, and administrative

- Collective management and licensing societies

Case Laws:

- *Super Cassettes Industries Ltd. v. MySpace Inc.* (2017)
- *Gramophone Co. of India Ltd. v. Super Cassette Industries Ltd.* (1996)
- *Academy of General Education v. B. Malini Mallya* (2009)

Indian Cases:

1. **Super Cassettes Industries Ltd. v. MySpace Inc.**, 2017 SCC OnLine Del 12537 – Online intermediary liability and safe harbor.
2. **Caterpillar Inc. v. Mehtab Ahmed**, (2002) 25 PTC 438 (Del) – Substantial similarity and infringement test.
3. **Academy of General Education, Manipal v. B. Malini Mallya**, 2009 (39) PTC 393 (Karn) – Fair dealing in educational use.
4. **Krishika Lulla v. Shyam Vithalrao Devkatta**, (2016) 2 SCC 521 – Copyright not a right in ideas or plots.
5. **Phonographic Performance Ltd. v. State of Punjab**, AIR 1992 P&H 243 – Need for performance licence for commercial use.

Foreign / Comparative Cases:

6. **F. W. Woolworth Co. v. Contemporary Arts Inc.**, 344 U.S. 228 (1952) – Statutory damages and deterrence.
7. **Hubbard v. Vosper**, [1972] 2 QB 84 – English articulation of “fair dealing” and criticism/review exception.

Unit IV: Copyright in the Digital and Business Context (5 Hours)

- Copyright and computer software – special rules
- Digital Rights Management (DRM) and Technological Protection Measures
- Online piracy and enforcement
- Copyright licensing, assignment, and royalty management
- Interface of copyright and business – media, publishing, and software industries

Case Laws / References:

- *Microsoft Corporation v. Kiran & Ors.* (2007)
- *MySpace Inc. case* (Delhi HC)
- WIPO Guide on Copyright in the Digital Environment

Indian Cases:

1. **Microsoft Corporation v. Kiran & Ors.**, 2007 (35) PTC 748 (Del) – Software piracy and criminal liability.
2. **Tata Consultancy Services v. State of Andhra Pradesh**, (2005) 1 SCC 308 – Software as “goods” – IP and taxation intersection.
3. **MySpace Inc. v. Super Cassettes Industries Ltd.**, 2017 (240) DLT 37 – Safe harbor defense and intermediary liability.
4. **Tekla Corporation v. Survo Ghosh**, 2014 SCC OnLine Del 6151 – Licensing agreements and software infringement.
5. **Yash Raj Films Pvt. Ltd. v. Sri Sai Ganesh Productions**, (2014) 58 PTC 448

(Mad) – Remake rights and moral rights protection.

Foreign / Comparative Cases:

6. **A&M Records, Inc. v. Napster, Inc.**, 239 F.3d 1004 (9th Cir. 2001) – Peer-to-peer file sharing and contributory infringement.
7. **Capitol Records, LLC v. ReDigi Inc.**, 910 F.3d 649 (2d Cir. 2018) – First sale doctrine and digital resale.

Unit V: Emerging Issues and Policy Challenges (4 Hours)

- Open access and Creative Commons licensing
- AI-generated and machine learning-based works
- Copyright and public interest – access to knowledge, education, libraries
- Comparative perspectives – US “fair use” vs. Indian “fair dealing”
- Future of copyright in the digital economy

Case Laws / References:

- *Google LLC v. Oracle America Inc.* (2021, US SC)
- *Authors Guild v. Google Inc.* (2015, US)
- Indian Parliamentary Committee Reports on IPR and Digital Media

Indian Cases:

1. *The Chancellor, Masters and Scholars of the University of Oxford v. Rameshwari Photocopy Service (Delhi University Case)*, 2016 (65) PTC 612 (Del) – Educational use and fair dealing exception.
2. *Narendra Publishing House v. Shyam Lal*, (2010) 44 PTC 541 (Del) – Balance between access to knowledge and copyright.
3. *Phonographic Performance Ltd. v. Lookpart Exhibitions & Events Pvt. Ltd.*, 2019 SCC OnLine Del 8464 – Public performance and commercial licensing.
4. *Chancellor Masters of Oxford v. Rameshwari Photocopy Services*, appeal dismissed (2017) – Reinforcement of public interest doctrine.

Foreign / Comparative Cases:

5. *Authors Guild v. Google Inc.*, 804 F.3d 202 (2d Cir. 2015) – Fair use and transformative digital indexing.
6. *Google LLC v. Oracle America, Inc.*, 141 S. Ct. 1183 (2021) – Software APIs and fair use doctrine.
7. *Infopaq International A/S v. Danske Dagblades Forening*, Case C-5/08 (CJEU, 2009) – Reproduction right and digital snippets in the EU.

Suggestive Readings: Textbooks & Commentaries:

Dr. V.K. Ahuja, *Law of Copyright and Neighbouring Rights: National and International Perspectives* (LexisNexis, 2022)

– Comprehensive Indian text with strong coverage of 2012 amendments and digital rights issues.

R.G. Chaturvedi & Pankaj Chaturvedi, *Indian Copyright Law and Practice* (Eastern Book Company, 2020)

– Practitioner-oriented; includes forms, precedents, and commentary on enforcement.

Paul Goldstein & P. Bernt Hugenholtz, *International Copyright: Principles, Law, and Practice*

- (Oxford University Press, 2019, 4th ed.)
- Excellent for comparative understanding (US, EU, and developing countries).
- L. Bently, B. Sherman, D. Gangjee & P. Johnson, *Intellectual Property Law* (Oxford University Press, 2023, 6th ed.)
- Known for its clear exposition and integration of digital and cultural perspectives.
- Ruth Towse & Christian Handke (eds.), *Handbook on the Digital Creative Economy* (Edward Elgar, 2013)
- Interdisciplinary text connecting copyright with creative industries, economics, and innovation.
- Jane C. Ginsburg & Lionel Bently (eds.), *Copyright and Piracy: An Interdisciplinary Critique* (Cambridge University Press, 2010)
- Brings in socio-legal, economic, and moral philosophy perspectives on copyright enforcement.
- Seville, Catherine, *EU Intellectual Property Law and Policy* (Edward Elgar, 2016)
- Excellent for comparative study of digital copyright regulation and fair use doctrines.
- William Patry, *Patry on Copyright* (Thomson Reuters, multi-volume treatise, updated online)
- Leading US practitioner text with practical and policy insights; relevant for advanced projects.
- Pamela Samuelson, *Copyright's Excess: Money and Music in the U.S. Recording Industry* (Harvard University Press, 2021)
- Engaging, critical look at copyright and cultural economics.
- Daniel Gervais, *The TRIPS Agreement: Drafting History and Analysis* (Sweet & Maxwell, 2020)
- Useful for understanding India's TRIPS compliance and global harmonization debates.
- Open-Access / Policy-Oriented Resources
- World Intellectual Property Organization (WIPO), *WIPO Guide on Copyright and Related Rights* (latest ed., freely available on WIPO website).
- Concise overview of key principles, treaties, and digital enforcement trends.
- UNESCO, *Copyright and the Digital Era: Access to Knowledge and Creativity* (UNESCO Publishing, 2020).
- Balanced treatment of copyright, education, and development goals.
- Creative Commons, *The Power of Open: Stories of Creators Sharing Knowledge and Creativity* (CC Publication, 2019).
- Introduces open licensing, remix culture, and alternative copyright models.
- Indian Parliamentary Standing Committee on Commerce, *Review of the Intellectual Property Rights Regime in India* (Report No. 161, July 2021).
- Policy-level document analyzing copyright enforcement, fair use, and digital piracy.
- Prashant Reddy T. & Sumathi Chandrashekar, *Create, Copy, Disrupt: India's Intellectual Property Dilemmas* (OUP India, 2017).
- Contemporary Indian analysis combining copyright law, technology, and policy reform.

11. CORPORATE GOVERNANCE AND SOCIAL RESPONSIBILITY OF BUSINESS (HLP 4)

Course Objectives:

1. To understand the concept, evolution and significance of corporate governance.
2. To analyze the legal and institutional framework of corporate governance in India.
3. To develop comprehensive knowledge of the concept and legal framework governing Corporate Social Responsibility (CSR).
4. To critically analyze significant corporate governance challenges and derive insights for promoting ethical, transparent, and responsible corporate conduct.

Learning Outcomes

By the end of this course, students will be able to:

1. Appreciate the concept, evolution and theories of corporate governance.
2. Understand the statutory framework and judicial decisions relating to corporate governance in India.
3. Assess the implementation and impact of Corporate Social Responsibility under the Companies Act, 2013.
4. Develop a critical understanding of challenges and emerging trends in the realm of Corporate Governance.

Unit I: Conceptual Framework of Corporate Governance

Meaning, principles and importance of Corporate Governance; Evolution of Corporate Governance in India, USA and UK; Theories and Models of Corporate Governance; Agency Problem; Corporate Governance in India-Role of regulators (Securities Exchange Board of India and Ministry of Corporate Affairs)

Cases:

National Textile Workers' Union v. P.R. Ramakrishnan (1983) 1 SCC 228

Reliance Natural Resources Ltd. v. Reliance Industries Ltd. (2010) 7 SCC 1

Sahara India Real Estate Corp. Ltd. v. SEBI (2013) 1 SCC 1

Readings

Mitra, N.L. (2014). Corporate Governance: A Sojourn to Find a Yardstick. *Journal of the Indian Law Institute*, 56(4), 437-462.

Unit II: Legal Framework Governing Corporate Governance in India

Composition of the Board of Directors, Role of Directors and Independent Directors, Internal and External Audit, Audit Committee, Role of Auditors, Role of shareholders in corporate governance, whistleblower mechanism, Insider Trading, Role of regulatory bodies: MCA, SEBI, NCLT, NCLAT, Corporate Ethics

Cases:

Satyam Computer Services Ltd. v. Union of India (2011) 6 SCC 1

Tata Consultancy Services Ltd. v. Cyrus Investments Pvt. Ltd. & Ors. (2021) 9 SCC 449

Unit III: Conceptual Framework of Corporate Social Responsibility (CSR)

Concept, Meaning, and Importance of CSR; Evolution of CSR; Theories of CSR; Mahatma Gandhi's Principle of 'Trusteeship'; CSR and Sustainable Development Goals; UN Global Compact principles; CSR and ESG (Environmental, Social Governance), National CSR Exchange Portal, 'Corporate Purpose' and Stakeholderism.

Cases and Readings:

MC Mehta v. Union of India (Oleum Gas Leak Case) (1987) 1 SCC 395

- Afsharipour A (2018) In du Plessis J, Varottil U, Veldman J (eds) Globalisation of corporate social responsibility and its impact on corporate governance. Springer International Publishing
- Varottil, U. (2023). The Legal and Regulatory Impetus Towards ESG in India: Developments and Challenges in Thilo Kuntz (ed.), Research Handbook on Environmental, Social, and Corporate Governance (Edward Elgar)
- Pandey, A. & Ram Mohan, MP. (2024). Re-evaluating Corporate Purpose: A Critical Assessment of the Indian Stakeholder Governance Framework through a Historical and Comparative Analysis, IIM A Working Paper

Unit IV: Legal Framework Governing Corporate Social Responsibility

Section 135 read with Schedule VII of The Companies Act 2013; Companies (CSR Policy) Rules, 2014; CSR Expenditure; CSR Reporting; Role of Board of Directors and CSR Committees, Impact Assessment and Disclosure; Monitoring Mechanisms, Challenges in implementing CSR in India.

Cases and Readings:

Sterlite Industries (India) Ltd. v. Union of India (2013) 4 SCC 575

- Ministry of Corporate Affairs, Government of India (2011) National voluntary guidelines on socio-economic and environmental responsibilities of business. BOOKLET PRINT 6711
- Ministry of Corporate Affairs (2015) Report of the High-level committee to suggest measures for improved monitoring of the implementation of corporate social responsibility policies. HLC_report_05102015.pdf (mca.gov.in).
- Ministry of Corporate Affairs (2019) Report of the high-level committee on corporate social responsibility. CSRHLC_13092019.pdf (mca.gov.in).
- Sundar P (2013) Business and community: the story of corporate social responsibility in India. Sage Publications, New Delhi

- Kamalnath A (2021) A post pandemic analysis of CSR in India. ANU College of Law Research Paper No 21.40. SSRN-id3826832.

Readings:

- Companies Act, 2013, along with Companies (CSR Policy) Rules, 2014.
- SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015.
- G20/OECD Principles of Corporate Governance, 2015.
- A. Ramaiya, *Guide to the Companies Act*, Eastern Book Company, 2020.
- Avtar Singh, *Company Law*, Eastern Book Company, 2025.
- Ministry of Corporate Affairs – *National Guidelines on Responsible Business Conduct*, 2019.
- SEBI – *Business Responsibility and Sustainability Report (BRSR) Framework (2021)*.

12. LAW ON BLOCK-CHAIN AND REGULATION OF FINTECH INDUSTRY (HLP 4)

Course Objectives:

- To understand the disruptive technology of blockchain, cryptocurrencies, and FinTech innovations, along with their legal implications.
- To examine and analyze Indian and global regulatory approaches to blockchain and FinTech, including the role of RBI and SEBI.
- To study landmark Indian and international judgments in order to comprehend judicial responses to blockchain, cryptocurrency, and digital finance disputes.
- To assess the enforceability of smart contracts under Indian contract law and comparative legal frameworks.
- To address issues of privacy, cybersecurity, and consumer protection within blockchain and FinTech ecosystems.
- To critically evaluate emerging issues such as Central Bank Digital Currencies (CBDCs), cross-border regulation, and ethical governance in digital financial systems.

Learning Outcomes:

By the end of the course, students will be able to:

- Understand the disruptive technology of blockchain and FinTech.
- Assess regulatory approaches and compliance obligations in India and abroad.
- Interpret and apply Indian and International case laws to blockchain and FinTech disputes.
- Evaluate privacy, cybersecurity, and consumer rights in digital financial ecosystems.
- Anticipate future challenges in CBDCs, cross-border regulation, and global governance

Unit I: Foundations of Blockchain Technology and FinTech

- Evolution of financial technologies (FinTech); Basics of blockchain, distributed ledger technology (DLT), and smart contracts; Legal implications of decentralization

Cases:

- United States v. Ulbricht, No. 15-1815 (2d Cir. 2017)
- Securities and Exchange Commission v. Shavers (4:13-cv-00416)

Unit II: Cryptocurrency Regulation Legal Recognition, and Judicial Responses

- Legal recognition of cryptocurrencies, Legal status of cryptocurrencies across jurisdictions, Taxation and anti-money laundering (AML) obligations /KYC obligations, Securities vs. commodities

Cases:

- Internet and Mobile Association of India vs Reserve Bank of India, AIR 2021 Supreme Court 2720, Aironline 2020 Sc 298
- Kashmir Internet Freedom Foundation v. Union of India, Writ Petition (Civil) Diary No. 1174/2019
- Securities and Exchange Commission v. Ripple Labs Inc. et al., No. 1:2020cv10832 - Document 973 (S.D.N.Y. 2024)
- Commodity Futures Trading Commission v. McDonnell et al, No. 1:2018cv00361 - Document 29 (E.D.N.Y. 2018)

Unit III: Smart Contracts and Legal Enforceability

- Contract law principles, Nature and enforceability of smart contracts, arbitration in blockchain disputes. Contract law principles applied to blockchain agreements; Consumer protection concerns

Cases:

- Trimex International Fze ... v.Vedanta Aluminium Limited,India decided on 22 January, 2010 (SC) Arbitration petition no. 10 of 2009 (email exchange between parties regarding mutual obligations constitute a contract)
- World Wrestling entertainment v. Reshma Collections, FAO (OS) 506/2013 in CM Nos. 17627/2013, 18606/2013, Del(DB) decided on 15/10/2014 181
- P.R. Transport Agency v. Union of India, AIR 2006 All 23.

Unit IV: Regulatory Frameworks for FinTech in India and Abroad

- RBI guidelines, SEBI's role, sandbox models, comparative global approaches (US, EU).

Cases:

- Bhavesh Jayanti Lakhani Vs. State of Maharashtra & Ors. [2009] INSC 1406
- Internet And Mobile Association Of ... vs Reserve Bank Of India on 4 March, 2020, AIR 2021 Supreme Court 2720, AIRONLINE 2020 SC 298

Unit V: Data Protection, Cybersecurity, and Consumer Rights

- Privacy concerns in blockchain transactions, GDPR and data localization challenges, Cybersecurity risks in FinTech platforms, Indian Data Protection Bill, cybersecurity risks.
- *Cases*
 - Shreya Singhal v U.O.I, SC decided on 24/03/2015(s. 66A)
 - Ratan Tata v Union of India, Writ Petition (Civil)No. 98 of 2010 132
 - Sreekanth C. Nair v. Developer of Web-Site, Kerala High Court 28 August 2008, Cr. R.P. No.2900 of 2008available at<https://indiankanoon.org/doc/1915848/>
 - Justice K S Puttaswamy v. Union of India, 2017 SCC Online SC 996
 - Anuradha Bhasin v. Union of India, (2020) 3 SCC 637; 2020 SCC Online SC 25
 - *Facebook Inc. v. Cambridge Analytica* (data misuse implications for FinTech)

Unit VI: **Central Bank Digital Currencies (CBDCs) and Global Governance**

- Rise of CBDCs and their regulatory implications, Cross-border payment systems and interoperability, Ethical and governance challenges in FinTech

Suggestive Readings:

- Kamath Nandan, Law Relating to Computers Internet & E-commerce - A Guide to Cyberlaws & The Information Technology Act, Rules, Regulations and Notifications along with Latest Case Laws 5th Ed. (2016)
- Karnika Seth, Computers Internet and New Technology Laws (2016)
- Kamlesh K Bajaj, Debjani Nag, E-commerce: the cutting edge of business, 2nd Ed. (2005)
- Apar Gupta, Commentary on Information Technology Act(2016)
- Aparna Viswanathan, Cyber Law (Indian & International Perspectives on key topics including Data Security, E-commerce, Cloud Computing and Cyber Crimes)(2012)
- Vakul Sharma, Information Technology Law & Practice 6th Ed. (2018)
- Chris Reed, Internet Law Text and Materials (2010)
- Ferrera et al, Cyber Law Text and Cases 3rd Ed. (2012)
- Internet Law and Practice by International Contributors, West Thomson Reuters, South Asian Edition (2013)
- SK Verma and Raman Mittal (Eds.), Legal Dimensions of Cyberspace, (2004)
- Lawrence Lessig, Code and Other Laws of Cyberspace 1999, Code version 2.0, Basic Books Publication (2006)
- Satoshi Nakamoto, Bitcoin: A Peer-to-Peer Electronic Cash System.(2008)
- Arner, J. et al, The Evolution of Fintech: A New Post-Crisis Paradigm?, 2015
- Markets in Crypto-Assets Regulation (MiCA Regulation (Markets in Crypto-Assets)
- OECD Report on Blockchain and Privacy
- BIS Report on CBDCs
- G20/OECD Principles on Financial Consumer Protection in Digital Age
- Douglas W. et al, The Evolution of Fintech: a New Post-Crisis Paradigm?, University of New South Wales, 2015
- RBI Report on FinTech and Digital Banking (2019).
- Blockchains Unchained Blockchain Technology and its Use in the Public Sector (OECD Working Papers on Public Governance (2018)
