

# LLM ONE YEAR SYLLABUS

First Semester


2017-18



**MSB Global Law Institute**

**Maharaja Surajmal Brij University**

**Bharatpur (Raj.)**

  
अकादमिक प्रभारी  
महाराजा सुरजमल बृज विश्वविद्यालय

  
OIC, (L.L.M.)  
M.S. Brij University  
Bharatpur



**MAHARAJA SURAJMAL BRIJ UNIVERSITY**  
**MSB Global Law Institute - Post Graduation Centre**

**MSJ College Campus, Bharatpur - 321001**

Ph. & Fax No. 05644-220560, Email- info@msbrijuniversity@ac.in

Website – www.msbrijuniversity.ac.in

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**COURSE STRUCTURE OF LL.M.**

**Streams in LL.M.**

1. Criminal & Cyber Crimes
2. Corporate Law
3. Intellectual Property Rights Law

**Semester – I**

**Papers : -**

- 1- Research Methods and Legal Writing (Compulsory)
  - 2- Comparative Constitutional Law (Compulsory)
  3. Criminal Law
  4. Cyber & IT Law
  5. Company Law
  6. IPR Trade Marks & Geographical Indications
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**Semester – II**

**Compulsory paper as prescribed by UGC for all streams**

1. Law & Justice in Globalizing World

**1. Courses for LL.M Criminal and Cyber Law**

- (a) Economic, Corporate & White Collar Crimes

**2. LL.M Corporate Law**

- (a) Competition and Law of Securities & Finance

**3. LL.M Intellectual Property Law**

- (a) IPR – II – Law of Patent/ Trade Secrets/ Design & Copyright

**Optional paper relevant to the students of all streams**

Interpretation of Statutes and Legislative Drafting

**One course has to be opted from any of remaining courses**

- (a) Taxation including GST Law
- adm*

(b) Cyber Law – II

Students will have to prepare and submit a Dissertation in IInd Semester.

**LLM Ist Semester Course**

S.No.	Subject	Code	Remark
1.	Research Methods and Legal Writing	M 101	Compulsory
2.	Comparative Constitutional Law	M 102	Compulsory
3.	Cyber & IT Law	M 103	
4.	Company Law	M 104	
5.	Criminal Law	M 105	
6.	IPR Trade Marks & Geographical Indications	M 106	

**LLM IInd Semester Course**

S.No.	Subject	Code	Remark
1.	Law & Justice in Globalizing World	M 201	Compulsory for all
2.	Interpretation of Statutes and Legislative Drafting	M 202	Compulsory for all
3.	Economic, Corporate & White Collar Crimes	M 203	Compulsory for Criminal Branch Students
4.	Competition and Law of Securities & Finance	M 204	Compulsory for Corporate Branch Students
5.	IPR – II – Law of Patent/ Trade Secrets/ Design & Copyright	M 205	Compulsory for IPR Branch Students
6.	Taxation including GST Law	M 206	Optional for All
7.	Dissertation		Compulsory for all



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MSB University Bharatpur (2017 – 18)  
LL. M. Semester I Compulsory course for all branches:

LM 101 Research Methodology and Legal Writing

UNIT-I

INTRODUCTION TO REASERCH and Legal Writing

Research- Notion & Specific characteristics.

Types of research- Descriptive Vs Analytical; Applied Vs Fundamental; Qualitative Vs Quantitative; Conceptual Vs Empirical; Doctrinal Vs Non-Doctrinal. Case Studies.

Legal Writing : Report writing / Article writing / Writing Legislation /Rules and Notifications

UNIT-II

LEGAL RESEARCH

Historical and contemporary Role of Legal Research

Approach to 'Law' in Legal Research

- I. Research in positive/black-letter law.
- II. Research in law as a decision-making process
- III. Research concerning Law as an institutional system
- IV. Research concerning Law as a socio-cultural system
- V. Policy and action oriented research for reform

UNIT-III

RESEARCH DESIGN

Major steps in research design.

Elements of design identification and formulation/defining of a Research problem

Importance of Literature Review in defining a research problem;

- A. Identifying gap areas from literature review;
- B. Formulation of Research Objectives & Research Questions

Hypothesis: Meaning, Scope & current trends; Difference between proposition, hypothesis & theory. Types of hypothesis, testing of hypothesis. Workable Hypothesis- formulation & evaluation.

UNIT-IV

RESEARCH TOOLS & DATA ANALYSIS

Empirical Methods as tool of Research.

Research Tools- Observation, Interview & Schedule, Questionnaire, Socio-metrices & jurimetrices.

Identification of methodological tool kit: Case study, Survey.

Data Analysis: Data- Definition & types; Classification of data;

Use of Statistics in research; Data analysis with statistical packages; Time series analysis; Hypothesis testing; Discussion & interpretation of results

UNIT-V

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Syllb. LL.M. (1yr) MSBU, भारतपुर ( राज )

## IMPACT ANALYSIS

What is Impact?

Symbolic v. 'Instrumental' dichotomy and its heuristic uses.

Measuring of Impact

Methods

- A. Before & after
- B. Time series

Measuring Impact of Legislative & Judicial Decisions

## UNIT-VI

### LEGAL REPORT WRITING

Legal Writing

- A. Footnotes ( Significance, Uniformity in citation & method)
- B. Editing

Presenting Research: Articles, Dissertations & Thesis.

Placement of tables & Graphs

Proving/Disproving of hypothesis through data


Bibliography; Priorities in using various sources and methods of writing.

### Unit - VII

**Legal source material and their use**

1. Use of case Law.
2. Library Sources.
3. e-sources and use
4. e-data Base

  
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**भरतपुर (राज.)**

**MSB University Bharatpur (2017 – 18)**  
**LL. M. Semester I Compulsory course for all branches:**  
**LM 102: Comparative Constitution Law and Governance**

(Comparative Study limited to few countries -  
U.S., U.K and others selected by teacher and India)

This course aims at introducing the Indian constitutional law and governance on a comparative platform to the students of LL.M Programme. The course is designed to give an overall picture of constitution and constitutionalism as obtained in different types of governments.

The three functions of the state is given importance so that the students will be able to appreciate the constitutional functions of the state in a comparative environment.

The constitution is a dynamic document and timely modification is a necessity, but often resulting in challenges raised before the superior courts. How the judiciary strikes a balance between the political efforts and stability of the constitution while ensuring the dynamic character of the constitution.

The various issues of governance affecting the people and the remedies available to them are also part of this paper.

**Exam: 70%, classes Presentation 15% Assignment Project 15%**

Marks are equal but one paper would be of 15 p (+- 2 p) 1.5 space and the other would 7-8 pages : Both would be evaluated by teachers : and form part of examination and attendance.

**1. The Concept of Constitution & Constitutionalism**

- Meaning and Idea of Constitution/ Public law,
- Constitution as a Dynamic and Supreme Law
- Concept of Constitutionalism
- Distinction between Constitution and Constitutionalism
- Essential features of Constitutionalism
- Acceptance of Judicial Constitutionalism

**2. Study of Comparative Constitutional Law**

- Relevance
- Problems and Concerns in Using Comparison
- Constitution Structures of India, UK, USA and Asian model or European Model as determined by teacher

**3. Some Constitutional Principles**

- Rule of law
  - Modern Concept of Rule of Law
  - Social and economic rights as part of rule of law

  
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- Economic Accountability of Government/ Institutions
  - Separation of powers
    - The doctrine of Checks and Balances
  - Position of Rule of Law and Separation of Powers in the Indian Constitution And in other countries – selection by teacher
- 4. Constitutional foundations of powers**
- Legislative Power
  - The Executive Power: Duty to Govern
  - The Judicial Power
    - Appointment of Judges and Judicial Accountability
    - Role of Courts and Fundamental Rights
    - Role of the Courts in ensuring Good Governance
    - Comparison with Practices of other countries
- 5. The State and Governance**
- The concept of Good Governance
  - The methods to ensure Good Governance
  - State and Civil Liberties
  - Religious, Lingual and other fundamental rights
- 6. Forms of Governments**
- Federal and Unitary Forms
    - Features, Advantages and Disadvantages
    - Models of Federalism Quasi - federalism
  - Parliamentary and Presidential Forms of Government
- 7. Amendment of the Constitution**
- Methods of Amendment
  - Limitations on the Amending Power: Comparative Perspective
  - Theory of Basic Structure: Origin and Development
- 8. Constitutional/ Judicial Review**
- Concept and Origin of Judicial Review
  - Methods of Constitutional Review
    - Judicial and Political Review
    - Concentrated and Diffused Review
    - Anticipatory and Successive Review
  - Limitations on Judicial Review
  - New dimensions : Recent cases of S 66A and Privay and Aadhar

  
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**Recommended Readings: Latest editions of all books below**

1. Bansal, Ashwani K, What Could Not Be Constitution: Call For *Dé-Tente* Between Parliament And Supreme Court DLR 2015 p
2. Bansal, Ashwani K, Union Budget And Economic Administration: Convening Economic Sessions Of Parliament JCPS 2008
3. Christopher Forsyth, Mark Elliott, Swati Jhaveri, Effective Judicial Review: A Cornerstone of Good Governance (OUP, 2010)
4. D.D. Basu, Comparative Constitutional Law (2<sup>nd</sup> ed., Wadhwa Nagpur).
5. David Strauss, The Living Constitution (OUP, 2010)
6. Dr. Subash Kashyap, Framing of Indian Constitution (Universal Law, 2004)
7. Elizabeth Giussani, Constitutional and Administrative Law (Sweet and Maxwell, 2008)
8. Erwin Chemerinsky, Constitutional Law, Principles and Policies (3<sup>rd</sup> ed., Aspen, 2006)
9. M.V. Pylee, Constitution of the World (Universal, 2006)
10. 9. Neral Devins and Louis Fisher, The Democratic Constitution (OUP, 2010)
11. 10. S.N. Ray, Judicial Review and Fundamental Rights (Eastern Law House, 1974)
12. Sudhir Krishna Swamy, Democracy and Constitutionalism in India – A study of the Basic Structure Doctrine (POUP, 2009)
13. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, Comparative Constitutionalism in South Asia (POUP, 2013)
14. Vikram David Amar, Mark Tushnet, Global Perspectives on Constitutional Law (OUP, 2009)
15. Zachery Elkins, Tom Ginsburg, James Melton, The Endurance of National Constitutions (Cambridge University Press, 2009) D.D. Basu, Comparative Constitutional Law (2<sup>nd</sup> ed., Wadhwa Nagpur, 2008).
16. D.D. Basu, Comparative Federalism (Lexis Nexis, 2007)
17. D.D. Basu, Introduction to the Constitution of India (Lexis-Nexis-Butterworth-Wadhwa, 2008)
18. Erwin Chemerinsky, Constitutional Law, Principles and Policies (3<sup>rd</sup> ed., Aspen, 2006)
19. Granville Austin, The Indian Constitution: Cornerstone of a Nation (OUP, 2008)
20. M.P. Singh, Comparative Constitutional Law (Eastern Book Company, 2011)
21. M.P. Jain, Indian Constitutional Law (6<sup>th</sup> ed., Wadhwa, Nagaur)
22. Mark Tushnet, Why the Constitution Matters (Yale University Press, 2010)
23. Methods of Comparative Law (Edward Elgar Publishing, 2012)
24. Michael Rosenfield and Andras Sajó Oxford Hand Book of Comparative Constitutional Law (OUP 2012)
25. Neal; Devins and Louis Fisher, the Democratic Constitution (Oxford, 2010)
26. Sudhir Krishna Swamy, Democracy and Constitutionalism in India – A study of the Basic Structure Doctrine (OUP, 2009)
27. Vicki C. Jackson, Mark V. Tushnet, Comparative Constitutional Law (2<sup>nd</sup> ed. Foundation Press, 2006)



### List of cases

#### Case Law for Reference:

1. Keshvananda Bharati v State of Kerala (1973) 4 SCC 225
2. S R Bommai v U O I (1990) 3 SCC 1
3. Maneka Gandhi V U O I (1978) 1 SCC 248
4. Marbury v Madison 1803
5. Indra Sawhney (I & II) v U O I (1992) Supp (3) SCC 217 & (2000) 1 SCC 168
6. D S Sakkara v U O I (1983) 1 SCC 305
7. R D Shetty v IAAI (1979) 3 SCC 489
8. Pradeep Kumar Biswas v Indian Institute of Chemical Biology (2002) 5 SCC 111
9. Jay Hasia v Khalid Mujib (1981) 1 SCC 722
10. Zee Telefilms v U O I (2005) 4 SCC 649
11. Vishaka v State of Rajasthan (1997) 6 SCC 241
12. Bachan Singh v State of Punjab (1982) 3 SCC 24
13. Daniel Latifi v U O I (2001) 7 SCC 740
14. E P Royappa v State of TN (1974) 4 SCC 75
15. T M Pai V State of Karnataka (2002) 8 SCC 481
16. Ashok Kumar Thakur v U O I (2008) 6 SCC 1
17. M R Balaji v State of Mysore AIR 1963 SC 649
18. P A Inamdar v State of Maharashtra (2005) 6 SCC 537
19. M C Mehta v Kamal Nath (1997) 1 SCC 388
20. D K Basu v State of West Bengal (1997) 1 SCC 416
21. S P Gupta v U O I 1981 Supp SCC 8
22. Minerva Mills v U O I (1980) 3 SCC 625
23. I R Coelho v State of TN (2007) 2 SCC 1
24. Recent cases of Shreya on sec 66A
25. Right to Privacy and Aadhar cases
26. Triple Talaq case

#### Note:

The topics which are actually dealt with in the classes they would form core part of the syllabus. Rest of the topics are good for writing long and short papers as also important for self study.

The Parliamentary Privileges, Anti defection, westminieter model of Governance, UCC, Art 370, Hindi, Reservations and Religion are important topics in constitution for any discussion.

  
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M S B University LL. M. Course

(2017 – 18)

LM 103 - CYBER AND INFORMATION TECHNOLOGY LAW

A Detailed Syllabus, the teacher can reduce for one semester

**I: Introduction to Cyber Space and Cyber Law**

Cyber space, regulation, scope; Cyber law - the Information technology law and its application; meaning of computer, computer network, addressee, originator etc.

**Statute**

The Information Technology Act, 2000 - Section 1(2), Section 2, subsections (b), (ha), (i), (j), (k), (l), (o), (v), (w), (za)

**Reference Cases**

*Diebold Systems Pvt. Ltd. v. Commissioner of commercial taxes*, ILR 2005 Kar 2210; (2006) 140 STC 59 Kar; *Routermania Technologies v. ITO*, Income Tax Appellate Tribunal Mumbai, decided on 26/4/2007

**II: Jurisdiction in Cyber Space**

No geographical boundaries, applicability of traditional rules of jurisdiction on internet, rules of private international law; passive/interactive web sites; personal jurisdiction on defendant -Cause of action; plaintiff carries on business; Party autonomy - Hague convention on Choice of court agreements, 2005; adjudicating officer and cyber appellate tribunal under the Information Technology Act, 2000

**Cases:**

*Banyan Tree Holdings (P) Ltd v. A Murali Krishna Reddy*, CS (OS) No. 894/2008, Del(DB), decided on 23/11/2009; *World Wrestling Entertainment v. Reshma Collections*, FAO (OS) 506/2013 in CM Nos. 17627/2013, 18606/2013, Del(DB) decided on 15/10/2014; *Super Cassettes Industries Ltd v. Myspace Inc.*, IA No.15781/2008 & IA No. 3085/2009 in CS (OS) No. 2682/2008(Del) decided on 29/07/2011; *P.R. Transport Agency v. Union of India*, AIR 2006 All 23.

**Reading:**

Justice S. Muralidhar, "Jurisdictional Issues in Cyberspace", 6 Indian Journal of Law and Technology 1 (2010) [NSUI- Bangalore] available at Westlaw India

**III. Electronic Contracts**

Types of Electronic Contracts-email contracts, clickwrap contracts, shrinkwrap contracts; Issues of Security /Issues of Privacy/ Technical Issues Legal issues in Cyber Contracts-

*International efforts* to resolve the issues - UNCITRAL Models: E-commerce, 1996, Electronic signatures, 2001, Electronic Communications in International Contracts, 2005 ; *Indian Position* - Legal issues in cyber contracts - Formation of cyber contract; Standard form contracts -requirement of notice[ *Specht v. Netscape Communications*, 306 F. 3d 17 (October 1, 2002) *Caspi v. The Microsoft Network, LLC.*, 1999 N.J. Super, Lexis 254 (July 2, 1999) ]; Writing and Signature Requirement; Legislative efforts under the Information Technology Act, 2000 - Legal recognition of electronic record and electronic signatures; digital signature -its functions, asymmetric cryptosystem, key pair, public key, private key, Secure electronic record and secure electronic signature, Public key Infrastructure

**Statute**

The Information Technology Act, 2000 - Section 2 (d), (p), (r), (t), (ta), (tb), (x), (zc), (zd), (zh), s.3 to 5, s.10A to 16

**Cases**

*World Wrestling entertainment v. Reshma Collections*, FAO (OS) 506/2013 in CM Nos. 17627/2013, 18606/2013, Del (DB) decided on 15/10/2014; *P.R. Transport Agency v. Union of India*, AIR 2006 All 23

**Readings**

*E-books* -available at uncitral.org

Guide to Enactment of the UNCITRAL Model Law on Electronic Commerce (1996)

Guide to Enactment of the UNCITRAL Model Law on Electronic Signatures (2001)

United Nations Convention on the Use of Electronic Communications in International Contracts, 2005- Explanatory Note by the UNCITRAL secretariat

Videos and Power point presentations on :

i) Digital Signatures, ii) Creating Trust in electronic environment, iii) PKI Technology- Role of CCA available at [www.cca.gov.in](http://www.cca.gov.in)

#### IV. Databases

Copyright Protection, Protection under IT Act - failure to protect sensitive data or information and disclosure of personal information, preservation of information by intermediaries -Right to be forgotten [610] *Google Spain SL; Google Inc v. Agencia Española de Protección de Datos; Mario Costeja González*, Court of Justice of the European Communities (Grand Chamber), Case C-131/12, [2014] E.M.L.R. 27, decided on 13 May 2014]

#### Statute

The Information Technology Act, 2000, ss.43 A, 72A, 67C., the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011 - Rule 2(b), (h), (i); Rule 3

#### Readings

David J. Kessler, Sue Ross and Elonnai Hickok, "A Comparative Analysis of Indian Privacy Law and the Asia Pacific Economic Cooperation Cross-Border Privacy Rules", 26 (1) National Law School of India Review (NLSI Rev.) 31 (2014) [NLSIU Bangalore] available at Westlaw India

Deepu Jacob Thomas & Prasan Dhar, "Of Square Pegs and Round Holes: Towards a new paradigm of Database Protection", 4 Indian Journal of Law and Technology 35 (2008) [NLSIU Bangalore] available at Westlaw India

Report of the Group of Experts on Privacy (Chaired by Justice A P Shah, Former Chief Justice, Delhi High Court) available at [http://planningcommission.nic.in/reports/genrep/rep\\_privacy.pdf](http://planningcommission.nic.in/reports/genrep/rep_privacy.pdf)

#### V. Cyber Crimes

Introduction to Cyber crimes and cyber forensics ; Kinds of cyber crimes – Fraud and identity theft, cyber stalking; cyber pornography; Cyber terrorism; cyber defamation, Phising, Hacking etc.; Issues relating to Investigation, Jurisdiction, Evidence

#### Statute

The Information Technology Act, - ss. 43, 66, 66A, 66 B, 66C, 66D, 66F, 67, 67A; s. 78, s.75; the Code of Criminal Procedure, 1973 - ss. 177-179, 186, 188 and 189; the Evidence Act, 1872 -ss. 65A and 65 B

#### Reference Cases

*SMC Pneumatics (India) Pvt. Ltd. v. Jogesh Kwatra.*, suit no. 1201/2001, New Suit No. 65/14 decided on 12/02/2014 Delhi District Court; *State of Tamil Nadu v. Suhas Katti*, Decided by CMM, Egmore, decided on Nov. 5, 2004 available at <http://www.prashantmali.com/cyber-law-cases>; <http://www.legalserviceindia.com/lawforum/index.php?topic=2238.0>; *Shreya*

*Singhal v U.O.I*, SC decided on 24/03/2015, available at <http://indiankanoon.org/doc/110813550/>; *Rakesh v. Central Bureau,* Delhi District Court, decided on 5 February, 2011, available at: <http://indiankanoon.org/doc/90364172/>; *State of A.P. through*

*Inspector of Police, Cyber Crimes P.S., CID, Hyderabad v. Prabhakar Sampath*, Add. CMM Hyderabad, decided on 31/03/2015, CC 489 of 2010 available at: [www.prashantmali.com/cyber-law-cases](http://www.prashantmali.com/cyber-law-cases); *NAASCOM v. Ajay Sood*, 119 (2005) DLT 5960, 2005

(30) PTC 437 Del; *Maqbool Fida Husain v. Raj Kumar Pandey*, Delhi HC decided on 8/5/2008, CRL. REVISION PETITION NO.114/2007, available at <http://indiankanoon.org/doc/1191397/>; *Anvar P.V v. P.K. Basheer*, Supreme Court, decided on 18

September, 2014, Civil Appeal No.. 4226 of 2012, available at <http://indiankanoon.org/doc/187283766/>

#### Readings

Swati Mehta, "Cyber Forensics and admissibility of Digital Evidence", 2012 Practical Lawyer January S-23, available at:

[http://www.supremecourtcases.com/index2.php?option=com\\_content&itemid=135&do\\_pdf=1&id=22821](http://www.supremecourtcases.com/index2.php?option=com_content&itemid=135&do_pdf=1&id=22821)

Sherry L. Xie, "Building Foundations for Digital Records Forensics: A Comparative Study of the Concept of Reproduction in Digital Records Management and Digital Forensics", 74(2) *The American Archivist* 576-599 (Fall/Winter 2011) available at: <http://www.jstor.org/stable/23079051>

## VI. Obscenity and Pornography

Internet and Potential of Obscenity, Indian legal position; pornography and Article 19(1)(a); child pornography Statute

The Information Technology Act - Sections 66E, 67, 67A, 67B

Reference Cases:

*Kamlesh Vaswani v Union of India and others*, Supreme Court of India. Order dated 26 February 2016, I.A. No.5 of 2015 in WP (C) No.177 of 2013, 2016 INDLAW SCO 12; *The State (Cyber Cell) v. Yogisha @ Yogesh Pandurang Prabhu*, ACMM, 37TH COURT, ESPLANADE, MUMBAI C.C. NO. 3700686/PS/2009 decided on 3/07/2015 available at: <http://www.cyberlawconsulting.com/Yogesh%20Prabhu%20Vs%20State-%20Cyber%20Stalking.pdf>;

*Maqbool Fida Husain v. Raj Kumar Pandey*, Delhi decided on 8/5/2008 (*Supra*); *Avinash Bajaj v. State Delhi HC* decided on 29/05/2008, available at <http://indiankanoon.org/doc/309722/>; *Vaibhav Jain v. Vice Chancellor Devi ahilya Vishwavidyalaya*, MP (HC) decided on 3<sup>rd</sup> Jan 2002, available at <http://indiankanoon.org/doc/521882/>

Readings

Geetha Hariharan, "Our Unchained Sexual Selves: a Case For The Liberty To Enjoy Pornography Privately", 7(2) NUJS L Rev. 89 (2014), available at Westlaw India

Chinmayi Arun, "Gatekeeper Liability and Article 19(1)(a) of The Constitution Of India", 7(2) NUJS L. Rev. 73 (2014), available at Westlaw India

Yaman Akdeniz, "Governing Pornography & Child Pornography on the internet- the UK Approach", available at [http://www.cyber-rights.org/documents/us\\_article.pdf](http://www.cyber-rights.org/documents/us_article.pdf)

## VII. Freedom of Speech & Human Rights Issues in Internet

Freedom of Expression in Internet; Issues of Censorship -Blocking of content- hate speech, national security(blocking of yahoo groups, facebook contents etc.); Privacy Issues - interception, monitoring [*Apple iphone v. IFB* (privacy v national security), *Ratan Tata v. Union of India*, Writ Petition (Civil)No. 98 of 2010]; Computer emergency response team (CERT)

Statute

The Information Technology Act, 2000 - ss 69, 69A, 70B

Case:

*Shreya Singhal v U.O.I.* SC decided on 24/03/2015 (*Supra*)

Readings

Kamlesh K Bajaj, "Apple v. National Security", Indian Express (7<sup>th</sup> March, 2016)

Kamlesh K Bajaj, "Papa don't preach", Hindu Business Line (27<sup>th</sup> Sep. 2013)

Kamlesh K Bajaj, "Right to privacy in digital age", The Hindu (12 Jan. 2014)

### Books on Cyber Laws

- Lawrence Lessig, *Code and Other Laws of Cyberspace* 1999
- Ashwani K. Bansal, *Law of Trade Marks in India* 2014
- Kamlesh K Bajaj, Debjani Nag, *E-commerce: the cutting edge of business*, 2<sup>nd</sup> Ed. 2005
- Vakul Sharma, *Information Technology Law & Practice* 2014
- 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* 2012
- Kamika Sethi, *Computers Internet and New Technology Laws* 2013
- Apar Gupta *Commentary on Information Technology Act* 2011
- Alwyn Didar Singh, *E-Commerce In India: Assessments And Strategies For The Developing World* 2008
- Chris Reed, *Internet Law Text and Materials* 2010
- Aparna Viswanathan, *Cyber Law (Indian & International Perspectives on key topics including Data Security, E-commerce, Cloud Computing and Cyber Crimes)* 2012
- Ferrera et al, *Cyber Law Text and Cases* 3<sup>rd</sup> Ed. (2012)
- Prashant Mali, *Cyber Law and Cyber Crimes*, 2<sup>nd</sup> Ed. (2015)

Note : The cases/readings/topics mentioned above are not exhaustive. The teachers teaching the course shall have liberty to add new cases/readings/topics

The students are required to study the legislations as amended from time to time and consult the latest editions of the books

MSB University: Syllabus

Course: LLM

Subject: Company Law

Paper: M-104

**1. Basic Concepts**

- Incorporation: Advantages and Disadvantages, Pre- incorporation Agreements  
Corporate Personality: Lifting the Veil
- Memorandum of Association, Doctrine of Ultra-vires: Erosion, Evasion and Effects and Article of Association
- Doctrine of Indoor Management
- Prospectus
- Promoters

**2. Company Management and Administration**

- Role of Directors, Rights & Liabilities , Women Director, Independent Director, Government Director, Resident Director, Company Secretary, Audit


**3.**

- Inspection and Investigation (Sections 206 onwards)
- Company Meetings: Majority rule
- Prevention of Oppression and Mismanagement (Sections 241-247)
- Winding Up of Companies(Sections 270 – 323)
- Legal and Regulatory framework of Merger & Amalgamation
- Corporate Governance under SEBI Regulations, Insider Trading
- Powers of Central Government

**4. NCLT/ Appellate Tribunals (Section 407 onwards)**

**5. Corporate Crimes and Social Responsibility**

- Remainder Penalty Clause, Officer in Default, Corporate Crimes
- CSR: Theories and Justification
- Regulation of Multinational Corporations in India- Introduction, CSR and Multinational Corporations

  
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VC.

  
LLM co-ordinator  
21/11/2019

# MSB University: Syllabus

Course: LLM

Subject: Criminal Law

Paper: M-105

## Unit 1: Basic Principles of Criminal Jurisprudence

- Concept, classification and essentials of crime
- Criminal justice process models
- General principles of criminal liability
- General exceptions to criminal liability
- Inchoate Offences
- General Defences under IPC
- Offences against Property and Human Body

## Unit 2: Criminal law and Human Rights

1-

- Investigation
- Crime Control Due Process Model
- Arrest
- Bail
- Fair Trial

2-

- Preventive Detention
- Unlawful Activities (Prevention) Act, 1967
- National Investigative Agency

## Unit 3: Economic Crimes

- Tax evasion
- Money laundering, Introduction to Preventions of Money Laundering Act, 2002
- White Collar Crimes
- Corruption, Prevention of Corruption Act, 1988
- Trafficking in contraband goods and human organs

## Unit 4: Crimes against Women

- Domestic Violence, Dowry and Dowry Deaths
- Sexual Harassment and Rape
- Trafficking and Prostitution
- Acid Attacks, Female Feticide, Stalking, Voyeurism, Disrobing.

## Unit 5: Punishment and Sentencing

- Theories of Punishment
- Forms of Punishment
- Victimology
- Correctional Services (Probation, Parole, JJ Act)
- Capital Punishment.

## Unit 6: Emerging areas of study in criminal Jurisprudence

- Role of victims in Criminal Justice System
- Restorative Justice
- Witness protection
- Prison Reforms
- Plea Bargaining
- Human Rights, National Security and Terrorism

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भरतपुर (मंज.)

**MSB University Bharatpur**  
**INTELLECTUAL PROPERTY LAW-I (LLM)**  
**M 106**

(This is an exhaustive syllabus. Teacher would tell you how to place emphasis on topic and handling rest of topics – also noted against some topics)

Syllabus would have seven major topics – teacher would guide students

**Introduction to Intellectual Property and its Abuse**

1. General Principles of Intellectual Property Rights - Necessary for understanding IPRs  
Nature and Concept of IPR , WTO/TRIPs  
Brief evolution of IPR and its importance in present context  
Types of Intellectual Property  
Enforcement of Intellectual Property Rights (Art. 9-39 TRIPs), by various national laws
2. Abuse of Intellectual Property—Concept, Redress under Art.40 TRIPs and Competition Law  
Most modern topic- only introduction  
*In contrast to Enforcement for Developing countries – Abuse is important but till now India does not study this)*  
Refusal to license  
Conditions of Exclusive Grantback  
Coercive Package Licensing or tying in  
Market Power and Dominance  
Horizontal and Vertical Restraints on licencee  
Abuse of Dominant Position by right holder
3. International legal instruments relating to IPR --- for background  
Paris Convention, 1883 and TRIPs  
Reciprocity and Priority  
Concept of Minimum Standards  
Concept of National Treatment  
Concept of Most Favoured Nation (MFN)  
Madrid Agreement, Madrid Protocol, 1989 amended on Oct 3, 2006 and Nov 12, 2007, The Trade Marks (Amendment) Bill, 2009

## 2. Trade Marks Law

[Legislation : Trade Marks Act, 1999, in force from 15<sup>th</sup> Sep., 2003]

Note: Students should note that some cases are decided under the previous Act of 1958 (the meanings assigned to words and expressions under the old Act are to be understood and may be applied to the provisions of new Act of 1999 also)

### 1. Introduction

- 1.1 Definitions/Meaning of: 'Mark' S.2(1)(m); 'Trade mark' S.2(1)(zb); 'Service' S.2(1)(z); 'Goods' S.2(1)(j); 'Package' S.2(1)(q); 'Well known trade mark' S.2(1)(zg) and Functions, General Principles, Need for Protection of Trademarks, Registered and Unregistered Trade Marks
- 1.4 Use of trade mark on goods/services– S.2(2)(b) & (c), 29(6),

  
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- 1.4.1.1 Use in Advertisements –declared as use and ground for protection even without goods/services  
*N. R. Dongre v. Whirlpool Corporation*, (1996) 5 SCC 714
- 1.4.1.2 Protecting Domain Names as Trade Marks  
*Satyam Infoway Ltd v. Sifynet Solutions Pvt. Ltd*, AIR 2004 SC 3540
- 1.4.2 Trade Mark for Services  
*Balakrishna Hatcheries v. Nandos International Ltd*, 2007(35) PTC 295(Bom)  
*Health and Glow Retailing Pvt. Ltd v. Dhiren Krishna Paul, Trading as Health and Glow Clinic*, 2007(35) PTC 471(Mad)
2. **Registration of trade mark for goods/services -**  
Procedure (S.18 -23), Grounds of Refusal (S.9 & 11), Prior/Vested Rights, Rectification of register (S.57)
- 2.1 **Absolute Grounds for Refusal of Registration -** S.9(1) Distinctive character in 9(1)(a) , 8 types of Descriptive, laudatory marks or indications or words in S.9(1)(b), customary or bonafide practices of trade- – clause 9(1)(c), Proviso to S.9(1) - Acquired Distinctive character and well known marks  
*M/s Hindustan Development Corporation Ltd v. The Deputy Registrar of Trade Marks*, AIR 1955 Cal 319  
*The Imperial Tobacco Co. of India v. The Registrar of Trade Marks*, AIR 1977 Cal 413  
*Geep Flash Light Industries v. Registrar of Trade Marks*, AIR 1972 Del 179  
*Serious topic which emerges is distinctiveness – capability to distinguish*
- 2.2. **S.9 (2) -- Nature of mark as to deceive the public or cause confusion'**  
– Wide power – no mention of marks or goods  
Note, that under 1958 Act it was covered under the expression Deceptive Similarity  
*Sunder Parmanand Lalwani v. Caltex (India) Ltd*, AIR 1969 Bom 24  
*Sony Kabushiki Kaisha v. Samrao Masker*, AIR 1985 Bom 327
3. **Relative Grounds for Refusal – S. 11**
- 3.1 **Later trade mark similar with Earlier Trade Marks –S.11(1)**  
Identity or similarity of Marks resulting -- in likelihood of confusion or -- Association with earlier Mark ( Dilution ) and Identity or similarity of goods/services- Overlap with s 9(2)  
*K. R. Krishna Chettiar v. Sri Ambal & Co*, AIR 1970 SC 146
- 3.2 **Earlier Trade mark – if a Well Known Trade Marks - S.11(2)**  
Prohibition of registration even for different goods/ services  
Factors for determination - 11(6) to 11(9)  
Effect of Trade marks registered or used in good faith – S.11(11), effect of Acquiescence  
*Carrefour v. V. Subburaman*, 2007(35) PTC 225 (Also on passing off – )
- 3.3 Refusal of registration on grounds of passing off or under law of copyright – S.11(3)

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- 3.4 Prior/ Vested Rights  
Honest and Concurrent user – S.12, Prior user of mark and vested rights– S. 34,  
Name, Place of Business, Address or Description of Character or Quality of  
Goods or Services– S.35, Acquiescence – S. 33
4. **Passing off, Infringement and Exceptions to Infringement Action**
- 4.1 Enlargement of Infringement protection – S. 29
- 4.2 for same, similar or different goods/services
- 4.3 Difference between passing off and infringement  
Passing off- for similar goods/different goods/transborder reputation  
*Parley Products v. J P & Co*, AIR 1972 SC 1359  
*Cadila Health Care Ltd v. Cadila Pharmaceuticals Ltd*, 2001 PTC 541 (SC)  
*Carrefour v. V. Subburaman*, 2007(35) PTC 225  
*Bata India Ltd. v. Pyare Lal & Co.*, AIR 1985 All 242  
*Milmet Oftho Industries v. Allergen Inc.*, (2004) 12 SCC 624  
*Balakrishna Hatcheries v. Nandos International Ltd*, 2007(35) PTC 295(Bom)  
*Health and Glow Retailing Pvt. Ltd v. Dhiren Krishna Paul, Trading as Health and Glow Clinic*, 2007(35) PTC 471(Mad)
- 4.4 Exceptions –S.30  
*Hawkins Cookers Limited v Murugan Enterprises*, 2008 (36) PTC 290
5. **Trade Mark Dilution and Contemporary Areas** (S.11(1), S.29(4), S.29(8))  
*ITC Limited v Philip Morris Products S.A.*, 2010(42) PTC 572 (Del)  
**Protection of Trade Dress & colour combinations; Tarnishment of Trade marks/Comparative Advertising/Disparagement See Also S 29 (8)**  
*N Ranga Rao v. Anil Garg*, 2006 (32) PTC 15 (Del)  
*Pepsi Co Inc v. Hindustan Coca Cola Ltd* 2003 (27) PTC 305 (Del) (DB)  
*Dabur India Ltd. v. Colgate Palmolive* 2004 (29) PTC 401 (Del)
6. **Exhaustion of IPR** - Art. 6 TRIPs, S.29(6) Trade Marks Act, 1999, S. Patents Act, 1970 International Exhaustion, Regional Exhaustion, National Exhaustion – always applicable  
Book of AKB – p 514 -541 is most modern topic  
Case of Kapil Wadhwa Vs Samsung 2013(53) PTC 112 (del- DB) and later cases
7. **Licencing of Trade Marks** – Ss.48 - 53 ( *Advanced topic - crux of business*)  
Permission of Central Government not required in 1999 Act  
Necessity of Actual Quality Control  
Paradox of Quality Control  
Supremacy of Licencing Agreement  
*Pioneer HiBred v. Pioneer Seeds*, 1990 IPLR 17  
*Baker Hughes Ltd v. Hiroo Khushalini*, 1998 PTC 580; 2004 PTC 153 (SC)  
*MTV Holdings v. Mistrale Publishing Pvt. Ltd*, 2005 (30) PTC 489 (Del)  
*Gujarat Bottling v. Coca Cola*, AIR 1995 SC 2372

### 3. Geographical Indications

[Legislation: The Geographical Indications of goods (Registration and Protection) Act, 1999, in force from 15<sup>th</sup> Sep., 2003]

1. Definitions- 'Geographical Indication'(S.2(e)), 'Indication'(s.2(g)), 'Goods' (S.2(f)), 'Producer'(S.2(k)), Certification Trade Mark, Collective Marks
2. Concept of Indication of source, Geographical Indication and appellations of origin, Community Right
3. Kinds of Geographical Indications and Registration  
Procedure for Registration (Ss. 3-8, Ss. 11-17)  
Grounds for Refusal of Registration of GI's (S.9)  
Registration of homonymous Geographical Indications (S.10)  
Duration of protection and renewal(Ss18-19)
4. Infringement, penalties and remedies(Ss. 20-23, Chapter Ss. 37-54, Ss. 66-67, Rules for allowing use of registered GI by authorised users)
5. Conflict of GI's with Trade marks (Ss. 25-26)

#### Books Recommended

Ashwani Kr. Bansal, *Law of Trade Marks in India* (2014)  
P. Narayanan, *Law of Trade Marks and Passing off* (7<sup>th</sup> ed.,)  
Kailasam, *Law of Trade Marks and Geographical Indications* (3<sup>rd</sup> ed.)  
V.K. Ahuja, *Law Relating to Intellectual Property Rights* (latest)  
Latha R Nair & Rajendra Kumar, *Geographical Indication- A search for Identity* (2005)  
WIPO Background Reading Material on Intellectual Property


### 4. Industrial Designs Law

[Legislation: The Designs Act, 2000]

- 1.1 Need for protection of industrial designs
- 1.2 Subject matter of Protection - Design, S.2 (d), Original, S.2 (g), new or original, appeal to eye, copyright S.2(c)
- 1.3 Copyright in Design (duration) – S.11
- 1.4 Registration of design for articles – Ss.3-9 (No provision for opposition)
- 1.5 Cancellation of Design- S.19
- 1.6 Piracy or Infringement of copyright in Designs – S.22
- 1.8 Overlap of Design, Copyright and Trade Marks

*Bharat Glass Tube Limited v. Gopal Glass Works Limited*, 2008(37) PTC 1 (SC)  
*Reckitt Benckiser (India) Ltd v. Wyeth Limited*, 2010 (44) PTC 589 (Del (DB))  
*Samsonite Corporation v. Vijay Sales*, 1998 (18) PTC 372 (Del)

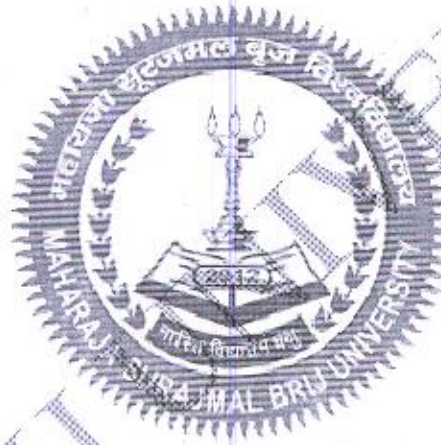
  
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# LLM ONE YEAR SYLLABUS

Second Semester

2017-18



M S B R I J U N I V E R S I T Y

**MSB Global Law Institute**

**Maharaja Surajmal Brij University**

**Bharatpur (Raj.)**



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# Paper I: Law and Justice in Globalising World

Paper Code: M 201

## Unit – I: Concept of Globalization and Theories of Law

- Meaning and Significance of Globalization
- Concept of Law: Nature, Meaning and Definition of Law
- Law & Morality (Hart-Fuller Controversy)
- Legal Theories: Natural Law School, Analytical School, Historical School, Sociological School and American Realist School

## Unit – II: Concept of Globalization and Theories of Justice

- Relationship of Law & Justice: Justice as function & Purpose of Law.
- Concept of Global Justice, Theories of Justice: Justice by Utilitarianists, Marxist Approach to justice, Rawls theory of Justice, Amartya Sen's theory of Justice, Types of Justice
- The Radical free market Philosophy of Robert Nozick.

## Unit – III: Critical Legal Studies

- Critical Legal studies (CLS) movements, Legal Realism and CLS movement
- Feminist Jurisprudence: Meaning, Origin, School and Criticism.
- Andrew Dworkin's theory of Adjudication, Judges and Discretion
- Accountable and Transparent governance in a Democracy.

## Unit – IV: Role of Judiciary and Judicial Process

- Judicial process an instrument of social ordering..
- International Judicial Institutions-ICJ and ICC
- Judicial Review, Judicial Activism and Judicial Accountability
- Doctrine of Judicial Precedent, Judge-made Law,

## Unit – V: Law and Social Justice

- Law as an instrument of social change.
- Welfare state and sociological jurisprudence.
- Environmental Jurisprudence and Sustainable development in a Globalizing World.
- Rule of Law, Procedure established by Law and Due Process of Law

## Paper II: Interpretation of Statutes and Legislative Drafting

Paper Code: M 202

### Part A- Interpretation of Statutes

#### Unit-I

- Meaning of Interpretation, Interpretation and Construction, Intention of legislature, Statute must be read as a whole in its context. The General Clauses Act, 1897: Even the Constitution of India has to be read with the provisions of this Act. Certain provisions like Sec. 6 have far reaching importance.

#### Unit-II

- Modes of Interpretation –
  - (i) Literal Rule
  - (ii) Golden Rule
  - (iii) Mischief Rule
  - (iv) Sensible Meaning Rule/Reasonable Construction
  - (v) Rule of Harmonious Construction
  - (vi) Interpretation of fiscal/ taxing Statutes.
  - (vii) Interpretation of Remedial and Penal Statutes.

#### Unit-III

- Internal aids to Construction: Short Title, Long title, Preamble, Headings, Marginal Notes, Punctuations, Illustrations, Interpretation Clause, Proviso, Explanation, Schedules.
- External Aids to Construction: Parliamentary History, Historical facts and Surrounding Circumstances, Dictionaries, Text-books, Use of foreign decisions.
- Maxims
  - (i) Noscitur a Sociis
  - (ii) Expressio Unius Est Exclusio Alterius
  - (iii) Eiusdem Generis

#### Unit-IV

- Beneficial and Liberal Construction.
- Interpretation of Constitution.
- Repeal of Statutes.

### Part B-Legislative Drafting

#### Unit V:

- Introduction to Legislative Drafting
- Meaning and Objectives of Legislative Drafting
- Types of Legislation
- Classification of Legislation (Bills and Acts)
- Structure and Format of Bills and Acts

#### Unit VI:

- Techniques of Legislative Drafting, Equipment, Raw Material-Words & Language
- Style of Drafting: Role of Words, Legislative Sentences
- Precision and Simplicity, Deliberate Vagueness

#### Unit VII:

- Drafting Process, Design-Pre Writing/ Post Writing, Steps in Drafting
- Composition of Bill, Referential Legislation

## **Paper III: Economic, Corporate & White Collar Crimes**

**Paper Code: M 203**

### **Unit-I: White Collar Crimes**

- Nature and Scope of White Collar Crime.
- Growth of White Collar Crime in India and Western Countries.
- Mens rea and White Collar Crime.
- Vicarious liability in White Collar Crime
- Strict liability in White Collar Crime.

### **Unit -II: Economic Crimes**

- Tax Evasion
- Illicit trafficking in contraband goods-smuggling (COFEPOSA, 1974)
- Illicit drug trafficking (NDPS Act)
- Breach of Foreign Exchange Regulations (FEMA)
- Corruption in government and politics (The Prevention of Corruption Act, 1988)

### **Unit -III: Corporate Crimes**

- Corporate Crimes-Meaning and Nature.
- Psychological and Socio-economic Factors underlying corporate frauds.
- Types of Corporate Crimes.
- Offences Relating to Statutory Noncompliance under Companies Act
- Vicarious Liability of Corporation

### **Unit IV: Statutes dealing with White Collar Offences.**

- The Essential Commodities Act, 1955
- The Prevention of Food Adulteration Act, 1954
- The Food Safety and Standards Act, 2006
- Food Safety and Standards Authority of India.

### **Unit V: Investigating agencies**

- Central Bureau of Investigation (CBI) - Powers and Functions
- Central Vigilance Commission (CVC)- Powers and Functions
- Economic Offences Wing (EOW)

## Paper IV: Competition and Law of Securities and Finance

### Paper Code: M 204

#### Unit-I: Competition Law- Introduction

- **Basic Concept:** Difference between MRTP Act and Competition Act, Salient feature of Competition Act, Important Definitions under the Competition Act, 2002, Relation between Competition Policy and Competition Law.
- **Anti-Competitive Agreements:** Horizontal and Vertical agreement, Rule of Perse and Reason, Appreciable Adverse Effect on Competition (AAEC) in India, Exemption, Prohibition of Anti competitive agreement/ Cartel/bid rigging.
- **Abuse of Dominance:** Enterprise; Relevant Market, Dominance in Relevant Market, Abuse of dominance, Predatory Pricing.
- **Combinations:** Merger, Acquisition, Amalgamation and Takeover - Horizontal, Vertical and Conglomerate Mergers - Combinations covered under the Competition Act, 2002 - Regulations, Penalties.

#### Unit-II: Institutional Framework and Emerging Trends in Competition Law

- **Enforcement Mechanism:** Establishment and Constitution of Competition Commission of India, Powers and Functions- Jurisdiction of the CCI - adjudication and appeals, Director General of Investigation (DGI) - Penalties and Enforcement.
- **Emerging Trends (National and International):** Intellectual Property Rights and Competition Law, International Trade and Competition Law, The Competition (Amendment) Bill, 2012, Draft National Competition Policy, 2011.

#### Unit-III: Law of Securities

- **Securities and Exchange Board of India (SEBI):** Composition, Powers and Functions, Procedure
- **Securities Appellate Tribunal (SAT):** Composition, Powers and Functions, Procedure, Appeal
- **Depositories Act, 1996-** Definitions, Setting up of Depository, Its type, Role and Functions
- **Law relating to Insider Trading and Takeover-** Introduction, Provisions in Securities and Exchange Board of India (Listing Obligations and Disclosure Requirements) Regulations, 2015

#### Unit-IV: Public Issue of Shares

- **Prospectus-** Definition, Contents, Abridged Prospectus, Red- Herring Prospectus, Statement in lieu of Prospectus, Deemed Prospectus, Registration, Civil & Criminal Liabilities, Misrepresentations and penalties
- **Shares-** Classes and Types of Shares, Allotment of Shares, Equity shares with differential rights, Issue of Shares at Par, Premium and Discount, Right Issue, Bonus Issue, Transfer & Transmission of Shares, Statutory Restrictions, Share Certificate- Its Objects & Effects, Kinds of Share Capital

#### Unit-V: Debenture and Charges

- **Debt Capital-** Debentures, Debenture Stock, Bonds; Recent Trends and Dynamics of Corporate Debt Financing; Debenture Trust Deed and Trustees; Conversion & Redemption of Debentures
- **Securing of Debts-** Charges, Creation, Modification & Satisfaction of Charges
- **Inquiry:** Power to call for information; Grounds of Investigation; Powers of Inspectors; Consequences and Effects; Judicial Review.

**Paper V: IPR-II-Law of Patent and Copyright Trade Secrets/Designs**  
Paper Code: M 205 (2017-18)

Law of Patent [Min 2 topics +4 small]

Unit I: Law of Patent (The Patents Act, 1970 wef 1972)

- Concepts of patent, meaning, nature and kinds of patent.
- Procedure for filing application of patents; specifications, Inventions. Sec 3, scrutiny
- Drafting of claims, Opposition, Grant
- government use of invention, and revocation for non-working, grounds of revocation of a patent.
- patent of addition, compulsory licences, licences of right
- International patents, PCT
- Enforcement of patent, Infringement of patent, remedies for infringement, threat of infringement
- Patents Amendments in 1999 and 2002 and 2005
- Rights and obligations of a patentee, assignment and surrender, notion of abuse of patent rights.
- Patent and Micro - Organism
- Advanced Readings: Patent and Computer Programmes

Unit II: International Protection of Patents.

- Parallel Imports and Exhaustion International conventions and agreements for the protection of patents.
- WTO/TRIPS obligation. Art 27, 30
- Advanced Readings: Biopiracy, Biotechnology patents
- Advanced Readings: Sui generis Protection of plant varieties and farmers rights
- Advanced Readings: Convention on Biological Diversity, Protection of traditional knowledge, rights of Indigenous People, transfer of technology, Multinational Ownership

Copyright

[Min 2 topics +4 small]

Unit III: Law of Copyright (Copyright Act, 1957)

- Subject matter of copyright. Sec 13-16 - Details thereof
- Rights enshrined in copyright owner and licensee. Sec 14
- Literary, computers prog, artistic, films, sound recordings
- Ownership,
- International Conventions and Agreements for the Protection of Copyright- WTO/TRIPS Agreement, The Berne Convention, Universal Copyright Convention, The Rome Convention, WIPO's Copyright Convention and Phonogram Treaty, 1996. Infringement of copyright and remedies assignment, registration and.
- Neighbouring Rights: right of performers, broadcasting organisations, broadcasting rights including satellite and cable distribution.

Unit IV: Law of Designs (The Designs Act, 2000) (1 Unit + 3 small)

- Definitions: basic concepts, functional designs, the rights.
- Registration: procedure,
- Design Copyright, term of design,
- Protection of Designs: Piracy /infringement of design, remedies against infringement.

Unit V: Trade Secrets or Confidential Information (1 Unit + 2 small)

- Legal Position in India : Subject matter of Trade Secret Protection
- Legal Framework for Trade Secret Protection

20/1/18

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**Paper VI: Taxation including GST Law**

**Paper Code: M 206**

**Part A- Direct Taxes**

**Unit I: Introduction to Income Tax**

*2 units*

- Basic Concepts of income, Importance of income Tax and Annual Finance Act, exempted income, person, Non-Resident Indian, previous year, Assessment year. agricultural income,
- Scope of total income, basis of charge, capital and Revenue
- Computation of income under: a) Income from salary b) Income from business or profession. c) Income from house property. d) Capital gains. e) Income from other sources, Deduction admissible in computing income.
- Taxation and assessment of firms, companies and HUF
- Tax Authorities, their powers and jurisdiction, collection and recovery of tax, Assessment: Procedure and kinds of assessment.

**Unit II: Introduction to Corporate Tax**

*1 unit*

- Features, importance, economic and legal aspects of companies and corporations, special features affecting incidence of taxation
- Assessment procedure, features and problems.
- Minimum Alternative Tax.

**Part B- Indirect Taxes**

**Unit III: GST Law**

*2 units*

- Levy and Collection of Taxes
- Registration
- Payment of Tax, Returns, Refunds
- Assessment, Audit, Search, Seizure, Arrest
- Appeals and Revision
- Offences and Penalties

**Unit IV: Law relating to Sales Tax**

*1 unit*

- Introduction to Sales Tax and VAT Laws
- Introduction to The Central Sales Tax law

**Unit V: Law relating to Central Excise and Customs Duty**

*1 unit*

(A) Central Excise Act- Introduction to Central Excise Duty

(B) Customs Act

- Definition
- Kinds of Duties.

*this is tentative. Topics can be added. Final would be notified by 10 April 2018.*

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