



**KLE Technological  
University**

Creating Value,  
Leveraging Knowledge

# **KLE LAW COLLEGE BENGALURU – 91**

*Constituent College of KLE Technological University, Hubballi*

## **SYLLABUS**

### **2-YEAR LL.M. PROGRAMME**

### **SPECIALISATION - CONSTITUTIONAL LAW**

### **I SEMESTER**

**2023 - 2024**



*Principal*  
**KLE Law College**  
**KLE Technological University**  
**Sri M. Vishweshwariah Layout**  
**Bangalore-560 091**



Sl. No	Course Name	Course Code
1	JUDICIAL PROCESSES AND LAW MAKING PROCESSES	21LLCC101
2	RESEARCH METHODOLOGY	21LLCC102
3	LEGAL THEORY AND PHILOSOPHY	21LLCC103
4	SPECIALISATION COURSE – 1: CONSTITUTIONAL LAW : THEORY AND PRINCIPLES OF CONSTITUTIONAL INTERPRETATION	21LLCT101







## **JUDICIAL PROCESSES AND LAW MAKING PROCESSES**

### **21LLCC101**

#### **Course Description:**

The course deals with the concept of Judicial Process and provides an academic exposure to understand the intricacies of the judicial tools and techniques involved in judicial process.

#### **Course Objectives:**

1. To study the concept of Judicial Process.
2. To analyse the significance of Judicial Process.
3. To understand the dimensions of Judicial Process.
4. To examine the concept of judicial accountability and judicial activism.
5. To know the process of legislative drafting.

#### **Course Outcomes:**

At the end of the course, the students will be able to

1. Explain the nuances of the judicial process and analyse the role of judicial process in bringing about social change and stability.
2. Discuss the role of judicial process in constitutional adjudication
3. Elucidate the importance of judicial review and evaluate the judicial independence in India
4. Analyse the legislative law making process and examine the relation between law and public opinion
5. Compare and contrast the legislative drafting process in India and England

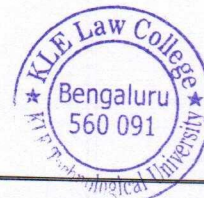
#### **Course Content**

##### **Unit – I: Introduction to Judicial Process**

- Nature of Judicial Process: Judicial process as an instrument of social ordering;
- Judicial process and creativity in law - common law model.
- Legal Reasoning and growth of law-change and stability; *stare decisis*; the tools and techniques of judicial creativity and precedent; identifying *ratio decidendi* and *obiter dicta*
- Legal development and creativity through legal reasoning under statutory and codified systems.

##### **Unit – II: Dimensions of Judicial Process**

- Special Dimensions of Judicial Process in Constitutional Adjudications: Notions of judicial review.
- Role in constitutional adjudication - various theories of judicial role.
- Tools and techniques in policy-making and creativity in constitutional adjudication; Variants of judicial and juristic activism.





### **Unit - III: Judicial Accountability and Judicial Activism**

- Problems of accountability and judicial law-making.
- Judicial Process in India: Indian debate on the role of judges and on the notion of judicial review.
- The "independence" of judiciary and the "political" nature of judicial process;
- Judicial activism and creativity of the Supreme Court the tools and techniques of creativity;
- Institutional liability of courts and judicial activism - scope and limits and structural challenges

### **Unit- IV: Rules of Interpretation**

- Legislation as a source of law: its relationship with other sources of law.
- Supreme legislation: law making by Indian Parliament;
- Interaction between law and public opinion;
- Major rules of interpretation of statutes; Literal or Plain Meaning Rule; Golden Rule; Purposive approach: Mischief Rule; Compromise approach.

### **Unit - V: Legislative Drafting**

- Nature of legislative drafting: history in India and England
- Diseases of language.
- Components or parts of legislation and their purposes.
- Role of draftsman: the skills, traits and abilities draftsman's, duties and responsibilities: impact of constitutional values and provisions on legislative drafting, impact of the General Clauses Act upon legislative drafting; steps in legislative drafting, pre-draft preparation; drafting; deliberation with others; post-draft refinement.

### **Prescribed Books:**

1. W.Friedman, Law in a Changing Society, Sweet and Maxwell, South Indian Edn. 2016
2. Julius Stone, The Province and Function of Law, Part II, Chs. 1, 8-16, Universal, New Delhi, 2006.
3. Benjamin Cardozo, The Nature of Judicial Process. Universal, New Delhi, 1995.
4. Henry J.Abraham , The Judicial Process,Oxford, 1998.
5. J.Stone, Precedent and the Law: Dynamics of Common Law Growth Butterworths (1985).
6. W.Friedmann, Legal Theory , Stevens, London 1960.
7. Bodenheimer, Jurisprudence - the Philosophy and Method of the Law, Universal, Delhi 1997
8. C. K. Allen, Law in the Making, Oxford University Press, 7th Edn. 1967
9. C. K.Allen, Law and Orders, Universal Law Publishing, 3<sup>rd</sup> Edn. 2012.
10. Sir Henry Maine, Ancient Law, Book Jungle, 2008.
11. Rupert Cross, Precedents in English Law, Clarendon Press, 4<sup>th</sup> Edn. 1991.



12. A. Lakshminath, Judicial Process: Precedent in Indian Law, Eastern Book Company, 4<sup>th</sup> Edn. 2009.

### Reference Books:

1. J.Stone, Legal System and Lawyers' Reasonings, Universal, Delhi 1999.
2. U.Baxi, The Indian Supreme Court and Politics, Eastern, Lucknow 1980.
3. Rajeev Dhavan, The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.
4. John Rawls, A Theory of Justice (2000), Universal, Delhi
5. Edward H.Levi, An Introduction to Legal Reasoning (1970), University of Chicago.
6. F. C. Cohen, 'Modern Ethics and the Law' (1934) 4 Brooklyn Law Review 33
7. P. Devlin, 'Judges, Government and Politics' (1978) 41 Modern Law Review 501
8. J. Dickinson, 'The Law Behind Law' (1929) 29 Columbia Law Review 285
9. T. K. Vishwanathan, (Ed) G. Rajagopaul's Legislative Drafting: Shaping the Law for the Millennium (Indian Law Institute, 2007)
10. B R Atre, Legislative Drafting: Principles and Techniques (Universal, 2014)
11. Helen Xanthaki, Thornton's legislative Drafting (5th ed); G C Thornton, Legislative Drafting (Butterworths, 1996)
12. Constantin Stefanou and Helen Xanthaki (ed) Drafting Legislation (Ashgate, 2008)
13. Reed Dickerson, Legislative Drafting, (1954) 103(2) University of Pennsylvania Law Review 291
14. Reed Dickerson, Interpretation of Statutes, Little Brown, 1975
15. G P Singh, Statutory Interpretation, Eastern Book Company, 14th Edn, 2018.





## RESEARCH METHODOLOGY 21LLCC102

### Course Description:

The Research Methodology course offers a comprehensive exploration of legal research methods and methodology, unveiling the intricacies of the research process. In order to familiarise students with the concepts and techniques of legal research, and empowering them to adeptly fulfill their roles as both academics and professionals. Emphasizing on research as a pivotal tool for advancing knowledge and fostering personal growth, the course aims to provide the continuous nature of acquiring new knowledge and uncovering truths. It will also guide students in cultivating critical thinking skills, literature reviews, and formulating research designs within ethical and legal framework.

### Course Objectives:

1. To provide the basic insights into research touching upon the reflective thinking and scientific methods of research.
2. To acquaint with the essential attributes of researcher, structuring research design and plagiarism.
3. To identify the different kinds of research, its merits, demerits, suitability and utility
4. To acquaint the students with the non-doctrinal research and tools of data collection.
5. To learn how to develop a research report or research proposal.

### Course Outcomes:

At the end of the course, the students will be able to

1. Explain the importance of research, utility of research and use the research language in their academic writings.
2. Practice and inculcate the qualities of researcher and adhere to the ethical and legal requirements of research.
3. Distinguish between different methods and kinds of research and adopt them suitably for carrying out different researches.
4. Use the different tools of data collection.
5. Plan and write the academic research papers, reports and research proposal.

### Course Content

#### Unit– I: Foundations of Research:

- Research meaning, objectives, and utility of research.
- Concept of theory, empiricism, deductive and inductive logic.
- Reflective thinking process.
- Characteristics of scientific method
- Understanding the Language of research – Concept, Construct, Definition, Variable. Research Process.

#### Unit - II: Legal Research and Its Methodologies

- Legal Research: Introduction; Legal Research Methodology, purposes and footsteps;
- Thinking process in legal research: diverse models



- Objectivity, Value neutrality, originality, and ethics in legal research; rules against plagiarism
- Selecting, designing, and building the legal research theme
- Hypothesis: meaning, kinds, formulation and testing
- Introduction to kinds of research.

### **Unit - III: Doctrinal Legal Research**

- Doctrinal legal research as a means of synthesising facts, thoughts and legal principles.
- Analytical legal for expanding the legal world.
- Historical legal research: implications and applications.
- Philosophical research in law: the possibilities.
- Comparative method of legal research: Nature, Process, and Potentiality.

### **Unit – IV: Non-doctrinal Legal Research**

- Non-doctrinal legal research: nature, features and expanding horizons.
- Tools of data collection: observation, interview, case study, questionnaire, survey.
- Qualitative legal research.
- Sampling method: varieties and uses.
- Quantitative legal research.

### **Unit – V: Dimensions of legal research**

- Multi-method Legal Research: Nature, Need, Procedure and Potentiality.
- Policy research in law; Action research in law; methodology.
- Legal writing based on research: Report writing.

### **Prescribed Books:**

1. Bhat Ishwara P., Idea and Methods of Legal Research, (Oxford: Oxford University Press, 2019)

### **Reference Books:**

1. Whitney F.L., The Elements of Research, (rev.edn. Prentice Hall, 1948)
2. Goode, William J. and Hatt Paul K., Methods in Social Research, 1st Ind. Re.pt. (Delhi: Surjeet Publications, 2006)
3. Mike McConville and Wing Hong Chi, Research Methods for Law (Edinburg University Press, 2007)
4. Lee Epstein and Andrew D. Martin An Introduction to Empirical Legal Research (Oxford University Press 2014)
5. SK Verma and Afzal Wani, Legal Research Methodology (Indian Law Institution, Second Edition, 2007)
6. Young, Pauling, V (1973), Scientific Social Surveys and Research, Delhi, Prince Hall of India Pvt., Ltd.
7. Upendra Baxi (1975), Socio –Legal Research on India: A Programschrift, ICSSR 12, Occasional Monograph.
8. CR Kothari, Research Methodology Methods and Techniques, New Age International Publishers, 4th Ed., 2019. References:





9. Jain, S. N., Doctrinal and Non-Doctrinal Legal Research, Journal of the Indian Law Institute, vol. 24, 1982. 2.  
Rattan Singh, Legal Research Methodology, LexisNexis, 3rd Ed., 2021
10. Ervin, H. Pollack (1967) – Fundamentals of Legal Research.
11. S.K.Verma and M. Afzal Wani (ed), Legal Research and Methodology, 2nd Edition, ILI Publication (2009)
12. Jonathan Anderson, Poole Millicent E., Thesis and Assignment Writing, John Wiley & Sons Inc. (2002)
13. Lazarsfeld, Paul F. (1967)-The Language of Social Research (N.Y. Free Press.)
14. Russel L.Ack;off (1953) The Design of Social Research (University of Chicago Press).





**LEGAL THEORY AND PHILOSOPHY**  
**21LLCC103****Course Description:**

The course makes the students understand the evolution and development of law across the globe. It gives knowledge regarding various kinds of legal systems and its development in ages. It compares multiple theories of law, which enables students to understand the concept from different perspective and traditions.

**Course Objectives:**

1. To develop a philosophical and analytical understanding of legal systems.
2. To understand the different theories of law.
3. To understand the different functions of law in various legal systems.
4. To understand the justification of legal system.
5. To explore the comparison between various theories of law and legal system.
6. To understand the law in its social and temporal context.
7. It will also help students to appreciate the limitations of law and theories of justice.

**Course Outcomes:**

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

1. Trace the origin and development of Natural Law philosophy and its relevance in the modern world.
2. Examine the Positivist theories of law and analyse them, juxtaposing Natural Law theory.
3. Elucidate the theory of law propounded by Sociological and Historical school and evaluate them.
4. Explain the factors responsible for Realist theory of law and Marxian theory of law, and analyse them.
5. Appraise different theories of Justice from ancient time to modern times.

**Course Content:****Unit – I: Natural Law Theory**

- Introduction, meaning and importance of Legal theory and philosophy,
- Natural Law theory of Law - Ancient Greek Philosophy, Sophists, Medieval Thinkers, Modern Thinkers.

**Unit – II: Positivist Theory of Law**

- Positivist theory of Law – Jeromy Bentham, John Austin, H L A Hart, Hans Kelsen

**Unit – III: Sociological and Historical Theory**

- Sociological theory of law – Roscoe Pound
- Historical theory of law – Savigny and Puchta





### Unit – IV: Realism and Marks Theory

- Realist theory of Law – American realists
- Marxian theory of law

### Unit – V: Theory of Justice

- J S Mill's and Bentham's Utilitarianism
- Rawls' Theory of Justice,
- Amartya Sen's idea of Justice.
- Dworkin's Rights Based Theory of Justice,
- Dharma - A duty based approach to Justice.
- Feminist Theories of Justice.

### Prescribed Books:

1. Julius Stone, Province and Functions of Law, Law as Logic Justice and Social Control, 1968, USA Williams S Hein.
2. RWM Dias, Jurisprudence, Fifth Edition 2014 LexisNexis.
3. P J Fitzgerald - Salmond on Jurisprudence, Twelfth edition 2022, Sweet & Maxwell South Asian Edition.
4. Julius Stone - Social Dimensions of Law, Sidney Maitland , Second reprint 2009, Universal Law Publication.
5. Edgar Bodenheimer, Jurisprudence, The Philosophy and Method of the Law, Revised Edn. 1974, Harvard University Press Cambridge.
6. Julius Stone - Legal System and Lawyers Reasoning's, 2<sup>nd</sup> Printing, 1968 Stanford California University Press, California.

### References:

1. Freeman, Michael Lloyd, Introduction to Jurisprudence, London, Sweet & Maxwell Publication 9<sup>th</sup> Edn 2014
2. Roscoe Pound, Jurisprudence Vol. I to V, West Publishing Co 1959.
3. Roscoe Pound, An Introduction to the Philosophy of Law, Delhi Universal Law 2003.
4. Kelson, The Pure Theory of Law, London University of California Press 2009.
5. D' Entreaves, Natural Law, an introduction to legal philosophy, Taylor & Francis 2017.
6. Robert S Summers, Essays in Legal Philosophy, London Basil Blackwell 1970.
7. Mill, JS, Utilitarianism, Chapters 1 & 2, London Longsman Green and Co 7<sup>th</sup> Edition 1879.
8. Sen, Amartya, The Idea of Justice, Chapters 2, Harvard University Press 2011.
9. Dworkin, Ronald, Taking Rights Seriously, Harvard University Press 1978.
10. Posner Richard A., The Economics of Justice, Harvard University Press 1981.
11. Cohen, G.A, If You're An Egalitarian How Come You're So Rich? (Revised edition), Harvard University Press. (Excerpts) 2001
12. Okin, Susan Moller. 'Justice and Gender', Vol. 16, No. 1 (Winter, 1987) Philosophy and Public Affairs (Journal)



**Specialisation Course – 1: Constitutional Law: Theory and Principles of  
Constitutional Interpretation  
21LLCT101**

**Course Description:**

The students of constitutional law are expected to be thorough with the theories and concepts that constitute foundation of the constitution for better understanding and appreciation of the provisions of the constitution. Therefore, the course is designed to introduce the concepts like constitutionalism, concept of State, ancient Indian ideas on State, Gandhi and Ambedkar's views on structure and functions of the State. Further, as constitution is to be interpreted differently than the ordinary statutes, the course introduces different principles and approaches of constitutional interpretation.

**Course Objectives:**

1. To study the nature and importance of the Constitution, requisites of an ideal constitution, and the concept of constitutionalism, the concept of State and its functions.
2. To understand which and how the constitutional values and approaches influence the interpretation of the Constitution of India.
3. To understand how the Constitution is interpreted as a value document and as an organic document.
4. To understand the doctrines and principles pertaining to interpretation of the Constitution of India.

**Course Outcomes:**

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

1. Explain the nature and importance of the constitution, constitutional values, and the concept of constitutionalism.
2. Sketch the ancient Indian theory of State and analyse the views of M K Gandhi and Dr. Ambedkar on functions of the State.
3. Examine the role of internal and external aids in the interpretation of the Constitution.
4. Compare the different approaches of interpretation of the constitution and evaluate their relevance.
5. Elucidate the different doctrine and principles pertaining to interpretation of federal scheme.

**Course Content****Unit - I: Constitution and Constitutionalism**

- Nature and importance of constitution
- Constitutional Values
- Requisites of an ideal constitution
- Concept of constitutionalism – its development and role in the legal system
- Nature and limitations of amending power
- Basic structure theory



## **Unit - II: Concept of State and Functions of State**

- *Saptanga* theory of State in ancient India – Ruler's Obligations
- Modern Indian Political thoughts of Gandhi and Ambedkar about functions of the State
- Separation and division of powers.

## **Unit - III: Aids to Interpretation of Constitution**

- Role of Internal and External Aids in the Interpretation of Constitution.
- Preamble; Headings, Marginal Notes, Non-Abrogation and Non-Derogation provisions, Inclusive and Exclusive definitions,
- Use of drafts, Constituent Assembly Debates, Legislative History, International Law, Original Intention Theory. Values and Approaches that influence constitutional interpretation

## **Unit - IV: Approaches to the Interpretation of Constitution**

- Interpreting the Constitution of India as a value document
- Living Organism Approach
- Interpreting the constitution as a legal document
- Purposive interpretation
- Reading-Down and Reading-Up and Reading-In
- Inter-relationship of Fundamental Rights
- Presumption of constitutionality

## **Unit - V: Rules and Doctrines of Interpretation of Constitution**

- Literal Interpretation and its limitations
- Harmonious Construction
- Doctrines: Doctrine of Repugnancy, Doctrine of Pith and Substance, Doctrine of Colourable Legislation, Doctrine of Occupied Field, Doctrine of Reasonable Classification, Doctrine of Proportionality, Doctrine of Waiver, Doctrine of Severability, Doctrine of Essential Religious Practice.

### **Prescribed Books:**

1. Raymond Garfield Gettell, Readings in Political Science, Arkose Press, UK, 2015.
2. K.C.Wheare, Modern Constitutions, Oxford University Press, London, 1966
3. H.J. Laski, The State in Theory and Practice, Aakar Books, New Delhi, 2018
4. B.A.Masodkar, Society State and the Law, N.M.Tripathi, Pvt. Ltd. Bombay, 1979
5. M.Rama Jois, Legal and Constitutional History of India: Ancient Legal, Judicial and Constitutional System, Universal Lexis Nexis, New Delhi, 2022
6. J. Friedrich, Constitutional Government and Democracy, Ginn and Company, Boston. 1950.





**Reference Books:**

1. H.M.Seervai, Constitutional Law of Indian, Universal Law Publishing Co Ltd.,Gurgaon,1991
2. P.K.Tripathi- Spotlights on Constitutional Interpretation, N.M.Tripathi, Pvt.Ltd.Bombay, 1972
3. G.P.Singh, Principles of Statutory Interpretation, Lexis Nexis; First Edition, 2016
4. Vepa P. Sarathi, Interpretation of Statutes, Eastern Book Co., 2015
5. M P Jain, Indian Constitutional Law, LexiNexis, 2018



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### **SYLLABUS**

#### **2-YEAR LL.M. PROGRAMME**

#### **SPECIALISATION - CONSTITUTIONAL LAW**

#### **III SEMESTER**

**2023 - 2024**



  
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Sl. No	Course Name	Course Code
1	SPECIALISATION PAPER – 4 - CENTRE-STATE RELATIONS	21LLCT201
2	SPECIALISATION PAPER – 5: CIVIL LIBERTIES - COMPARATIVE STUDY OF SELECT CONSTITUTIONS	21LLCT202
3	SPECIALISATION PAPER – 6: COMPARATIVE ADMINISTRATIVE LAW	21LLCT203
4	SPECIALIZATION PAPER - 7: CONSTITUTIONAL MISCELLANY	21LLCT204





## **SPECIALISATION PAPER – 4 - CENTRE-STATE RELATIONS 21LLCT201**

### **Course Description:**

The Constitution of India has adopted the federal structure. Power is divided between the Union and the States in such a way that matters of national importance are entrusted to the Centre and matters of local importance are left to the States. The Constitution departs from the model of classical federalism in many ways. This departure was made to suit the peculiar Indian circumstances. However, the constitutional provisions were in practice further distorted so as to make the states totally subservient to the Centre.

### **Course Objectives:**

- To introduce the students to sui generis nature of the Constitution of India with regard to Quasi federal approach where in distribution of legislative, administrative and fiscal powers made.
- To enable the students to understand and analyze various aspects of federal principles, and their working in the Indian context.
- To understand the various emerging forces such as regionalism, sub-national loyalties and nationalism.
- To enable students to see the working of the constitutional process as a vital element of political economy.

### **Course Outcomes:**

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

1. Explain the scheme of distribution of legislative power between the center and state and examine the principles and doctrines applicable to the interpretation of legislative entries.
2. Analyse the distribution of executive power and administrative relation between the center and state.
3. Map the distribution of fiscal power between the center and state with reference to functioning of the Finance Commission of India.
4. Elucidate the constitutional aspects of inter-state trade and commerce throughout India and narrate the functioning of NITI Ayog.
5. Discuss the developments pertaining to interstate river water dispute, describe the functioning of interstate council and explain pros and cons of abrogation of Art. 370 of the Constitution of India.

### **Course Content:**

#### **Unit – I: Federal Legislature**

- Scheme of distribution of legislative powers between Union and States
- Doctrine of Territorial Nexus
- Parliament's power to legislate on the State list
- Inconsistency between laws passed by Parliament and State legislature
- Principles of interpretation of lists- Doctrine of Pith and Substance; Doctrine of Colorable Legislation; Doctrine of harmonious construction; Ancillary legislation



## **Unit – II: Federal Executive**

- Distribution of executive powers
- Inter-governmental delegation of powers
- Centre's directive to State and other Constitutional provisions
- All India Services

## **Unit – III: Fiscal Federalism**

- Distribution of Fiscal Power: Scheme of allocation of taxing power
- Extent of Union power of taxation
- Intergovernmental tax immunities
- Tax-sharing under the Constitution
- Finance Commission - Specific purpose grants (Article 282)
- Borrowing power of the State; borrowing by the Government of India

## **Unit – IV: Interstate Trade and Commerce**

- Inter-State Trade and Commerce: Freedom of Inter-State trade and commerce
- Restrictions on legislative power of the Union and States with regard to trade and Commerce
- Planning and financial relations: NITI Ayog
- National Development Council; plan grants

## **Unit – V: Co-operative Federalism and Interstate relations**

- Co-operative Federalism: Full faith and credit
- Inter-State council; Zonal councils
- Inter-State disputes
- Abrogation of Art.35A and 370
- Disputes relating to waters, Inter-State council

## **Prescribed Books:**

1. D.D Basu ,Commentary on the Constitution of India, VII volumes, Lexis Nexis 9<sup>th</sup> Edition (2016)
2. H.M. Seervai, Constitutional Law of India, Tripathi, Universal Law Publication, Bombay, (1991).

## **References:**

1. H.M. Seervai, Constitutional Law of India, Tripathi, Universal Law Publication, Bombay, (1991).
2. Sudha Bhatnagar, Union-State Financial Relations and Finance Commissions, Chugh Publications, (1979)
3. Ashok Chandra, Federalism in India, George Allen and Unwin Ltd., (1965)
4. V.D. Sebastian, Indian Federalism: The Legislative Conflicts Chs. 6-7 and 8, Academy of Legal Publications, Michigan, (1980).





5. Chandrapal, Centre-State Relations and Cooperative Federalism, Chs. 5 and 8, Deep and Deep, University of Michigan, (1983)
6. G.C.V. Subba Rao, Legislative Powers in Indian Constitution Law, Chs. 37, 38, 39, Law Academy, University of Michigan, (1982)
7. K.P. Krishna Shetty, The Law of Union-State Relations and the Indian Federalism Ch.9, K.P. Publisher, Madras, (1981)
8. Constituent Assembly Debates Vol. 9, 203, 240 and 302-349; Vol. 10, 325-342.
9. Administrative Reforms Commission, Report of the Study Team on Central-State Relationship (1967) Vol. 1, Sections and 11, pp. IS- 168
10. L.M. Singhvi (ed.), Union-State Relations in India 124-154, New Delhi, (1969)
11. M.P. Jain, Indian constitutional Law, Wadhwa & Co., Nagpur, (1994)





## **SPECIALISATION PAPER – 5: CIVIL LIBERTIES - COMPARATIVE STUDY OF SELECT CONSTITUTIONS 21LLCT202**

### **Course Description:**

This course offers a comprehensive examination of civil liberties by conducting a comparative study of select constitutions of India, the USA and the UK. Students will explore the foundational principles and legal frameworks that safeguard individual freedoms within diverse constitutional contexts. Through an in-depth analysis of key constitutional provisions, landmark judicial decisions, and socio-political dynamics, students will develop a nuanced understanding of the protection and limitations of civil liberties in different jurisdictions.

### **Course Objectives:**

1. To understand the foundational principles that underpins civil liberties in different constitutional contexts.
2. To identify commonalities, variations, and unique approaches to civil liberties in selected constitutions.
3. To analyse landmark judicial decisions from various jurisdictions, assessing their significance in shaping the legal landscape and influencing civil liberties.
4. To develop a nuanced understanding of the delicate balance between the protection and limitations of civil liberties in different jurisdictions.
5. To develop the ability to critically analyse contemporary challenges to civil liberties, recognising global trends and comparing responses to new and evolving issues

### **Course Outcomes:**

At the end of the course, the students will be able to

1. Discuss the concept of state action and analyse the importance of philosophy of rights and liberties.
2. Discuss the scope of right to equality.
3. Analyse the scope and extent of freedom of speech and expression.
4. Explain the nuances of freedoms and safeguards relating to trade, freedom of religion and property.
5. Elucidate the constitutional provisions and developments relating to right to education and protection of rights of minorities.

### **Course Content**

#### **Unit– I: Introduction to Rights and Liberties**

- Philosophy of rights and liberties
- Methods of guarantee of basic rights – Common Law method – Constitutional bill of rights – Division of powers approach
- Concept of State action
- Right to Life – Traditional and modern concept – Positive rights of life – Right to die
- Right to Personal Liberty and privacy



## **Unit - II: Right to Equality and Protection**

- Right to Equality - Non-discrimination
- Reasonable classification
- Gender equality
- Protective discrimination – method and extent.
- Rights of accused– Immunity against Self- incrimination – Rule against double jeopardy – Protection against unreasonable search and seizure – Speedy trial – Right to counsel –Protection against cruel and unusual punishment

## **Unit - III: Freedoms**

- Freedom of speech and expression
- Facets of freedom of speech and expression
- Extent of restriction
- Freedom of Press
- Freedom of Assembly, Association, Movement, Residence – Content and Extent of restrictions

## **Unit – IV: Trade, Freedom of religion and Property**

- Freedom of trade, occupation and profession
- Restrictions on Freedom of trade, occupation and profession
- Freedom of religion
- Restrictions on freedom of religion
- Right to property – Power of eminent domain

## **Unit – V: Special Suits and the Limitation Act, 1963**

- Educational and cultural rights
- Rights of minorities
- Interrelation among fundamental rights

### **Prescribed Books:**

1. P. Ishwara Bhat – Fundamental Rights: A Study of their Interrelationship (Eastern Law House Pvt. Ltd.), 2004
2. Durga Das Basu – Commentary on the Constitution of India (Lexis Nexis Butterworths, Wadhwa Nagpur), 8<sup>th</sup> Edition, 2007 – Volume 2
3. M. P. Jain – Indian Constitutional Law (Lexis Nexis), 8<sup>th</sup> Edition, 2018

### **Reference Books:**

1. S. H. Bailey, D. J. Harris and B. L. Jones – Civil Liberties: Cases and Materials [Butterworth and Co. (Publishers) Ltd.], 1980
2. O. Hood Phillips and Jackson – Constitutional and Administrative Law [Thomson Reuters (Professional) UK Ltd.], 8<sup>th</sup> Edition (South Asian Edition), 2015
3. A.V. Dicey with introduction by E. C. S. Wade – An Introduction to the Study of the Law of Constitution (Universal Law Publishing Co. Pvt. Ltd.), 10<sup>th</sup> Edition, 2008 (5<sup>th</sup> Indian Reprint)





4. Ronald. D. Rotunda and John E. Noawak – Treatise on Constitutional Law: Substance and Procedure (Thomson Reuters South Asian Edition), 15<sup>th</sup> Edition, 2015 – Volumes 2 and 3







**SPECIALISATION PAPER – 6: COMPARATIVE ADMINISTRATIVE  
LAW  
21LLCT203**

**Course Description:**

This course deals with the nature, scope and functions of administrative authorities, the nature and control of delegated legislative power, regulation of discretionary powers and general principles of administrative adjudication. The Course aims to discuss the role played by the courts in disciplining the administration. In addition, the adjudicatory powers of the administration and liability of administrative authorities will be covered. The course will be taught with reference to the Administrative law in India, the United States of America, and the France.

**Course Objectives:**

1. To understand the scope and limitations of executive powers in India, the United States of America, and the France.
2. To understand the concept of delegated legislation, its scope limitation and control.
3. To examine the principles of natural justice and its application by Judiciary.
4. To examine the principles governing exercise of administrative discretion.
5. To examine the evolution of concept of tortious liability of government and the concepts of legitimate expectation.
6. To examine the challenge of balancing the right to information and official secrecy in administration.
7. To examine mechanisms to check maladministration and regulate the functioning of the administrative authorities.

**Course Outcomes:**

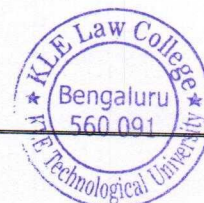
At the end of the course, the students will be able to

- Explain the concept of rule of law and separation of powers in the context of administrative law and explain the development and control of delegated legislation.
- Analyse the principles of natural justice and its impact on administrative adjudication.
- Discuss the importance of administrative discretion and its control.
- Explain tortious liability of the Government and the significance of the concept of legitimate expectations.
- Elucidate the doctrine of *estoppel* and analyse the conundrum of right to information and official secrecy in the administration.
- Explain the mechanisms to check maladministration and regulate the functioning of the administrative authorities.

**Course Content**

**Unit – I: Delegated Legislation and Its Control**

- Impact of Rule of Law and doctrine of separation of power
- Delegation of legislative power – Judicial review and delegability.
- Control over delegated legislation – Judicial and parliamentary control







## **Unit – II: Principles of Natural Justice and its impact**

- Principles of Natural Justice: Concept, Components and when to apply.
- Rule against Bias- types
- *Audi alteram partem* -Components of fair hearing
- Effect of non-compliance to principles of natural justice
- Administrative direction- Identification, nature of enforceability

## **Unit - III: Administrative actions and Government liability**

- Nature and control of administrative discretion
- Government liability for torts committed by public servants
- Doctrine of Legitimate Expectation - Dimensions and application.

## **Unit– IV: Transparency in administration**

- Doctrine of Promissory *Estoppel*
- Right to Information Vs Official Secrecy
- Government's privilege to withhold documents and evidences.

## **UNIT - V: Mal-administration and controlling mechanisms**

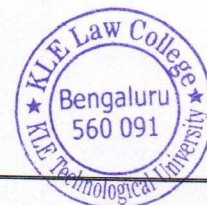
- Control on Mal-administration and corruption- *Ombudsman*
- Evolving Indian Models: *Lokayukta and Lokpal*
- Commission of Enquiry, Vigilance commission
- C.B.I. Inquiries by Legislative Committees
- Judicial Inquiry, Administrative tribunal

### **Prescribed Books:**

1. M.P. Jain & S.N. Jain, Principles of Administrative law, New Delhi: Lexis Nexis, (7th edition, 2017)
2. H. W. R. Wade & C.F Forsyth, Administrative law, New York: Oxford University Press, (11th edition, 1977)
3. S.P. Sathe, Administrative Law, Butterworths Wadhwa Publication, (7th edition.,2022) Nagpur, Lexis Nexis
4. I.P. Massey, Administrative Law, Lucknow: Eastern Book Co., (9th edition, 2017)

### **Reference Books:**

1. Paul Craig, Administrative Law, London Sweet & Maxwell US (6 th ed 2008).
2. Schwartz, Bernard, Administrative Law, Toronto Little Brown & Co.( 5 th ed. 1976) .
3. S. D. Hotop , Cases and material on review of administrative action, Law book Company Ltd. (5 th edition 1979).
4. Mark Elliott Jason N. E , Administrative law: Text and Materials, Oxford university press,( 5 th ed 2017.)







5. Paul Craig, UK, EU and global administrative law: Foundations and Challenges, Cambridge, (1st ed, 2018)





**SPECIALIZATION PAPER - 7: CONSTITUTIONAL MISCELLANY**  
**21LLCT204****Course Description:**

The course deals with the basic concepts of public policy, directive principles of state policy and the fundamental duties. India being the largest working democracy of the entire world, the concepts of free and fair elections, anti-defection laws, local self governments, equality and environmental protection embodies the true meaning of a welfare State. This course is an amalgamation of all the nuances of a pure working democracy.

**Course Objectives:**

1. To introduce the inter relationship between Directive Principles of State Policy (DPSPs) and fundamental rights that emphasises their interconnectedness as constitutional elements.
2. To analyse the procedures involved in the creation of new states in India and also evaluating the constitutional framework governing elections and anti-defection laws.
3. To assess the composition, powers, and functions of local self-governments stipulated by the Indian Constitution and various bodies established under the constitutional framework.
4. To identify the evolving jurisprudence within the constitutional framework regarding environmental protection, considering judicial contributions, interventions in natural resource utilization.
5. To familiarise new contemporary developments and dimensions concerning the right to equality, the protection of the third gender, refugees, and the process of decriminalizing certain offenses, within the constitutional framework.

**Course Outcomes:**

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

1. Narrate the interrelationship between Directive Principles of State Policy and Fundamental Right of the Constitution of India
2. Discuss the issues involved in the creation of new states in India and analyse the constitutional framework governing elections and anti-defection law
3. Map the composition, powers and functions of local self- governments in India and also evaluate the functioning of various designated authorities to protect rights
4. Elucidate the constitutional jurisprudence pertaining to protection of the environment
5. Examine the emerging trends in relation to right to equality in India

**Course Content****Unit - I: Public Policy, Directive Principles of State Policy and Fundamental Duties**

- Constitutional foundations of public policy
- Directive Principles of State Policy
- Interrelationship between Directive Principles of State Policy and Fundamental Rights





- Fundamental Duties

## **Unit - II: State, Elections and Anti-Defection Law**

- Creation of new States
- Elections and Constitutional issues
- Electoral reforms
- Anti-defection law

## **Unit - III: Local Self Governments, Special Status and Designated Authorities**

- Local self governments
- Special status to certain regions
- Functioning of National Human Right Commission (NHRC), National Commission for Women (NCW), National Commission for Protection of Child Rights (NCPRC)
- Tribes and tribulations

## **Unit - IV: Environmental Protection**

- Constitutional framework for the protection of environment.
- Judicial contribution
- Principles and Doctrines evolved by the Judiciary
- Implementing International obligations

## **Unit - V: Equality and Protection**

- Emerging issues of equality
- Protection of LGBTQIA
- Protection of Refugees
- Decriminalisation the offences

### **Prescribed Books:**

1. Avtar Singh, Company Law, Eastern Book Company, New Delhi (17th ed., 2018)
2. Krishan Keshav, Divya Verma, Competition and Investment Laws in India, Singhal Law Publications (2019).
3. Dolzer, Rudolf and C. Schreuer, Principles of international Investment Law, Oxford University Press (2 ndedn., 2012)

### **Reference Books:**

1. Suresh Mani Tripathi, Fundamental Rights and Directive Principles in India, anchor academic publishing Ltd, 2016.
2. Subhash C. Kashyap, Shaunak Kashyap, Anti-defection Law and Parliamentary Privileges, Universal Law Publishing Company- 2011.
3. B. Venkatesh Kumar Electoral Reforms in India Current Discourse, Rawat Publications - 2009
4. Ashish Bhatt, Two Decades of Panchayat Raj in India Experiences, Issues, Challenges and Opportunities, Rawat Publications -2018.





5. Kanchi Kohli, Manju Menon Development of Environmental Laws in India, Cambridge University Press- 2021.
6. Shuvro Prosun Sarker, Refugee Law in India -The Road from Ambiguity to Protection, Springer publisher -2017
7. Roshini Sinha and Prachi Kaur, Anti defection law intent and impact  
[https://prsindia.org/files/parliament/discussion\\_papers/AntiDefection%20Law%20Intent%20and%20Impact\\_0.pdf](https://prsindia.org/files/parliament/discussion_papers/AntiDefection%20Law%20Intent%20and%20Impact_0.pdf)
8. Mr. Suvir Raghuvansh, Creation of New States in India, Bharati Law Review, July – Sept., 2016
9. <https://docs.manupatra.in/newslines/articles/Upload/E6D33255-8F9C-4F9E-B3F9-7359D9D25FE9.pdf>
10. Study on Human Rights of Transgender as a Third Gender  
[https://nhrc.nic.in/sites/default/files/Study\\_HR\\_transgender\\_03082018.pdf](https://nhrc.nic.in/sites/default/files/Study_HR_transgender_03082018.pdf)
11. Akanksha Mishra, Third Gender Rights: The Battle for Equality Christ University Law Journal, 5, 2 (2016), 9-21 ISSN 22784322|doi.org/10.12728/culj.9.2 9  
<https://core.ac.uk/download/pdf/236436832.pdf>



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### **SYLLABUS**

#### **2-YEAR LL.M. PROGRAMME**

#### **SPECIALISATION - INTELLECTUAL PROPERTY LAW AND INFORMATION TECHNOLOGY LAW**

#### **I SEMESTER**

**2023 - 2024**



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Sl. No	Course Name	Course Code
1	JUDICIAL PROCESSES AND LAW MAKING PROCESSES	22LLIC101
2	RESEARCH METHODOLOGY	22LLIC102
3	LEGAL THEORY AND PHILOSOPHY	22LLIC103
4	SPECIALISATION COURSE - 1: LAW OF TRADEMARKS AND GEOGRAPHICAL INDICATION	22LLIT101





## JUDICIAL PROCESSES AND LAW MAKING PROCESSES

### 22LLIC101

#### Course Description:

The course deals with the concept of Judicial Process and provides an academic exposure to understand the intricacies of the judicial tools and techniques involved in judicial process.

#### Course Objectives:

1. To study the concept of Judicial Process.
2. To analyse the significance of Judicial Process.
3. To understand the dimensions of Judicial Process.
4. To examine the concept of judicial accountability and judicial activism.
5. To know the process of legislative drafting.

#### Course Outcomes:

At the end of the course, the students will be able to

1. Explain the nuances of the judicial process and analyse the role of judicial process in bringing about social change and stability.
2. Discuss the role of judicial process in constitutional adjudication
3. Elucidate the importance of judicial review and evaluate the judicial independence in India
4. Analyse the legislative law making process and examine the relation between law and public opinion
5. Compare and contrast the legislative drafting process in India and England

#### Course Content

##### Unit – I: Introduction to Judicial Process

- Nature of Judicial Process: Judicial process as an instrument of social ordering;
- Judicial process and creativity in law - common law model.
- Legal Reasoning and growth of law-change and stability; *stare decisis*; the tools and techniques of judicial creativity and precedent; identifying *ratio decidendi* and *obiter dicta*
- Legal development and creativity through legal reasoning under statutory and codified systems

##### Unit – II: Dimensions of Judicial Process

- Special Dimensions of Judicial Process in Constitutional Adjudications: Notions of judicial review.
- Role in constitutional adjudication - various theories of judicial role.
- Tools and techniques in policy-making and creativity in constitutional adjudication; Variants of judicial and juristic activism.





### **Unit - III: Judicial Accountability and Judicial Activism**

- Problems of accountability and judicial law-making.
- Judicial Process in India: Indian debate on the role of judges and on the notion of judicial review.
- The "independence" of judiciary and the "political" nature of judicial process;
- Judicial activism and creativity of the Supreme Court the tools and techniques of creativity;
- Institutional liability of courts and judicial activism - scope and limits and structural challenges

### **Unit- IV: Rules of Interpretation**

- Legislation as a source of law: its relationship with other sources of law.
- Supreme legislation: law making by Indian Parliament;
- Interaction between law and public opinion;
- Major rules of interpretation of statutes; Literal or Plain Meaning Rule; Golden Rule; Purposive approach: Mischief Rule; Compromise approach.

### **Unit - V: Legislative Drafting**

- Nature of legislative drafting: history in India and England
- Diseases of language.
- Components or parts of legislation and their purposes.
- Role of draftsman: the skills, traits and abilities draftsman's, duties and responsibilities: impact of constitutional values and provisions on legislative drafting, impact of the General Clauses Act upon legislative drafting; steps in legislative drafting, pre-draft preparation; drafting; deliberation with others; post-draft refinement.

### **Prescribed Books:**

1. W. Friedman, Law in a Changing Society, Sweet and Maxwell, South Indian Edn. 2016
2. Julius Stone, The Province and Function of Law, Part II, Chs. 1, 8-16, Universal, New Delhi, 2006.
3. Benjamin Cardozo, The Nature of Judicial Process. Universal, New Delhi, 1995.
4. Henry J. Abraham, The Judicial Process, Oxford, 1998.
5. J. Stone, Precedent and the Law: Dynamics of Common Law Growth Butterworths (1985).
6. W. Friedmann, Legal Theory, Stevens, London 1960.
7. Bodenheimer, Jurisprudence - the Philosophy and Method of the Law, Universal, Delhi 1997
8. C. K. Allen, Law in the Making, Oxford University Press, 7th Edn. 1967
9. C. K. Allen, Law and Orders, Universal Law Publishing, 3<sup>rd</sup> Edn. 2012.
10. Sir Henry Maine, Ancient Law, Book Jungle, 2008.
11. Rupert Cross, Precedents in English Law, Clarendon Press, 4<sup>th</sup> Edn. 1991.





12. A.Lakshminath, Judicial Process: Precedent in Indian Law, Eastern Book Company, 4<sup>th</sup> Edn. 2009.

**Reference Books:**

1. J.Stone, Legal System and Lawyers' Reasonings, Universal, Delhi 1999.
2. U.Baxi, The Indian Supreme Court and Politics, Eastern, Lucknow 1980.
3. Rajeev Dhavan, The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.
4. John Rawls, A Theory of Justice (2000), Universal, Delhi
5. Edward H.Levi, An Introduction to Legal Reasoning (1970), University of Chicago.
6. F. C. Cohen, 'Modern Ethics and the Law' (1934) 4 Brooklyn Law Review 33
7. P. Devlin, 'Judges, Government and Politics' (1978) 41 Modern Law Review 501
8. J. Dickinson, 'The Law Behind Law' (1929) 29 Columbia Law Review 285
9. T. K. Vishwanathan, (Ed) G. Rajagopaul's Legislative Drafting: Shaping the Law for the Millennium (Indian Law Institute, 2007)
10. B R Atre, Legislative Drafting: Principles and Techniques (Universal, 2014)
11. Helen Xanthaki, Thornton's legislative Drafting (5th ed); G C Thornton, Legislative Drafting (Butterworths, 1996)
12. Constantin Stefanou and Helen Xanthaki (ed) Drafting Legislation (Ashgate, 2008)
13. Reed Dickerson, Legislative Drafting, (1954) 103(2) University of Pennsylvania Law Review 291
14. Reed Dickerson, Interpretation of Statutes, Little Brown, 1975
15. G P Singh, Statutory Interpretation, Eastern Book Company, 14th Edn, 2018.





## RESEARCH METHODOLOGY 22LLIC102

### Course Description:

The Research Methodology course offers a comprehensive exploration of legal research methods and methodology, unveiling the intricacies of the research process. In order to familiarise students with the concepts and techniques of legal research, and empowering them to adeptly fulfill their roles as both academics and professionals. Emphasizing on research as a pivotal tool for advancing knowledge and fostering personal growth, the course aims to provide the continuous nature of acquiring new knowledge and uncovering truths. It will also guide students in cultivating critical thinking skills, literature reviews, and formulating research designs within ethical and legal framework.

### Course Objectives:

1. To provide the basic insights into research touching upon the reflective thinking and scientific methods of research.
2. To acquaint with the essential attributes of researcher, structuring research design and plagiarism.
3. To identify the different kinds of research, its merits, demerits, suitability and utility
4. To acquaint the students with the non-doctrinal research and tools of data collection.
5. To learn how to develop a research report or research proposal.

### Course Outcomes:

At the end of the course, the students will be able to

1. Explain the importance of research, utility of research and use the research language in their academic writings.
2. Practice and inculcate the qualities of researcher and adhere to the ethical and legal requirements of research.
3. Distinguish between different methods and kinds of research and adopt them suitably for carrying out different researches.
4. Use the different tools of data collection.
5. Plan and write the academic research papers, reports and research proposal.

### Course Content

#### Unit– I: Foundations of Research

- Research meaning, objectives, and utility of research.
- Concept of theory, empiricism, deductive and inductive logic.
- Reflective thinking process.
- Characteristics of scientific method
- Understanding the Language of research – Concept, Construct, Definition, Variable. Research Process.

#### Unit - II: Legal Research and Its Methodologies

- Legal Research: Introduction; Legal Research Methodology, purposes and footsteps;
- Thinking process in legal research: diverse models







- Objectivity, Value neutrality, originality, and ethics in legal research; rules against plagiarism
- Selecting, designing, and building the legal research theme
- Hypothesis: meaning, kinds, formulation and testing
- Introduction to kinds of research.

### **Unit - III: Doctrinal Legal Research**

- Doctrinal legal research as a means of synthesising facts, thoughts and legal principles.
- Analytical legal for expanding the legal world.
- Historical legal research: implications and applications.
- Philosophical research in law: the possibilities.
- Comparative method of legal research: Nature, Process, and Potentiality.

### **Unit – IV: Non-doctrinal Legal Research**

- Non-doctrinal legal research: nature, features and expanding horizons.
- Tools of data collection: observation, interview, case study, questionnaire, survey.
- Qualitative legal research.
- Sampling method: varieties and uses.
- Quantitative legal research.

### **Unit – V: Dimensions of legal research**

- Multi-method Legal Research: Nature, Need, Procedure and Potentiality.
- Policy research in law; Action research in law; methodology.
- Legal writing based on research: Report writing.

### **Prescribed Books:**

1. Bhat Ishwara P., Idea and Methods of Legal Research, (Oxford: Oxford University Press, 2019)

### **Reference Books:**

1. Whitney F.L., The Elements of Research, (rev.edn. Prentice Hall, 1948)
2. Goode, William J. and Hatt Paul K., Methods in Social Research, 1st Ind. Re.pt. (Delhi: Surjeet Publications, 2006)
3. Mike McConville and Wing Hong Chi, Research Methods for Law (Edinburg University Press, 2007)
4. Lee Epstein and Andrew D. Martin An Introduction to Empirical Legal Research (Oxford University Press 2014)
5. SK Verma and Afzal Wani, Legal Research Methodology (Indian Law Institution, Second Edition, 2007)
6. Young, Pauling, V (1973) ,Scientific Social Surveys and Research, Delhi, Prince Hall of India Pvt., Ltd.
7. Upendra Baxi (1975) , Socio –Legal Research on India: A Programschrift, ICSSR 12, Occasional Monograph.
8. CR Kothari, Research Methodology Methods and Techniques, New Age International Publishers, 4th Ed., 2019. References:





9. Jain, S. N., Doctrinal and Non-Doctrinal Legal Research, Journal of the Indian Law Institute, vol. 24, 1982. 2.  
Rattan Singh, Legal Research Methodology, LexisNexis, 3rd Ed., 2021
10. Ervin, H. Pollack (1967) – Fundamentals of Legal Research.
11. S.K.Verma and M. Afzal Wani (ed), Legal Research and Methodology, 2nd Edition, ILI Publication (2009)
12. Jonathan Anderson, Poole Millicent E., Thesis and Assignment Writing, John Wiley & Sons Inc. (2002)
13. Lazarsfield, Paul F. (1967)-The Language of Social Research (N.Y. Free Press.)
14. Russel L.Ack;off (1953) The Design of Social Research (University of Chicago Press).





## LEGAL THEORY AND PHILOSOPHY 22LLIC103

### Course Description:

The course makes the students understand the evolution and development of law across the globe. It gives knowledge regarding various kinds of legal systems and its development in ages. It compares multiple theories of law, which enables students to understand the concept from different perspective and traditions.

### Course Objectives:

1. To develop a philosophical and analytical understanding of legal systems.
2. To understand the different theories of law.
3. To understand the different functions of law in various legal systems.
4. To understand the justification of legal system.
5. To explore the comparison between various theories of law and legal system.
6. To understand the law in its social and temporal context.
7. It will also help students to appreciate the limitations of law and theories of justice.

### Course Outcomes:

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

1. Trace the origin and development of Natural Law philosophy and its relevance in the modern world.
2. Examine the Positivist theories of law and analyse them, juxtaposing Natural Law theory.
3. Elucidate the theory of law propounded by Sociological and Historical school and evaluate them.
4. Explain the factors responsible for Realist theory of law and Marxian theory of law, and analyse them.
5. Appraise different theories of Justice from ancient time to modern times.

### Course Content:

#### Unit – I: Natural Law Theory

- Introduction, meaning and importance of Legal theory and philosophy,
- Natural Law theory of Law - Ancient Greek Philosophy, Sophists, Medieval Thinkers, Modern Thinkers.

#### Unit – II: Positivist Theory of Law

- Positivist theory of Law – Jeromy Bentham, John Austin, H L A Hart, Hans Kelsen

#### Unit – III: Sociological and Historical Theory

- Sociological theory of law – Roscoe Pound
- Historical theory of law – Savigny and Puchta



### Unit – IV: Realism and Marks Theory

- Realist theory of Law – American realists
- Marxian theory of law

### Unit – V: Theory of Justice

- J S Mill's and Bentham's Utilitarianism
- Rawls' Theory of Justice,
- Amartya Sen's idea of Justice.
- Dworkin's Rights Based Theory of Justice,
- Dharma - A duty based approach to Justice.
- Feminist Theories of Justice.

### Prescribed Books:

1. Julius Stone, Province and Functions of Law, Law as Logic Justice and Social Control, 1968, USA Williams S Hein.
2. RWM Dias, Jurisprudence, Fifth Edition 2014 LexisNexis.
3. P J Fitzgerald - Salmond on Jurisprudence, Twelfth edition 2022, Sweet & Maxwell South Asian Edition.
4. Julius Stone - Social Dimensions of Law, Sidney Maitland , Second reprint 2009, Universal Law Publication.
5. Edgar Bodenheimer, Jurisprudence, The Philosophy and Method of the Law, Revised Edn. 1974, Harvard University Press Cambridge.
6. Julius Stone - Legal System and Lawyers Reasoning's, 2<sup>nd</sup> Printing, 1968 Stanford California University Press, California.

### References:

1. Freeman, Michael Lloyd, Introduction to Jurisprudence, London, Sweet & Maxwell Publication 9<sup>th</sup> Edn 2014
2. Roscoe Pound, Jurisprudence Vol. I to V, West Publishing Co 1959.
3. Roscoe Pound, An Introduction to the Philosophy of Law, Delhi Universal Law 2003.
4. Kelson, The Pure Theory of Law, London University of California Press 2009.
5. D' Entreaves, Natural Law, an introduction to legal philosophy, Taylor & Francis 2017.
6. Robert S Summers, Essays in Legal Philosophy, London Basil Blackwell 1970.
7. Mill, JS, Utilitarianism, Chapters 1 & 2, London Longsman Green and Co 7<sup>th</sup> Edition 1879.
8. Sen, Amartya, The Idea of Justice, Chapters 2, Harvard University Press 2011.
9. Dworkin, Ronald, Taking Rights Seriously, Harvard University Press 1978.
10. Posner Richard A., The Economics of Justice, Harvard University Press 1981.
11. Cohen, G.A, If You're An Egalitarian How Come You're So Rich? (Revised edition), Harvard University Press. (Excerpts) 2001
12. Okin, Susan Moller. 'Justice and Gender', Vol. 16, No. 1 (Winter, 1987) Philosophy and Public Affairs (Journal)



## SPECIALISATION COURSE - 1: LAW OF TRADEMARKS AND GEOGRAPHICAL INDICATION 22LLIT101

### Course Description:

The 'intellectual property' (IP) is an intangible property which is the creation of human intellect contributing to the knowledge economy. Intellectual Property Law recognises 'Knowledge as Property' and provides a mechanism for safeguarding, and incentivizing innovation and creativity respectively. The course deals with legal framework protecting trademarks, origin based indigenous products, copyright and industrial designs.

### Course Objectives:

- To understand the general principles of IPR
- To analyse the fundamentals concepts and theories of IPR
- To explain the development of international law relating to Trade Marks and Geographical Indications.
- To examine the domestic law relating to Trade Mark and Geographical Indications with reference to prevention of unfair trade practice.

### Course Outcomes:

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

- Comprehend and analyse the concept of IPR and justifications for claiming IPRs.
- Explain and analyse the concept of Trademark, Geographical Indication, international legal framework related to Trademark and GI protection.
- Explain the process of registration of Trademark and GI in India and their eligibility for protection.
- Explain and apply the legal principles of Trademarks and GI protection to the real life legal problems.
- Analyse the legal provisions related to the grounds of refusal of registration of trademark.
- Analyse the issues related to infringement of Trademark and GI, difference between passing off and infringement, domain name disputes and cyber-squatting.
- Comprehend the pressing reasons for the introduction of Geographical Indication Act, 1999.
- Analyse the different kinds of unfair trade practices and the provisions in Indian Trademarks Act 1999 and Geographical Indications of Goods (Registration and Protection) Act, 1999.

### Course Content:

#### Unit – I: Theories and Development of Intellectual Property Law

- Concept, Nature, Origin and kinds of Intellectual Property;
- Theories of Intellectual Property Rights;
- Development of Intellectual Property Law;
- Balancing the Protection of IPR and Public Policy Objectives;





- Unfair Trade Practices and IPRs.

## **Unit - II: Development of Trademarks Law**

- Rationale behind the Protection of Trademarks;
- International Treaties and Conventions: Paris Convention (1883), Madrid Agreement and Protocol (1989), NICE Agreement (1957), Trademark Law Treaty (1994), Singapore Law Treaty (2006), TRIPS Agreement (1994) and Minimum International Standards for Trade Marks, Development of Trademarks Legislations in India;
- Origin and development of Trademarks; Definitions; Essentials and functions of Trademarks.

## **Unit- III: Creation of Trademarks and Registration of Trademarks**

- Creation of Trademarks: Distinctiveness, Acquired Distinctiveness and Generic Marks
- Kinds of Marks: Trade Marks, Service Marks, Certification Marks, Collective Marks, Well-known Marks, Common Law Marks, Internet Domain Name
- Classification of Trademarks: Traditional and Non traditional
- Various stages of registration of Trademark
- Grounds for Refusal of Registration, Remedies, Effects of Registration; Vested Rights and Concurrent Registration.
- Trade Dress and Colour combination

## **Unit- IV: Trademark Transfer and Infringement**

- Assignment, Transmission and Licensing of Trade Marks
- Restrictions on Assignment and Transmission; Economic Justification of Trade Mark Licensing - Use of Trademarks by Registered Users - Licence Agreement and its Supremacy;
- Unfair Competition and Trademark Infringement; Infringement of Rights; Infringing and Non-Infringing acts, Doctrine of Deceptive Similarity, Passing off action – Common law remedy; Evidentiary issues in an action of passing off.
- Remedies for Infringement
- Authorities under the Trademarks legislation; Domain Name Disputes and Cyber-squatting.

## **Unit - V: Introduction to Geographical Indications**

- Need for protecting goods of geographical origin; International provisions relating to Geographical Indications; Paris Convention, Madrid Agreement, Lisbon Agreement, TRIPS Agreement
- Geographical Indications of Goods (Registration and Protection) Act, 1999 - Concept and Definitions, Protection and Subject matter of GI, Procedure of Registration of GI, Infringement of GI, Importance of GI for India.
- GIs in Regional Perspective- Benefits of registration- case studies





**Prescribed Books:**

1. Ashwani Kumar Bansal, Law of Trademarks in India, 1st ed., Commercial Law Publishers Pvt. Ltd. (2003).
2. Vandana Singh, The Law of Geographical Indications, Eastern Law House (2007).
3. Cornish and Llewelyn, Intellectual Property: Patents, Copyrights, Trademarks and Allied Rights, 1st ed., Sweet and Maxwell (2007).
4. Narayanan P.S., Law and Trademarks and Passing Off, 5th Ed. Eastern Law House (2000).
5. V. K. Ahuja, Intellectual Property Rights in India, 1st ed., Volume 1, LexisNexis Butterworth's Wadhva (2009).

**Reference Books:**

1. Correa M. Carlos, Oxford Commentaries on the GATT/WTO agreements: Trade Related Aspect of Intellectual Property Rights, 1st ed., Oxford Press (2007).
2. Dana Shilling, Essentials of Trademarks and Unfair Competition, 1st ed., Wiley (2006).
3. Deborah E. Bouchoux, Intellectual Property, 1st ed., Thomson Legal Studies (2005).
4. Jeremy Phillip, Trademarks Law: A Practical Anatomy, 1st ed., Oxford Press (2003).
5. K. C. Kailasam and Ramuvedaraman, Law of TradeMarks and Geographical Indications: Law, Practice and Procedure, Second Edition (Reprint), Wadhava Nagpur (2007).
6. Rodney D Ryder, Trademarks Advertising and Brand Protection, 1st ed., MacMillan India Ltd. (2006).
7. UNCTAD-ICTSD, Resource book on TRIPS and Development, Cambridge University Press (2005).



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#### **2-YEAR LL.M. PROGRAMME**

#### **SPECIALISATION - INTELLECTUAL PROPERTY LAW AND**

#### **INFORMATION TECHNOLOGY LAW**

#### **III SEMESTER**

**2023 - 2024**



  
Principal  
KLE Law College  
KLE Technological University  
Sri M. Vishweshwariah Layout  
Bangalore-560 091



Sl. No	Course Name	Course Code
1	SPECIALIZATION COURSE – 4: PATENT LAW AND PRACTICE	22LLIT201
2	SPECIALIZATION COURSE – 5: LAW OF DESIGNS, UNDISCLOSED INFORMATION AND PLANT VARIETIES	22LLIT202
3	SPECIALISATION PAPER – 6: INFORMATION TECHNOLOGY LAW AND PRACTICE	22LLIT203
4	SPECIALIZATION PAPER - 7: INTELLECTUAL PROPERTY LAW AND ALLIED LAWS	22LLIT204





## **SPECIALIZATION COURSE – 4: PATENT LAW AND PRACTICE 22LLIT201**

### **Course Description:**

Patents have long been considered as one of the most pivotal aspects of intellectual property law. The course deals with the theoretical and practical aspects of patent law enabling the students to understand the basic concepts, principles, and procedural aspects involved in the grant, and termination of patents.

### **Course Objectives:**

1. To provide an understanding of the patent system, values, and essentials of a patent.
2. To familiarize with the procedures involved in the grant of a patent.
3. To provide an understanding of the patent registration process.
4. To provide an understanding of patent specification and construction of claims.
5. To provide an understanding of the enforcement process.

### **Course Outcomes:**

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

1. Analyze the law relating to patentable and non-patentable inventions at both international and national levels.
2. Analyze the law relating to the patent grant procedure in India and within the patent cooperation treaty.
3. Analyze the strategies of patent search and the practice of the grant of patents.
4. Draft patent specifications and construct patent claims.
5. Analyze the provisions relating to the infringement of patents and remedies for such infringement.

### **Course Content:**

#### **Unit – I: Overview of the Patent System**

- Jurisprudential justifications of the patent system.
- Need, development, and essentials of the patent system in India
- Overview of The Indian Patents Act, 1970 with The Patent (Amendment) Act, 2005 (Patentability Criteria and Subject matter)
- Public Health and Intellectual Property Rights
- International treaties and conventions relating to patents

#### **Unit – II: Patent Law in India and Types of Patents**

- Priority dates and the difference between the date of application and the date of Priority.
- Pre-grant and post-grant oppositions
- Publication, examination, and grant of patents
- Rights of patentee





- Anticipation, surrender, revocation of patents
- Protection of inventions
- Licence and assignment
- Compulsory licensing
- Trade secrets and know-how, petty patents, design patents in the USA, plant patents.

### Unit – III: Patent Registration and Grant of Patent

- Patent registration process under Indian Law: Term and other criteria
- Patent search: Prior art searches, patent information and databases, search methods/tools, advantages of patent search, procedures for grant of patent applications
- Types of patent applications, contents of patent application, provisional and complete specifications
- The Patent Cooperation Treaty, 1970.
- Patent Offices: Procedures, various forms and fees

### Unit – IV: Patents Specifications

- Patent specifications – Provisions of India, the USA, EU, and PCT applications
- Physical requirements of the specification and their function
- Principles of construction of specification and claims
- Practical Workout: Specification and claims

### Unit – V: Infringement and Remedies

- Infringement and remedies: Literal infringement, infringement by equivalents, Doctrine of equivalents, defences to infringement
- Jurisdiction of the courts
- Burden of proof
- Principles for grant of injunction – *ex-parte* injunction
- Damages and account of profits

### Prescribed Books:

1. K.C.Kankanala, A.K.Narasani and V.Radhakrishnan, Indian Patent Law and Practice, Oxford University Press, (2012).
2. W.R. Cornish & D. Llewellyn, Intellectual Property: Patents, Copyright, Trademarks & Allied Rights, Sweet & Maxwell (2010).
3. David Bainbridge, Intellectual Property, Pearson, 6<sup>th</sup> Ed., (2006).
4. DP Mittal, Indian Patents Law and Procedure, Taxmann Allied Services, (2002).

### References:

1. V K Ahuja, Intellectual Property Rights in India, Lexis Nexis Butterworth's Wadhwa, Vol 1 & 2, 1<sup>st</sup> Ed., (2009).
2. Catherine Calstone and Kirsty Middleton, Modern Intellectual Property Law, Cavendish Publishing Pvt. Ltd., 2<sup>nd</sup> Ed., (2005).
3. Kahrl Robert C., Patent Claim Construction, Wolters Kluwer-Aspen Publishers (2001).
4. Merges, Robert. Menell, Peter and Lemley, Mark, Intellectual Property in the New Technological Age, Aspen Publishers, Inc. (2008).





## 5. WIPO Handbook of IPR.

**SPECIALIZATION COURSE – 5: LAW OF DESIGNS,  
UNDISCLOSED INFORMATION AND PLANT VARIETIES  
22LLIT202****Course Description:**

The course enables the students to understand and use the law relating to designs, undisclosed information, plant varieties, and other allied laws. The course will equip the students to make practical use of the Intellectual Property laws and give them insights on usage with an understanding of the judicial interpretation of the same. It will also acquaint students to understand international perspectives of the designs and plant varieties.

**Course Objectives:**

- To understand the legal principles and frameworks governing designs, undisclosed information, and plant varieties
- To understand the importance of intellectual property rights in fostering innovation, creativity, and economic growth within the context of designs, undisclosed information, and plant varieties.
- To discuss the ethical considerations and challenges related to designs, undisclosed information, and plant varieties, and explore approaches for striking a balance between intellectual property rights, fair competition, and public interest.
- To foster critical thinking and problem-solving skills through the analysis of case studies, hypothetical scenarios, and practical exercises related to designs, undisclosed information, and plant varieties.

**Course Outcomes:**

At the end of the course, the students will be able to

1. Explain the legal framework governing designs, undisclosed information, and plant varieties, both at the national and international levels.
2. Describe the elements of a design that are eligible for protection and navigate the process of registering and protecting designs under the applicable laws and regulations.
3. Discuss the trade secrets and the measures necessary to protect undisclosed information within a business or organization. They will learn about the legal remedies available in cases of misappropriation or unauthorized disclosure.
4. Analyse the principles and procedures of protecting plant varieties; including understanding the criteria for novelty, distinctiveness, stability, and the registration process for obtaining plant breeders' rights.
5. Elucidate the international treaties and agreements related to designs, undisclosed information, and plant varieties, such as the WIPO treaties and UPOV, and understand the implications for cross-border protection and enforcement.

**Course Content****Unit– I: Introduction to Law of Designs**



- Designs: Meaning and features.
- International perspective on designs
- Historical development of designs law in India
- Role of judiciary in fostering design law in India.
- Distinction between designs, trademarks and patents.

## **Unit - II: Registration and Infringement**

- Process of registration
- Power of controller
- Infringement and remedies

## **Unit - III: Undisclosed Information (Trade secrets)**

- Meaning and usage of undisclosed information.
- International conventions – WTO, TRIPS, etc
- Undisclosed information and patents
- India and recognition of undisclosed information
- Role of the judiciary in shaping the law in the same regard

## **Unit – IV: Plant Varieties in India**

- Meaning and features of the different plant varieties
- International conventions and practice
- Historical development of the Protection of Plant Varieties and Farmers' Right Act, 2001
- Judicial interpretation of the legislation.
- Analysis of the Plant Varieties and Farmers' Right Act, 2001.
- License of plant varieties
- National Gene Fund and its role

## **Unit – V: Farmers' Right in India and International Conventions**

- Relevant case studies.
- Concept of benefit sharing, community rights and compensation to communities.
- Comparative analysis of rights of farmers- USA and India
- Role of International Union for the protection of new varieties of plants

### **Prescribed Books:**

1. Verkey Elizabeth, Intellectual Property, 2nd Edition, 2021, Reprint 2023, EBC, New Delhi.
2. Verkey Elizabeth, Law of Plant Varieties Protection, 1st Edition 2007, Reprint 2021, EBC, New Delhi.

### **Reference Books:**

1. Schultz, M. and D. Lippoldt (2014), "Approaches to Protection of Undisclosed Information (Trade Secrets): Background Paper", OECD Trade Policy Papers, No.



162, OECD Publishing, Paris, <https://doi.org/10.1787/5jz9z43w0jnw-en>.

**SPECIALISATION PAPER – 6: INFORMATION TECHNOLOGY  
LAW AND PRACTICE  
22LLIT203**

**Course Description:**

With a rapid growth of technology in the entire world, and its influence on day-to-day activities, the concept of Information Technology has become an indispensable facet of human civilization. The course endeavours to give an insight into the nuances of IT laws with reference to India and also throws light towards the ecosystem and legal concerns of IT Laws.

**Course Objectives:**

- To familiarise the students with the meaning, purpose and the nuances of Information Technology.
- To understand the scope, legality and admissibility of Digital Signature.
- To understand the role and scope of E- commerce and E-governance.
- To develop understanding of different kinds of cyber crimes and legal issues involving identification, jurisdiction and prosecution.
- To imbue the knowledge of upcoming developments and contemporary challenges in the field of Information Technology.

**Course Outcomes:**

At the end of the course, the students will be able to

1. Explain the meaning nature and nuances of Information Technology.
2. Explain the concept of Electronic Signature and Digital Signature and its admissibility.
3. Explain the concept of E-commerce and E-Governance
4. Apply the principles governing in electronic evidence in the real world experience.
5. Discuss the emerging forms in the Information Technology.

**Course Content**

**Unit – I: Introduction to Information Technology**

- E-Information Society: Introduction, history and development.
- Overview and history of the Information Technology Act, 2000 and the Information Technology (Amendment) Act, 2008.
- Relevant provisions from the Indian Penal Code, 1870, the Indian Evidence Act, 1872, the Bankers Book Evidence Act, 1891 and the Reserve Bank of India Act, 1934.

**Unit – II: Digital Signature and Electronic Evidence**

- Electronic Signature and Digital signature; meaning, significance and scope.
- Cryptography: Public key and Private key infrastructure.





- Certification authorities; types of certificates, suspension or revocation of certificates, privacy issues, liability and risk allocation,
- Electronic evidence and its admissibility.

### **Unit - III: E- Commerce**

- Meaning, origin and forms of E- Commerce
- UNCITRAL model on E-Commerce
- E-Commerce Initiatives – USA, CANADA, EUROPE and INDIA
- Online advertising and its limitations
- Consumer Protection in E-Commerce
- Jurisdiction

### **Unit– IV: Cyber crimes and Contraventions**

- Introduction to cyber crimes; Meaning and nature.
- Kinds of cyber crimes – Crimes against individuals, crime against Government and crime against organization.
- International initiatives to combat cyber crimes; Conventions and treaties.
- Regulation of Cyber-crimes: Issues relating to investigation, jurisdiction and evidence collection

### **Unit - V: Information Technology and Artificial Intelligence**

- The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
- Artificial Intelligence; Meaning, nature and scope;
- Advantages and Disadvantages of Artificial Intelligence and its regulation
- The Digital India Bill, 2023 – Overview and salient features of the bill.

### **Prescribed Books:**

1. Karnika Seth, Cyber Laws in the Information Technology Age, Lexis Nexis, Butterworth's Wadhwa, Nagpur, 1<sup>st</sup> Edition (Updated), 2009
2. Nandan Kamath, Law Relating to Computers, Internet and E-Commerce, Universal Law Publishing Co. New Delhi, 5th Edition, 2012
3. Karnika Seth, Artificial Intelligence Unveiled, Lexis Nexis, 1<sup>st</sup> Edition, 2020.

### **Reference Books:**

1. Rahul Mattan, The Law Relating To Computers and the Internet, Butterworths New Delhi, ISBN 81-87162-12-9, 2000.
2. Talat Fatima, Cyber Crimes, 2<sup>nd</sup> Edition, Eastern Book Company, New Delhi, 2nd Edition, 2016
3. Ranbir Singh, Ghanshyam Singh, Cyber Space and the Law – Issues and Challenges, NALSAR University, Hyderabad, 2004.





## **SPECIALIZATION PAPER - 7: INTELLECTUAL PROPERTY LAW AND ALLIED LAWS 21LLIT205**

### **Course Description:**

The creation and protection of an Intellectual Property involves a complex process and procedure. New technology and investment foster creation of intellectual property. The grant of monopoly right under the Intellectual Property system poses challenges in catering to the public needs and environmental concerns. Intellectual Property Rights and Competition laws have substantial interface in their regulation of various issues of the business world especially in the post grant issues of Intellectual Property Rights. Therefore, the course facilitates the students to understand, learn and employ the operative role of IPR in allied legal realms of Competition law, Environmental law, Investment law, Technology Law as well as nuanced areas of public health, Biosafety and Bioethics.

### **Course Objectives:**

- To familiarize the students with the interplay between the legal regimes of Competition Law and Intellectual Property Law.
- To provide an understanding of the interface between technology and intellectual property regime
- To make students aware and inspect the role played by intellectual property protection in the regime of investment law.
- To make the students understand the nuanced role of IPR in the aspects of conservation and sustainability of Environment.
- To familiarize the students about the flexibilities offered under the TRIPs agreement relating to public health and Bio-safety.

### **Course Outcomes:**

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

1. Delineate the nuances that associate and disassociate the regimes of intellectual property and competition law.
2. Explain the interactions between technology and intellectual property law.
3. Evaluate the nuanced interplay between investment law and Intellectual Property regime.
4. Critically analyse the pivotal role of Intellectual Property Rights in environmental sustainability.
5. Explain the role played by the Intellectual Property Rights regime governs the aspects related to public health and Biosafety.





## Course Content

### Unit - I: Intellectual Property Rights and Competition Law

- An interface between Intellectual Property and Competition Law in India
- Economic Theory of Intellectual Property and Competition Law
- Antitrust scrutiny of intellectual property right
- Compulsory licensing to remedy anti-competitive practices
- Whether IPRs are subject to Competition Law?
- Role of the Competition Commission of India in the regime of IPR

### Unit - II: Intellectual Property Rights and Constitution of India

- Classification of Intellectual Property Rights
- Constitutional provisions relating to Intellectual Property Rights
- Development of Freedom of speech & expression Juxtaposes with IPR
- Nexus between Intellectual Property Law and freedom of expression
- Recognition of Intellectual Property Rights – Judicial approaches
- Human Rights and Intellectual Property

### Unit - III: Intellectual Property Rights and Investment Law

- Intellectual Property as an Investment
- Mapping the trends in the interplay between Intellectual Property, Trade and Investment Law
- Intellectual Property Issues in Investor State Dispute Settlement
- Intersection of Investor State Dispute Settlement and TRIPs flexibilities
- Intellectual Property disputes: Investor-State and WTO adjudication

### Unit - IV: Intellectual Property Rights and Environmental Law

- Facets of Intellectual Property Rights and Environmental Law
- The relationship between Intellectual Property Rights and Biodiversity
- Intellectual Property and the Convention on Biological Diversity: Access to fair and equitable sharing of benefits arising from the utilization of genetic resources, Nagoya Protocol; Conservation and sustainable use of biological diversity.
- Intellectual Property and Climate Change: Transfer of Climate change technologies
- Third world approach to the interplay between environment Intellectual Property Rights and sustainability

### Unit - V: Intellectual Property Rights, Public Health and Bio-Safety

- IP and Public Health
- IP: Access to medicines and vaccines, a third world approach
- Transfer of biotechnology
- Biosafety and Bioethics
- Cartagena Protocol on Biosafety





### Prescribed Books:

1. Steven D. Anderman, The interface between Intellectual property rights Competition policy (Cambridge University Press, 2007)
2. Phillipe Sands, Principles of International Environmental Law, 1020-1053 (2nd Edition, Cambridge University Press, 2003)
3. Geiger, Christophe, Intellectual Property and Investment Law: An Introduction (November 14, 2019). in: Christophe Geiger (ed.), "Research Handbook on Intellectual Property and Investment Law", Cheltenham (UK)/Northampton, MA (USA), Edward Elgar Publishing, 2020).

### Reference Books:

- Ashish Bharadwaj, Vishwas H. Devaiah, et.al. (eds.), Multi-dimensional Approaches Towards New Technology: Insight on Innovation, Patents and Competition, 3-20(Springer open, 2018)
- Rimmer, M. (2019). Beyond the Paris Agreement: Intellectual Property, Innovation Policy, and Climate Justice. Laws, 8(1), 7.
- Abdel-Latif, A. (2014). Intellectual property rights and the transfer of climate change technologies: issues, challenges, and way forward. Climate Policy, 15(1), 103–126.
- Umberto Izzo, Matteo Macilotti, Comparative Issues in the Governance of Research Biobanks: Property, Privacy, Intellectual Property, and the Role of Technology(Springer-Verlag Berlin Heidelberg, 2013)
- Ankit Singh, Yogendra Kumar Srivastava, Patent Law, Green Technology and Innovation( Routledge, 2022)



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