

CHANAKYA NATIONAL LAW UNIVERSITY, PATNA
B.A., LL.B. (H) and B.B.A., LL.B. (H) 2024-25; SEMESTER – IX

Course Title: Comparative Criminal Procedure

Course Overview

The Code of Criminal Procedure provides the machinery for the detection of crime, apprehension of suspected criminals, collection of evidence, determination of the guilt or innocence of the suspected person, and the imposition of suitable punishment on the guilty. It is further aimed at trying to provide a balance between the needs of the investigating and adjudicatory bodies to detect crime, maintain law and order and the rights of the accused.

With the increasing complaints regarding abuse of powers of arrest by the police, custodial torture and death, denial of bail, etc., the course particularly focuses on investigation, arrest, bail and principles of fair trial.

The provision relating to plea bargaining has been included to critically examine its operation under the criminal law which may be oppressive unless all the stakeholders are equally positioned.

Learning Outcomes. Though the emphasis of this course would be on administration of criminal justice system in India, but the students would also be familiarised with aspects of criminal justice system in countries like England, France et.

1. On completion of the course, students will be able to understand in a better way the Administration of criminal justice system in other countries like England and France.
2. Analyse crucial aspects relating to investigation and trial of offences (like initiation of criminal cases, powers and duties of police during investigation of offences, stages of criminal trial, functions, duties, and powers of criminal courts)
3. Critically analyse issues in administration of criminal justice (like protection of human rights of accused, victims, principles of fair trial)

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I:	This would be introductory module where evolution of certain principles which evolved in these countries would be discussed and how far these principles, rules etc have been adopted in India.	1-5
Module II:	A general overall view of investigation will be given to the students with special emphasis on the essentials of F.I.R and its evidentiary value, police officer's powers to investigate cognizable cases, procedure for investigation, police officer's powers to require attendance of witnesses, examination of witnesses by the police, recording of confessions and statements and report of police officer on completion of investigation	6-14
Module III:	How the investigation of cases are carried out. What are the statutory provisions related to investigation. Powers of the [police officers and limitation on such powers.	15-21
Module IV:	Arrest – procedure and rights of arrested person Search and seizure (sections 165, 166 read with section 100)	22-29
Module V:	Criminal offences are further classified under the Cr.P.C. into bailable and nonbailable offences. In case of bailable offences, an accused is entitled to bail as a matter of right on furnishing of surety. In case of non-bailable offences, bail is a matter of discretion with the courts and the discretion becomes narrower depending upon the severity of the punishment that an offence entails. How this discretion is to be exercised and what are the principles governing grant of bail in such cases is discussed in the cases given below. The concept of anticipatory bail and the principles governing its grant are also a subject matter of study. Further,	30 -35

	principles governing cancellation of bail will also be discussed here.	
Module VI:	Cognizance of Offences, Committal Proceedings, Framing of Charges	36-40
Module VII:	Differences among warrant, summons, and summary trials, Production of Witnesses - Summons and warrants, S.321-Withdrawal of Prosecution	41-46
Module VIII:	Features of Fair Trial – Ss.273, 300, 303-304, 313, 316, 317, 319, 321, 327, 406, 409; Articles 20 (1) (3), 22(1), 39A of the Constitution , Rights of Victims – Ss.357, 357A, 357B, 357C, 372, Proviso, Witness Protection -Guidelines for Protection of Vulnerable Witnesses.	46-55
Module IX	Appeals, Inherent Powers of the High Court	56-60

Recommended/Reference Text Books and Resources:

Text Books .

1. Criminal Procedure. Matthew Lippman. Sage Publication.
2. The Code of Criminal Procedure. K D Gaur.

References

- Constitution of India. Articles on Comparative Criminal Procedure.

Instructor Details

Name of the Instructor:	Dr. G P Pandey
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Cross-Border Investment

B.A. , LL.B. (Hons.) / B.B.A. , LL.B. (Hons.)

9th Semester Course

Faculty

Mr. Abhishek Kumar



Chanakya National Law University, Patna

Module I: Cross-Border Investment

- Conceptual Framework of Foreign Investment Law
- Provisions related to Foreign Investment
- Regulation of Foreign Investment
- Investment Under the WTO Regime

Module II: Foreign Direct Investment (FDI)

- Concept of Foreign Investment
- FDI & Globalization Perspective
- FDI in Third World Countries
- Investment Policy Trends in Developing States
- New Generation of Investment Policies
- FDI and Sustainable Development

Module III: Legal Regime Regulating FDI in India

- Flow of Foreign Capital into India
- International Investment Laws in India
- Foreign Exchange Management Act, 1999
- Authorities Regulating Foreign Direct Investment
- 'Make in India' Initiative

Module IV: International Investment Agreements

- India's International Investment Agreements (IIAs)
- The Scope of Protection of IIAs
- Bilateral Investment Treaties (BITs)
- India's BITs
- India Model BIT, 2016: An Overview
- Fair and Equitable Treatment in BITs
- Vienna Convention on the Law of Treaties
- Sustainable Development Provisions in Investment Treaties

Module V: Settlement of International Investment Disputes

- UNCITRAL Arbitration Model
 - Investor-State Dispute Settlement (ISDS) system
 - Arbitral Mechanism
 - Bilateral Investment Treaty Arbitration and India
 - Multilateral Investment Court
 - International Investment Court
 - Settlement of Disputes under the 2016 India Model BIT
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- **Reading Materials:**
 1. J Salacuse (2010), The Law of Investment Treaties, (OUP: Oxford), 18-36.
 2. K Vandevelde (2010) Bilateral Investment Treaties: History, Policy and Interpretation (OUP: New York), 93-107.
 3. Dolzer, Rudolf and C. Schreuer (2012). Principles of International Investment Law (Oxford University Press: Oxford: 2nd edition), 1-36; 235-242; 254-268.
 4. G Van Harten (2007) Investment Treaty Arbitration and Public Law (OUP: Oxford).
 5. K Vandevelde (2010) Bilateral Investment Treaties: History, Policy and Interpretation (OUP: New York), 108-120.
 6. Prabhash Ranjan and Deepak Raju, 'Bilateral Investment Treaties and Indian Judiciary' (with Deepak Raju as the second author), 46 (4) THE GEORGE WASHINGTON INTERNATIONAL LAW REVIEW (2014), 809-847.
 7. Prabhash Ranjan, 'India and Bilateral Investment Treaties – A Changing Landscape', 29 (2) ICSID REVIEW– FOREIGN INVESTMENT LAW JOURNAL (Oxford University Press) (2014) 419-450.
 8. UNCTAD (2007). 'Investor-State Dispute Settlement and Impact on Investment Rule Making' (United Nations: New York and Geneva), 22-29.
 9. Prabhash Ranjan (2015), Most Favoured Nation Treatment Principle in Indian Bilateral Investment Treaties: A Case for Reform, 55(1) Indian Journal of International Law, 39-64.

Chanakya National Law University, Patna

B.A., LL.B (Hons.) / B.B.A., LL.B. (Hons.)

SEMESTER- IX

Academic Year (2024-2025)

Course Title: Information Technology Law (Cyber Law)

Course Overview

With its rapid growth and momentous influence on our day to day activities the Information Technology become an indispensable facet of human civilisation. To keep pace with this swift changes one need to have an acquaintance of the functioning of this information technology ecosystem. This syllabus endeavours to give an insightful understanding of fundamental nuances of this information technology ecosystem and its legal concerns. It covers the whole Information Technology Act and its amendments along with applicable rules. Apart from the statutory provisions related to cyberspace, this syllabus also gives due emphasis on the social, intellectual property issues and legal analysis of new emerging technologies of Cyberspace. The capital idea of this syllabus is to professionally equip students with a detailed understanding of national and international regulatory framework and mechanics of cyber law.

- Module one deals with conceptual framework and theoretical foundation of cyber laws, significant issues of cyberspace jurisdictional aspects of cyberspace and laws relating to it.
- Module two focuses on the comprehensive and detailed analysis of the Information Technology Act, 2000, amendments in the legislation and its related rules.
- Module three deals with Data Protection and Privacy in cyberspace.
- Module four covers Intellectual Property Concerns in cyberspace and appreciation of electronic evidence.
- Module five focuses on emerging issues of cyberspace.

Learning Outcomes

The course aims to give a comprehensive and critical understanding of cyber laws.

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

1. Understand conceptual framework and theoretical foundation of cyberspace regulatory framework.
2. Analysis of jurisdictional issues of cyberspace.

3. Critically analyse the Information Technology Act, 2000 and related rules.
4. Understand Intellectual Property issues and evidentiary concerns of cyberspace.
5. Analyse Data Protection regime and privacy aspects of cyberspace.
6. Develop brief understanding on emerging issues of cyberspace.

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I:	Cyberspace: Meaning, Concept and its jurisdictional concerns	15 Lectures
	<p>1. Introduction of cyberspace and its regulatory models</p> <ul style="list-style-type: none"> ➤ Origin and meaning and conceptual framework of Cyberspace; ➤ Legal Issues in Cyberspace. ➤ Need for Regulation Cyberspace. ➤ Phases of Cyberspace Regulation ➤ Different Models of Cyberspace Regulation. <ul style="list-style-type: none"> A. No Regulation, Government Regulation, Self-Regulation and Government Regulation. B. Cyber Libertarianism, Cyberpaternalism, Network Communitarianism –Symbiotic Regulation, Behavioural Regulation, Algorithmic Regulation etc. C. Market Driven Regulatory Model, State Driven Regulatory Model & Rights -Driven Regulatory model <p>2. Cyber Jurisdiction</p> <ul style="list-style-type: none"> ➤ Concept of Jurisdiction, ➤ Jurisdiction in Cyberspace, ➤ Issues and concerns of Cyberspace Jurisdiction in India, ➤ International position of Cyberspace Jurisdiction, ➤ Judicial interpretation of Cyberspace Jurisdiction. 	
Module II:	Role of Information Technology Act, 2000 and other Laws in the regulation of cyberspace	30 Lecture
	<p>3. IT Act, 2000 and UNCITRAL model on E-commerce</p> <ul style="list-style-type: none"> ➤ UNCITRAL model on E-commerce and regulation of cyberspace ➤ A brief overview of Information Technology Act, 2000 ➤ IT Act 2000 vs. IT Amendment Act 2008 ➤ Relevant provisions from Bhartiya Nyaya Sanhita and Bhartiya Sakshya Adhniyam, 2023. 	

	<p>4. Concept Of Electronic Signature and Digital Signature</p> <ul style="list-style-type: none"> ➤ Relevance of Signature ➤ Handwritten signature vs Digital Signature ➤ Technological Advancement and development of signature ➤ Digital Signature:IT Act, 2000 ➤ Cryptography, Public Key and Private Key, Public Key Infrastructure ➤ Electronic Signature ➤ Electronic Signature vs. Digital Signature ➤ UNCITRAL Model Law on Electronic Signature <p>5. Laws E – commerce & E – governance</p> <ul style="list-style-type: none"> ➤ Meaning and Concept ➤ Different Models of E-commerce& E-governance ➤ UNCITRAL Model Law on E-commerce& E-governance ➤ Under IT Act,2000 ➤ Emerging Issues and challenges of E-commerce and E-governance ➤ New E-commerce Policy <p>5. E-Contract</p> <ul style="list-style-type: none"> ➤ Concept of E-Contracts ➤ Types of E-contract - Click wrap, Shrink-wrap, Browse wrap and its Legal Validity ➤ Essentials of E-Contracts ➤ Laws on E-Contracts: IT Act & other laws <p>6. Cyber Crimes</p> <ul style="list-style-type: none"> ➤ Cyber Crimes - Definitions - Nature ➤ Conventional Crimes vs Cyber Crimes ➤ Types of Cyber Crimes ➤ Cyber offences covered under the Information Technology Act, 2000 ➤ Cyber offences and other laws (BNS, POCSO etc.) ➤ Issues relating to investigation of cybercrimes in India ➤ Cyber Contravention ➤ Cybercrime vs Cyber Contravention ➤ Cyber Contraventions -Civil Liabilities and Adjudication <p>7. Law Relating to Liabilities of Intermediaries</p>	
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	<ul style="list-style-type: none"> ➤ Meaning and concept of intermediary ➤ International legal framework on intermediary ➤ Liability of intermediary under the IT Act ➤ Critical analysis of The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 and its comparison with old intermediary guidelines. ➤ Recent developments and judicial interpretation of intermediary's liability in India 	
Module III:	Data Protection and Privacy Concerns in Cyberspace	5 Lectures
	8. Legal framework of data protection India <ul style="list-style-type: none"> ➤ Conceptual framework of Data ➤ Evolvement of Legal framework of data protection in India ➤ Critical analysis of Digital Personal Data Protection Act, 2023 ➤ GDPR Vs. DPDPA ➤ Concept of privacy, Privacy concerns of cyberspace ➤ Indian Constitutional framework of privacy and its Judicial interpretation 	
Module IV:	IP PROTECTION ISSUES IN CYBERSPACE	8 lectures
	9. Copyright Issues in Cyberspace <ul style="list-style-type: none"> ➤ Fundamental notions of copyright law ➤ Copyright issues in cyberspace ➤ Copyright infringement in digital environment-Software piracy, Linking, Framing, Caching, Meta Tagging, ➤ Legal protection of copyright in International Framework-WCT, WPPT, TRIPS. ➤ Indian legal protection of copyright in cyberspace & concept of DRM 10. Trademark Issues in Cyberspace <ul style="list-style-type: none"> ➤ Meaning, Purpose and Kinds of Domain Name. ➤ Domain Name Vs Trademark ➤ Domain Name Registration, ICANN, ➤ Domain Name dispute and Related Laws ➤ Different Form of Domain in Cyberspace, ➤ Judicial Approach. 	

Module V:	11. New technological Advancements of Cyberspace	7 lectures
	<ul style="list-style-type: none"> ➤ Cloud Computing, ➤ Big Data ➤ Internet of Things ➤ Artificial Intelligence and Generative AI ➤ Blockchain & Crypto currency ➤ Non-fungible token (NFT) 	

Evaluation Criteria

Components	Marks Allotted
Attendance	05
Project Report	16
Presentation	4
Mid-Semester Examination	15
End-Semester Examination	60
Total Marks	100

RECOMMENDED/REFERENCE TEXT BOOKS AND RESOURCES:

Text Books& Reference Books

- Chris Reed, Internet Law-Text and Materials, Universal Law Publishing Co., New Delhi, 2nd Edition, 2005
- Ian J Lloyd, Information Technology Law, Oxford University Press, 7th Edition, 2014
- Nandan Kamath, Law Relating to Computers Internet & E Commerce Universal Law Publisher, 5th Edition, (2012)
- Aparna Viswanathan, Cyber Law Indian and International Perspectives, Lexis Nexis, 2012
- Karnika Seth, Computers, Internet and New Technology Laws-A comprehensive reference work with special focus on developments in India. Lexis Nexis, Updated Edition 2016
- Anirudh Rastogi, Cyber Law, Lexis Nexis, 2014
- Pavan Duggal Cyber Law 3.0, Universal Law Publishing Company Private Limited, 2014 Edition.
- Talat Fatima, Cybercrimes, Eastern Book Company, Lucknow, Second Edition, 2016.
- Apar Gupta, Commentary on Information Technology Act, 3rd Edition, Lexis Nexis, 2016.
- N S Nappinai, Technology Laws Decoded, Lexis Nexis, 2017
- Vakul Sharma, Information Technology Law and Practice, Universal Law Publishing, 2017
- Rodney D Ryder & Nikhil Naren, Internet Law-Regulating Cyberspace and emerging Technologies, Bloomsbury ,2020
- Cyber Law and Globalizing World, Edited by Prof Dr Vijender Kumar, Prof Dr Himanshu Pandey, Dr A Nagarathna and Mr Aditya Mishra, 2022, Satyam Lw International

- Cyber Crimes Security and Warfare's, Edited by Prof (Dr) Sarfaraz Ahmed Khan and Dr Pankaj Prakash Umbarkar 2022, Satyam Law International
- **Digital Empires: The Global Battle to Regulate Technology**, Anu Bradford, Oxford University Press, 2023.
- The Coming Wave: Technology, Power, and the 21st Century's Greatest Dilemma by Mustafa Suleyman with Michael Bhaskar (New York: Crown, 2023)

WEB RESOURCES

Suggested Readings:

- **A Declaration of the Independence of Cyberspace**, John Perry Barlow, <https://scholarship.law.duke.edu/dltr/vol18/iss1/2/>
- **Cyberspace Regulation and The Discourse of State Sovereignty** <https://cyber.harvard.edu/property00/jurisdiction/hlr.html>
- **Regulating Cyberspace: Perspectives From the Private Sector in Asia** <https://www.orfonline.org/wp-content/uploads/2021/10/Regulating-Cyberspace.pdf>
- **The Regulation of Cyberspace: Control in the Online Environment**
- **Internet Regulation and the Role of International Law**, https://www.mpil.de/files/pdf3/06_antoniiov1.pdf
- **Law and Regulation in cyberspace**, Yee Fen LIM <https://research-management.mq.edu.au/ws/portalfiles/portal/19443330/mq-3864-Publisher+version+%28open+access%29.pdf>
- **The Laws of Cyberspace**, Lawrence Lessig, https://cyber.harvard.edu/works/lessig/laws_cyberspace.pdf
- **Cyberspace Sovereignty? -- The Internet and The International System** - Timothy S. Wu" <https://jolt.law.harvard.edu/articles/pdf/v10/10HarvJLTech647.pdf>
- **Exploring into regulatory mode for social order in cyberspace**, Xingan Li, <https://www.webology.org/2014/v11n2/a125.pdf>
- **No Regulation, Government Regulation, or Self Regulation: Social Enforcement or Social Contracting for Governance in Cyberspace** Available at <https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1212&context=cjlpp>
- **Cyberspace and the Law of the Horse** - Frank H. Easterbrook Available at https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=2147&context=journal_articles
- **Law And Borders: The Rise of Law in Cyberspace** David R. Johnson and David G. Post, 48 Stanford Law Review 1367 (1996) Available at <https://cyber.harvard.edu/is02/readings/johnson-post.html>
- **Against Cyberanarchy**, Jack L. Goldsmith Available at <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=5000&context=uclev>

- **Cyberspace Sovereignty? The Internet And International System - Timothy S. Wu** Available at <http://jolt.law.harvard.edu/articles/pdf/v10/10HarvJLTech647.pdf>
- **Symbiotic Regulation, Andrew Murray** Available at <https://repository.law.uic.edu/cgi/viewcontent.cgi?article=1653&context=jitpl>
- **Algorithmic Regulation: An Introduction, Karen Yeung and Martin Lodge** Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3483693
- **The Past and Future of the Internet: A Symposium for John Perry Barlow, 18 Duke Law & Technology Review 1-175 (2019)** Available at <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1351&context=dltr>
- **General Jurisdiction and Internet Contacts: What Role, if any, Should the Zippo Sliding Scale Test Play in the Analysis?** Eric C. Hawkins, 74 Fordham L. Rev. 2371 (2006). Available at: <http://ir.lawnet.fordham.edu/flr/vol74/iss4/29>
- **Issue Of Jurisdiction in Cyberspace and Applicable Laws** Available at: <http://psalegal.com/wp-content/uploads/2017/01/ENewslneAugust2008.pdf>
- **Aiming at the Wrong Target: The "Audience Targeting" Test for Personal Jurisdiction in Internet Defamation Cases, Sarah H. Ludington** ,73 Ohio St. L. J. 541 (2012), available at http://scholarship.law.campbell.edu/fac_sw/65/.
- **Internet Jurisdiction Today, Adria Allen**, 22 Nw. J. Int'l L. & Bus. 69 (2001-2002) Available at: <http://scholarlycommons.law.northwestern.edu/njilb/vol22/iss1/9/>
- **Jurisdictional Issues in Cyberspace** , Justice S. Muralidhar, The Indian Journal of Law And Technology, Volume 6, 2010 Available at: <http://ijlt.in/wp-content/uploads/2015/08/1.pdf>
- **The Past and Future of the Internet: A Symposium for John Perry Barlow, 18 Duke Law & Technology Review 1-175 (2019)** Available at <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1351&context=dltr>

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Chanakya National Law University, Patna

B.A., LL.B. (Hons.) / B.B.A., LL.B. (H) 2024-25; SEMESTER- IX

Course Title: International Organizations

Optional IV

Course Overview

The curriculum is designed to focus on in-depth exploration of international organizations, their roles, structures, and impact on global governance. Designed for law students, the curriculum encompasses a comprehensive study of various international bodies, including the United Nations, regional organizations, economic and financial institutions, judicial and legal organizations, and those dedicated to human rights, environmental protection, and humanitarian aid. Through this course, students will gain a critical understanding of the legal frameworks, operational mechanisms, and contemporary challenges faced by these organizations.

Delving into specific IOs, we begin with a historic perspective on the League of Nations and its successor, the United Nations. We spend some time on the institutional design and functioning of the UN and its main organs, before moving on to regional organizations such as the European Union and the Organization of American States. Next, we consider how particular global issues are addressed by intergovernmental institutions. We look at collective security (NATO), human rights protection (UNHRC, European and Interamerican Courts of Human Rights), peacekeeping and criminal justice (UN Blue Helmets and ICC), trade and development (World Bank, IMF, WTO), and the environment (UNEP and UNFCCC). We end the semester by reflecting on the future of IOs and their capacity to solve global problems.

Learning Outcomes

After completion of this course students develop a theoretical as well as practical understanding of international organizations (IOs) and the global problems they attempt to address. The outcome can be summed up as follows:

- Understand the foundational concepts and evolution of international organizations.
- Analyse the structure, function, and legal frameworks of key international organizations.
- Examine the role of international organizations in promoting peace, security, human rights, and sustainable development.
- Critically assess the effectiveness and challenges of these organizations in the contemporary world.
- Engage in practical applications through case studies and real-world scenarios.

List of Topics/ Modules

Topic/ Module	Content	Sessions / Lectures
Module I:	Introduction to International Organizations <ul style="list-style-type: none"> A. Historical Survey <ul style="list-style-type: none"> 1. Private International unions 2. Public International union 3. League of nations B. Definitional and related aspects <ul style="list-style-type: none"> 1. Definitional Aspects 2. Nature of International institutional Law 3. Classification of Organization 	1-10
Module II:	The Functions of International Organization <ul style="list-style-type: none"> 1. Legislative or Normative functions 2. Executive and Administrative functions 3. Judicial and quasi-judicial functions 	11-20
Module III:	Common Institutional Problems <ul style="list-style-type: none"> 1. Legal personality 2. Membership and representation of members 3. Law governing the activities of International Organizations. 4. Financial Aspects 	21-30
Module IV:	Overview of existing International Institutions <ul style="list-style-type: none"> A. The United Nations <ul style="list-style-type: none"> 1. History and Establishment 2. Main Organs <ul style="list-style-type: none"> 2.1. General Assembly 2.2. Security Council 	31-45

	2.3. Economic and Social Council (ECOSOC) 2.4. International Court of Justice (ICJ) 2.5. Secretariat 3. Subsidiary Organs 4. Specilized agency 5. Other autonomous organizations B. Regional Organizations 1. European Union 2. Africian Union 3. Association of South East Asian Nations	
Module V:	Judicial and Legal Organizations 1. International Court of Justice 2. International Criminal Court 3. Ad hoc tribunals	46-55
Module VI:	International Humanitarian and Human Rights Organizations 1. ICRC 2. UNHCR 3. Amnesty International 4. Human Rights Council	56-65

Recommended/Reference /Textbooks and Resources:

Textbooks

1. Bowetts' Law of International Institution by Philippe Sands and Pierre Klein. (Sixth Edition)
2. RP Anand, 'The Formation of International Organizations and India: A Historical Study' (2010) 23 Leiden Journal of International Law 5.
3. Jan Klabbers, An Introduction to International Organizations Law (3rd edn, CUP 2015).
4. The Oxford handbook of International Organisation OUP 2017
5. RP Anand, 'The Formation of International Organizations and India: A Historical Study' (2010) 23 Leiden Journal of International Law.
6. Ian Hurd, 'International Organizations: Politics, Law, Practice (Cambridge: Cambridge University Press, 2011) .

References.

1. O'Neill, B. (1996). Power and satisfaction in the United Nations Security Council. Journal of Conflict Resolution 40(2): pp. 219-237.\
2. Inis L. Claude, Jr., 'International Organizations: The Process and the Institutions,' International Encyclopedia of Social Sciences, Vol. 8 (London: MacMillan, 1964), 33-40.
3. Kristina Daugirdas, International Organizations and the Creation of Customary International Law, European Journal of International Law (2019).
4. Adam, E. (2004). The WTO and the crisis of multilateralism: A look at the present situation. FES Briefing Paper October 2004.

Web Resources

<https://www.un.org/en/>
<https://www.un.org/en/ga/>

Instructor Details

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Chanakya National Law University, Patna
B.A., LL.B. (H) / B.B.A., LL.B. (H) 2024-25; SEMESTER- IX

Course Title: Law of Insurance

Course Overview

This course is designed to introduce students to the basic principles governing the creation, sale and enforcement of the most common forms of insurance. Students will be introduced to the following insurance lines: personal liability, professional liability, commercial general liability, homeowners, automobile, life and casualty, and health. The peculiarities of each line will be discussed as well as the problems common to all lines: moral hazard, adverse selection and outright fraud. The social function of insurance as well as historical anomalies are covered in order to give the student the broadest possible exposure to the issues lawyers confront regularly in this area of practice.

Learning Outcomes

The course aims to provide knowledge and understanding of the laws which form the background to the operation of insurance, the system within which these laws operate and the ability to apply knowledge and skills to simple situations.

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

- Read, analyze, and discuss Insurance Law cases representing all major lines of coverage.
- Recognize and discuss how to address the moral hazard and adverse selection problems endemic to each line.
- Apply the conventional rules of insurance contract interpretation, including specifically the doctrine of contra proferentem, the doctrine of reasonable expectations, and equitable estoppel.
- Explain the underwriting process and the role of price discrimination, risk spreading, risk pooling, and risk allocation.

List of Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures	Critical Thinking	Drafting Skill
Module I:	INTRODUCTION: a) Definition, Nature and History of insurance b) Concept, Nature and Theories of Insurance c) Role of Insurance in globalized economy	1-5	Understanding	Fact and Opinion
Module II:	GENERAL PRINCIPLES OF LAW OF INSURANCE: a) Essential elements of insurance contracts.	6-12	Analyzing	Contract Clauses

	<ul style="list-style-type: none"> b) Formation of insurance contracts. c) Nature of insurance contracts <ul style="list-style-type: none"> a. Contract of Aleatory b. Contract of <i>Uberrima fides</i> c. Contract of Indemnity d. Contract of Wager d) Insurable interest e) Assignment of Insurance policies f) Warranties & disclosures g) Double insurance & re-insurance h) Doctrine of Contribution and Subrogation i) Indian Accounting Standard (Ind AS) 104 and the corresponding International Financial Reporting Standard (IFRS) 4, Insurance Contracts, issued by the International Accounting Standards Board. 			
Module III:	<ul style="list-style-type: none"> a) PRINCIPLES AND PRACTICES OF INSURANCE b) Insurance Legislation – General Insurance Business (Nationalization) Act 1972 – The Insurance Act 1938 (as amended) – Other statutes have a bearing on General Insurance – Consumer Protection Act 1986 and implications – The structure of the Insurance market in India – Insurance marketing network and customer service. 	13-16	Understanding	Proposal Cover Notes Renewal

	c) Insurance Forms – Proposals – Cover Notes – Certificates of Insurances – Policies – Endorsements – Renewal Receipts.			
Module-IV	LIFE INSURANCE: a) Nature & scope of life insurance b) Kinds of life insurance contracts c) Life Insurance Products and Documents d) Underwriting, Pricing and Servicing e) Events insured against in life insurance f) Factors affecting risk in life insurance g) Persons entitled to payment under life insurance h) Settlement of claims	17-24	Evaluating	Plaints
Module IV:	FIRE INSURANCE a) Origin and Object of Fire Insurance b) Basic principles of Fire Insurance contracts. c) Nature, Meaning, significance of fire insurance.	25-31	Evaluating	Plaints
Module V:	MARINE INSURANCE: a) Nature and scope b) Classification of marine policies c) The Marine Insurance Act 1963 d) Insurable interest, insurable value e) Marine insurance policy- condition- express warranties- construction of terms policy f) Voyage – deviation f) Perils of the sea	32-43	Evaluating	Plaints

	g) Partial loss of ship and of freight, salvage, general average, particular charges			
Module VI:	INSURANCE AGAINST THIRD PARTY RISKS: <ul style="list-style-type: none"> a) The Motor Vehicles Act, 1988 (Chapter XI) and Recent Amendments b) Necessity for insurance against third party risk c) Duty to give information as to insurance d) limitations on third party's rights 	44-53	Evaluating	Plaints
Module VII:	INSURANCE REGULATION AUTHORITY (IRDAI) – ROLE AND FUNCTIONS	54-60	Understanding /Analyzing	Amendments

Recommended/Reference Text Books and Resources:

Text Books

Murthy & K V S Sarma, Modern Law of Insurance, (Butterworth's Wadhwa Publications, Nagpur).
SV Joga Rao, MN Srinivasan's Principles of Insurance Law, Lexis Nexis Butterworths Wadhwa, Nagpur
Robert Merkin, COLINVAUX'S Law of Insurance, Sweet & Maxwell, South Asian Edition.
M. N. Sreenivasan, Law and the Life Insurance Contract, (Butterworth's Wadhwa Nagpur)
Mishra, M.N., Law of Insurance Principles and Practice, Radhakrishnan Prakashan
Birds, John, Modern Insurance Law, Universal Publishing Co. (Latest Edition)
B.C. Mitra, Law Relating to Marine Insurance. Asia Law House, Hyderabad. .

Instructor Details

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Chanakya National Law University, Patna

B.A., LL.B. (H) / B.B.A., LL.B. (H) 2024-25; SEMESTER- IX

Course Title: Press and Media Law

Course Overview

The curriculum is designed to provide a foundational understanding of the legal regime governing press and media in India. The Right to Freedom of Speech and Expression remains at the core of any academic engagement with this course. The course seeks to equip students with basic understanding of basic issues in press and media law and strives to encourage students to imagine this course as relevant not only with respect to their careers but also imperative in a vibrant society like India.

Module **One** introduces the subject and discusses preliminary concerns.

Module **Two** discusses **Legal Framework for Regulation of Press and Media Law**, especially the **Constitutional Freedom of Speech and Expression**

Module **Three** deals with the **Legal Framework for Digital Media**

Module **Four** covers the **Legal Framework for Electronic Media**, especially **Radio and Television** and also **includes Cinema**

Module **Five** deals with **Legal Framework for Regulation of Print Media**

Module **Six** deals with **The Official Secrets Act and Right to Information Act**

Learning Outcomes

The course aims to provide a foundational *understanding of the legal regime governing press and media in India*.

On completion of the course, students will be able to have basic understanding of:

1. **Constitutional Framework for Regulation of Press and Media Law- Freedom of Speech and Expression**
2. **Legal Framework for Digital Media**
3. **Legal Framework for Electronic Media – Radio and Television (also includes cinema)**
4. **Legal Framework for Regulation of Press Media**
5. **The Official Secrets Act and Right to Information Act**

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I: Introduction	a) Concepts of Press and Media and Press and Media Law, <ul style="list-style-type: none"> - Meaning of Press and Media, Press and Media Law - Scope of Media Law - Types of Media - Digital media and its unique nature b) Role and Impact of Press and Media <ul style="list-style-type: none"> - Role of Press and Media in Democracy, Diversity and Identity - Indian Press- History and Role - The phenomena of Mediatization - Case Studies - Media coverage of issues of Climate Change; - Media and Propaganda c) Status of Press and Media in India <ul style="list-style-type: none"> - People's perception of media - - Ownership of Press and Media –How does ownership of media affect the nation and community? d) The need of media pluralism	1- 10
Module II: Legal Framework for Regulation of Press and Media Law- Constitutional Freedom of Speech and Expression	a) Historical Evolution of Freedom of Speech and Expression a) Theoretical Foundations b) Freedom of Speech and Expression versus Freedom of Press and Media- Difference c) The Scope of Freedom of Speech and Expression - (circulation, advertisement, publication, broadcasting, interview, parliamentary proceedings including parliamentary privileges, judicial reporting and trial by media); d) Restrictions (sovereignty and integrity, the security of the State, friendly relations with Foreign States, public order, decency or morality, obscenity & censorship contempt of court, defamation, sedition, pornography, hate speech, privacy)	11-40
Module III Regulation of Digital Media	a) Digital Media- nature, impact, challenges specific issue- when does publication take place in digital media a) Digital Media - user generated content and its regulation b) Digital Intermediaries – role, their liability as publishers, extent of liability, jurisdictional issues c) User Generated Content and their regulation d) Issues of online defamation, online privacy, online hate speech, e) Duties and Responsibilities of Intermediaries f) OTT platforms and their regulation g) Regulation of Advertisement and Promotion Based on IT Act, 2000 and Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021; Code of Ethics by Mobile and Internet Association of India	41-50

Module IV: Legal Framework for Print Media	<p>a) Regulating working conditions of Journalists b) Work Ethics for Journalists c) Regulation of printing press d) Regulation of newspapers and magazines and their publication e) Journalistic privileges- protection of sources, journalistic material f) Regulation of Advertisement g) Case Study- Kamla</p> <p>Based on: The Press and Registration of Books Act, 1867; The Press (Objectionable Matters) Act, 1951; The Working Journalists and other Newspaper Employees (Conditions of Service and Miscellaneous Provisions) Act, 1955; The Newspaper (Price and Pages) Act, 1956; The Press and Registration of Books Act, 1867; The Press Council Act, 1978; Norms of Journalistic Ethics (PTI)</p>	51- 55
Module V: Legal Framework for Electronic Media – Radio and Television	<ul style="list-style-type: none"> • Meaning of Broadcasting and its evolution in India, • Legal regulation of broadcasting content- censorship, challenges • Cinema and its regulation- cinema as expression, issues of censorship, regulation of cinema halls, • Regulation of Advertisement <p>Based on the Cinematograph Act, 1952 with latest amendments; the Prasar Bharti Act, 1990; Cable Television Networks (Regulation) Act, 1995; Rules 1994 with latest amendments; Program and Advertising Code; Electronic Media Advertisement Policy; News Broadcasters Association guidelines; Broadcasting Regulation Services Bill, 2023</p>	56- 63

Recommended/Reference Text Books and Resources:

Text Books

1. Madhavi Goradia Divan "Facets of Media Law" EBC, 3rd edition, 2021 (chapter 1)
2. Ursula Smartt "Media and Entertainment Law" 4th edition, 2020 (chapter 1)
3. Eric Barendt, Jason Bosland, Rachael Craufurd-Smith, Lesley Hitchens "Media Law: Text, Cases and Material" Pearson, 1st edition 2014 (chapter 1)
4. Genelle I. Belmas, Jason M Shepard Wayne E Overbeck 'Major Principles of Media Law' 1st edition, 2017 Cengage (chapter 2)
5. Monroe E Price, Stefaan G. Verhulst and Libby Morgan Routledge Handbook of Media Law Routledge, 1st edition, 2013 (Part II- media policy, free speech and citizenship)
6. Kiran Prasad Wolster Kluwer Media Law in India
7. Durga Das Basu Laws of the Press in India by Prentice Hall, Delhi

References

8. Law and Media, Tome Crone, Philip Alberstat, Estelle Overs, Routledge
9. Media Law and Ethics Roy L Moore, Michael D Murray, Kyu Ho Youm, Routledge
10. Media Law and Ethics Readings in Communication Regulation, edited by Kiran Prasad, Volumes I and II, B R Publishing
11. Routledge Handbook of Media Law edited by Monroe E Price, Stefaan G Verhulst, Libby Morgan

Web Resources

https://www.youtube.com/watch?v=RCOz-1j_55A

Module VI: The Official Secrets Act and Right to Information Act	a) The Official Secrets Act, 1923; b) Judicial recognition of the Right to Information Act, 2005; c) Salient features of The Right to Information (Amendment) Act, 2019	63-64
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https://onlinecourses.swayam2.ac.in/cec22_ge45/preview
https://www.youtube.com/watch?v=w9akPl_vciw
<https://www.youtube.com/watch?v=xM7gIoYswuU>

Instructor Details

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Chanakya National Law University, Patna

B.A., LL.B. (Hons.) / B.B.A., LL.B. (Hons.) 2024-25; SEMESTER- IX

Course Title: Professional Ethics & Professional Accounting System

Course Overview

The curriculum is designed to focus on the professional conduct and ethical practices which make the legal profession a solemn and serious occupation and a noble calling. The honour as a professional has to be maintained by its members by their exemplary conduct, both in and outside the court. Of late there is a lowering in ethical standards in the legal profession which has adversely affected the public as well as the profession itself. For a successful training of lawyer, it is essential to impart knowledge, skills and ethics of lawyering. The curriculum aims to equip students with the primary attributes of a lawyer- that she/he should be honourable and ever willing to lend her/his assistance to the needy and the oppressed.

Module one deals with introduction.

Module two is about the rules for admission, enrolment and practice.

Module three deals with professional ethics.

Module four concerns the responsibilities of the legal profession.

Module five is about the privileges of the lawyer

Module six focuses on contempt of court.

Module seven covers accountancy for lawyers

Learning Outcomes

The course aims to:

- Provide information and advice of the greatest practical value for a profession which is an essential part of the administration of justice.
- Instill in students, respect for the rule of law, sensitivity to human rights, and the duties of patience, courtesy and kindness.
- Prepare personnel for the purpose of administering of justice in courts by raising the ethical standards of students who will in future as learned lawyers and honorable judges- be scrupulously ethical in their attitude and dealings.
- Create sensitivity about ethical issues likely to arise during the course of legal profession and facilitate the students to face the challenges of professional dilemma without ever compromising with the core values of the legal profession.
- Build the capacity for reasoning and analyzing the ethical conflicts inherent in the course of legal practice so that law students are able to meet the challenges of an evolving society.

On completion of the course:

- Students' lives will be imbued with lofty idealism and they will promote the advancement of justice in the society.
- Students will be able to derive crucial benefit not only in their professional life but also in their personal life by establishing a sense of personal identity which will help incorporate professional norms and values in their personality.
- Students will understand better than they did before that law is a great and noble profession and they will never by their act or word, show themselves unworthy of the great tradition which they will inherit.
- Students will take their profession seriously; practice it with dignity, deference and devotion; and strive to maintain the honour and prestige of the profession which has been created not for private gain but for public good.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I: Introduction	<ul style="list-style-type: none"> • Definitions • Evolution of legal profession in India. • Present Dilemmas 	1-6
Module II: Rules for Admission, Enrolment and Practice	<ul style="list-style-type: none"> • Laws and rules regulating legal practice • Persons entitled to legal practice • Laws relating to enrolment & practice • Right to practice • Bar Councils 	7-17
Module III: Professional Ethics	<ul style="list-style-type: none"> • Principles of professional ethics • Rules of professional conduct • Standards of professional ethics • Professional negligence • Acts amounting to professional misconduct • Disciplinary committee • Cases on professional misconduct 	18-30
Module IV: Responsibilities of the legal profession	<ul style="list-style-type: none"> • Lawyer-Client relationship • Bar-Bench relationship 	31-41

	<ul style="list-style-type: none"> • Role and duties of Judges • Senior Counsel • Lawyers' strike • Present dilemmas 	
Module V: Privileges of lawyers	<ul style="list-style-type: none"> • Privilege of discharging duties. • Fees and Retainers • Eligibility to public office • Privilege to authenticate cases. • Right to advertise 	42-50
Module VI: Contempt of court	<ul style="list-style-type: none"> • Origin, object, Constitutional validity • Kinds of contempt of court • Acts amounting to contempt of court • Defenses available to contemnor • Punishment • Cases 	51-59
Module VII: Accountancy for lawyers	<ul style="list-style-type: none"> • Maintenance of accounts • Nature and functioning • Accounts by partnership firms of advocates. 	60-65

Evaluation Criteria

Components	Description	Weightage in %
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Attendance	5 Marks	
Project Report	15Marks	
Presentation	5 Marks	
Mid-Sem Examination	15 Marks	
End-Sem Examination	60 Marks	

Recommended Text Books, Reference, Resources

Text Books

- The Contempt Law and Practice
- Fundamental principles of Accountancy for Advocates
- Edward Abbott Parry- The Seven Lamps of Advocacy
- Raju Ramchandran's Professional Ethics for lawyers
- Yashomati Ghosh-Legal Ethics and the Profession of Law
- Dr Kailash Rai-Legal Ethics

References

- Nani Palkhivala-Courtroom Genius
- Law, Justice and Judicial Power: Justice P N Bhagwati's Approach
- Indu Bhan-Legal Eagles
- Mr. Krishnamurthy Iyer's book on "Advocacy"
- Dr. B Malik-The Art of a Lawyer
- Sarosh Zaiwalla- Honour Bound
- R V Raveendran- Anomalies in Law & Justice
- Hints on Advocacy
- Surendra Malik- Contempt of Court

Relevant Statutes

1. The Advocates Act, 1961
2. Bar Council of India Rules, 1962
3. Bar Council of Bihar Rules, 1962
4. Legal Services Authority Act, 1987
5. Supreme Court Rules & Patna High Court Rules towards Advocate on Record System
6. Extracts of other laws where discussion about lawyer, legal representative, its right & duties
7. The Contempt of Courts Act, 1971
8. The Rules to regulate proceedings for Contempt of the Supreme Court, 1975
9. Contempt of Courts (Patna High Court) Rules
10. The Bar Council of India Advocates' Welfare Scheme, 1998
11. The Advocates' Welfare Fund Act, 2001
12. Advocates' (Right To Take Up Law Teaching)Rules, 1979
13. The Certificate and Place of Practice (Verification) Rules, 2015
14. The Bihar State Litigation Policy, 2011

Instructor Details

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Dr. B.R.N. Sarma

Note:

Project & Viva Voce shall be taken strictly on time.

Delay in project submission and Viva Voce to be subject to deduction of marks.