

Subject/lesson plan

**Private international law/Conflict of laws**

IX Semester (2021)

**Dr. P.P. Rao**

Associate Professor of Law

Faculty: Conflict of Laws/Private International Law

For convenience sake, of this technical subject, Private International Law/Conflict of laws, it is planned to teach the same in six primary units. Each unit contains a detailed chapter plan comprising of various sub-topics. In this course it is also focussed to put stress on Indian Private International Law while comparing with English private international law. As our law in this regard is still young and we are following mostly English principles only in number of conflict cases. Now our courts have occasions to evolve our own private international law principles. Accordingly those are referred contextually, for better understanding of the subject study material was also prepared and the same will be given to students.

It is planned to complete the course in 50 to 60 classes during July, August, September and October, 2021. Each primary unit will be covered in 10 periods. Approximately there will be 60 classes in this semester after leaving Sundays and public holidays.

In the month of July approximately in fifteen classes it is planned to complete the introduction chapter ie., Nature, scope and basis of private international law which includes the distinction between Public international law and private international law, unification of private international law, functions and bases of private international law and also some portion of the second unit comprising of classification area i.e. ,characterisation of cause of action and rule of law, incidental questions, depeccage, doctrine of renvoi and substance and procedure.

In the month of August, in fifteen periods, rest of the preliminary topics of second unit will be covered. In these classes it is planned to complete the topics viz., proof of foreign law, exclusion of foreign law and domicile, nationality and residence.

In the month of September, in fifteen periods, primary unit III, Jurisdiction of courts and Judgements will be discussed by dividing it into three major sub topics-

- a) Jurisdiction of courts-English law
- b) Jurisdiction of courts –Indian law
- c) Recognition and enforcement of foreign judgements (Indian and English law)

It is also designed that in the month of October, Choice of law function will be discussed in which Law of obligations are to be covered by focussing on choice of law in

contract and choice of law in tort. (Primary unit IV) And units V and VI which are relating to family law particularly referring to the choice of law rules in marriage disputes and matrimonial relieves and conflict of laws rules relating to children etc., and law of property duly focussing on the choice of law rules of movable and immovable property disputes.

## **Unit-I**

### **Introduction**

1. Nature and Scope of Private International Law
  - a) Title of the subject
2. Public law and Private law
3. Public International law and Private International law
4. Range and Difficulty of the subject
5. Technical Terms
6. Bases of conflict of laws
7. Functions of Private International law
8. Unification of Private International law
9. Indian Private International law

## **Unit-II**

### **Preliminary Topics**

1. Classification or Characterisation of cause of action and rule of law
2. Incidental Question and Depechage
3. Renvoi/Foreign Court Theory
4. Substance and Procedure
  - a) Limitation b) Parties etc.
5. Proof of Foreign law
6. Exclusion of Foreign law
7. Domicile, Nationality and Residency(English and Indian law)

## **Unit-III**

- A. Jurisdiction of Courts and Foreign Judgements
  1. Jurisdiction of English Courts under Traditional rules
  2. Jurisdiction under the New rules
  3. Prevention of Forum Shopping
    - a) Stays and Injunctions
  4. Jurisdiction of Courts-Indian law
- B. Recognition and Enforcement of Foreign Judgements
  1. Recognition and enforcement at Common Law
  2. EC and EFTA Judgements
  3. Recognition and enforcement with in UK

4. Enforcement , Execution and Effect of Foreign Judgements-Indian law (statutory provisions and judicial response)
  - a) Foreign awards

#### **Unit –IV**

##### **Law of Obligations**

(Contracts and Torts)

1. Choice of law in Contract
  - a) Proper law Doctrine
  - b) Hague principles
  - c) Rome convention
  - d) Exclusion of Renvoi
  - e) Applicable law chosen by parties
  - f) Applicable law in the absence of choice
  - g) Consumer and individual contracts of employment
  - h) Particular aspects of the contract: Material validity and Formal validity
  - i) Remedies and Damages
2. Indian law
  - a) General contracts
  - b) Specific contracts
3. Choice of law in Torts
  - a) Rules under common law
  - b) Statutory Reform
  - c) Reliefs
4. Indian law: choice of law rules
  - a) IPRs
  - b) Maritime and Aerial Torts

#### **Unit-V**

##### **Family Law**

1. Marriage and Matrimonial Relieves (English and Indian law)
  - a) Concept of Marriage
  - b) Formal and essential validity
  - c) Presumption of Marriage
  - d) Divorce and matrimonial reliefs
  - e) Statutory provisions (India)
  - f) Jurisdiction
  - g) Maintenance under Indian law
2. Conflict of laws Rules relating to Children (English and Indian law)
  - a) Legitimacy and Legitimation
  - b) Adoption
  - c) Guardianship

#### **Unit- VI**

##### **Law of Property**

1. Movable and Immovable and Intangible properties
2. Lex situs rule

3. Matrimonial property applicable law
4. Validity of assignment-contractual questions

**Reference Books**

- 1 Cheshire, Private International law
- 2 J.H.C. Morris, The Conflict of Laws
- 3 Ablaj Mayss, (Lecture notes) Conflict of Laws
- 4 Dicey, Conflict of laws
- 5 Atul Setalwad, Conflict of Laws
- 6 Paras Diwan, Private International Law

# **Chanakya National Law University**

**Nyaya Nagar, Mithapur, Patna – 800001.**

**Cyber Laws (Including Information Technology Act, 2000)**

**Syllabus**

**9<sup>th</sup> semester**

**B.A., LL.B (Hons.) & B.B.A., LL.B. (Hons.)**

**Academic Session (2021-2022)**

## **OBJECTIVE OF THE SYLLABUS:**

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.

**FACULTY – Mr. Kumar Gaurav**

## **UNIT 1**

### **(1) INTRODUCTION**

Origin and meaning of Cyberspace;  
Cyberspace vs. Physical space;  
Legal Issues in Cyberspace;  
Need of Regulation for Cyberspace;  
Different Models of Cyberspace Regulation.

**SUGGESTED READINGS:**

- **Cyberspace and International Relations Toward an Integrated System** Nazli Choucri, David Clark , Available at <http://studylib.net/doc/13670802/cyberspace-and-international-relations--toward-an-integra...>
- **From Cyberspace to Cyber power: Defining the Problem**  
*Daniel T. Kuehl, Cyber power and National Security, Franklin D. Kramer, Stuart H. Starr Larry K. Wentz*
- **The Dependence of Cyberspace - Amy Lynne Bomse**  
Available at <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1118&context=dlij>
- **What Larry Doesn't Get: Code, Law, and Liberty in Cyberspace** Author(s): David G. Post, Stanford Law Review, Vol. 52, No. 5, Symposium: Cyberspace and Privacy: A New Legal Paradigm? (May, 2000), pp. 1439-1459 ,Available at [http://www.jstor.org/stable/1229518?seq=1&cid=pdf-reference#references\\_tab\\_contents](http://www.jstor.org/stable/1229518?seq=1&cid=pdf-reference#references_tab_contents)
- **The Zones of Cyberspace, Author(s): Lawrence Lessig, Stanford Law Review, Vol. 48, No. 5 (May, 1996), pp. 1403-1411 ,Available at**  
[http://www.jstor.org/stable/1229391?seq=1&cid=pdfreference#fndtnreferences\\_tab\\_co  
ntents](http://www.jstor.org/stable/1229391?seq=1&cid=pdfreference#fndtnreferences_tab_contents)
- **A Declaration of the Independence of Cyberspace** by John Perry Barlow , Available at <https://www.eff.org/cyberspace-independence>
- **Evolving Strategies for the Enforcement of Cyber laws** by Karnika Seth , Available at <http://www.karnikaseth.com/evolving-strategies-for-the-enforcement-of-cyberlaws.html>
- **Usage and Challenges of Cyberspace** , Available at <https://www.scribd.com/document/347504617/1>
- **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>

## (2) CYBER JURISDICTION

- Concept of Jurisdiction,
- Jurisdiction in Cyberspace,
- Issues and concerns of Cyberspace Jurisdiction in India,
- International position of Cyberspace Jurisdiction,
- Judicial interpretation of Cyberspace Jurisdiction.

### Suggested readings:

- **Jurisdiction in Cyberspace: A Theory of International Spaces**, Darrel C. Menthe, 4 Mich. Telecomm. Tech. L. Rev. 69 (1998) Available at: <http://www.mtlr.org/volfour/menthe.pdf>
- **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/ENewslineAugust2008.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/](http://scholarship.law.campbell.edu/fac_sw/65/).
- **International Jurisdiction In Cyberspace,** Amit M. Sachdeva [2007] C.T.L.R Available at: [https://www.researchgate.net/publication/228759003\\_International\\_Jurisdiction\\_in\\_Cyberspace\\_A\\_Comparative\\_Perspective](https://www.researchgate.net/publication/228759003_International_Jurisdiction_in_Cyberspace_A_Comparative_Perspective)
- **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/>
- **Michael A. Geist, Is There a There - Toward Greater Certainty for Internet Jurisdiction,** 16 Berkeley Tech. L.J. 1345 (2001).Available at: <http://scholarship.law.berkeley.edu/btlj/vol16/iss3/6>
- **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>

## **UNIT 2**

### **(3) INFORMATION TECHNOLOGY ACT**

- A brief overview of Information Technology Act, 2000
- IT Act 2000 vs. IT Amendment Act 2008
- Relevant provisions from Indian Penal Code, Indian Evidence Act, Bankers Book Evidence Act, Reserve Bank of India Act, etc.

### **(4) CONCEPT OF ELECTRONIC SIGNATURE AND DIGITAL SIGNATURE**

- 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

### **(5) E – COMMERCE**

- Meaning and Origin of E-commerce
- Tools of E-Commerce
- Models of e-commerce
- UNCITRAL Model Law on E-commerce

- E-Commerce under IT Act,2000
- Issues and challenges of E-Commerce

#### **(6) E – GOVERNANCE**

- Meaning and concept of E-governance
- Models of E-governance
- Legal Status of E – governance in UNCITRAL Model and IT Act, 2000

#### **(7) E-CONTRACT**

- 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

#### **(8) CYBER CRIMES**

- 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 (IPC, POCSO etc.)
- Issues relating to investigation of cybercrimes in India
- Cyber Contravention
- Cybercrime vs Cyber Contravention
- Cyber Contraventions -Civil Liabilities and Adjudication

#### **(9) LAW RELATING TO LIABILITIES OF INTERMEDIARIES**

- Meaning and concept of intermediary
- International legal framework on intermediary
- Liability of intermarry under the IT Act
- Recent developments

### **UNIT 3**

#### **(10) DATA PROTECTION AND PRIVACY CONCERNS IN CYBERSPACE**

- Need to protect data in cyberspace
- Types of data



- Legal framework of data protection
- Data protection bill -an overview
- GDPR
- Concept of privacy
- Privacy concerns of cyberspace
- Constitutional framework of privacy
- Judicial interpretation of privacy in India

#### **(11) APPRECIATION OF ELECTRONIC EVIDENCE**

- Concept of Electronic Records and Electronic Evidence
- Recognition of electronic records under the UNCITRAL Model Law & IT Act
- Types of Electronic Evidence
- Sources of electronic evidence
- Technical Issues in collection of electronic Evidence
- Chain of custody of electronic evidence
- Admissibility of electronic evidence under Indian laws

### **UNIT 4**

#### **(12) IP PROTECTION ISSUES IN CYBERSPACE**

##### **(A.) COPYRIGHT ISSUES IN CYBERSPACE**

- 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

##### **(B.) TRADEMARK ISSUES IN CYBERSPACE**

- 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.

**(C.) PATENT ISSUES IN CYBERSPACE**

**UNIT 5**

**(13) NEW EMERGING ISSUES OF CYBERSPACE**

- Cloud Computing,
- Big Data
- Internet of Things
- Artificial Intelligence and Robotics
- Blockchain & Crypto currency

**RECOMMENDED 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, 3<sup>rd</sup> 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

## **CASE LAWS:**

1. Konkan Railway Corporation Ltd. Vs. Rani Construction (P) Ltd.
2. Washington vs. International Shoe Company, 326 US 310 (1945)
3. Pennoyer vs. Neff, 1995 US 714 (1877)
4. Word Wide Volkswagen Corporation vs. Woodson, 444 US 286 (1980)
5. Calder Vs. Jones, 465 US 783 (1984)
6. Burger King Corp. Vs. Rudzewicz, 417 US 462 (1985) ,472.
7. Asahi Meatal Industry Company Limited Vs. Superior Court of California, 480 US 102 (1987)
8. Playboy Enterprise, Inc., vs. Chukelberry publishing, Inc., 930 F Supp 1032 (S.D.NY.1996)
9. Panavision International, LP Vs. Toeppen, 945 F Supp 1296 (CD Cal 1996)
10. Zippo Manufacturer vs Zippo. Com. 952 F Supp. 1119 (DCWD Pa 1997)
11. Cyber Sell Inc. Vs. Cyber Sell Inc. 130 F 3d 414 (9<sup>th</sup> Cir 1997)
12. Yahoo! Inc. and Yahoo France Vs. UEJF & LICRA. 145 F. Supp 2d 1168 ,1179 (N.D. Cal 2001)
13. Young Vs. New Haven Advocate, 315 F, 3d. 256 (4<sup>th</sup> Cir. 2002)
14. Casio India Company Limited Vs. Ashita Tele Systems Private limited (2003) 27 PTC 265 (Del).
15. India TV, Independent News Service Pvt. Ltd. Vs. India Broadcasting Live, LLC, (2007) 145 DLT 521
16. Banyan Tree Holdings (Pvt.) Ltd. Vs. Murali Krishnan Reddy 2008 (38) PTC 288(Del)
17. Renaissance Hotel Holdings Inc. Vs. B. Vihaya Sai and anr. 2009
18. Nirmaljit Singh Narula Vs. Indijobs at Hubpages.com ,2012
19. Kharak Singh vs. State of UP (1964) 1 SCR 332
20. M.P. Sharma & Others Vs. Satish Chandra, 1954 SCR 1077
21. Govind vs. State of M.P., (1975) 2 SCC 148
22. R. Rajagopala And Anr. Vs. State of Tamil Nadu (1994) 6 SCC 632
23. PUCL Vs. Union of India, (1997) 1 SCC 301
24. K. S. Puttaswamy Vs Union of India, (2017) 10 SCC 1
25. Avnish Bajaj vs State of NCT Delhi (2005) 3 Comp LJ 364 Del.
26. Shreya Singhal Vs. Union of India, (2015) 5 SCC 1

27. ProCD Vs, Zeidenberg ,1996
28. Hot Mail Corp. Vs. Van \$ Money Pie Inc. 2002
29. Ticketmaster Corp, vs. Tickets.com, Inc. 2003
30. State Vs. Mohd. Afzal 2003 VII AD (Delhi) 1
31. State (NCT of Delhi) vs Navjot Sandhu (2005) 11 SCC 600
32. P.V. Anvar Vs. P.K. Basheer (2014) 10 SCC 473
33. Shafi Mohammad Vs. State of Himachal Pradesh ,2018
34. Arjun Panditrao Khotkar Vs. Kailash Kushanrao Gorantyal And Others, 2020

**CONVENTIONS, STATUTES, RULES etc.:**

1. UNCITRAL Model law on E-commerce 1996
2. UNCITRAL Model law on E-Signature 2001
3. The Information Technology Act, 2000 and Related Rules
4. The Personal Data Protection Bill 2019
5. GDPR
6. Government notifies Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021

**(Kumar Gaurav)**  
**Assistant Professor of Law**

# LAW RELATING TO INVESTMENT, SECURITIES, CORPORATE FINANCE, AND COMPETITION

## **Module I: Introduction**

- Corporate Finance: Meaning, Importance and Scope
- Objectives of Corporate Finance
- Capitalization
- Shares and Debentures: Nature and Types
- Provisions of the Companies Act, 2013

## **Module II: Primary Market**

- Primary Market: Meaning and Functions
- Indian Capital Market,
- Authority Governing Capital Market in India
- Capital Market Instruments: Equities, Preference Shares, Shares with Differential Voting Rights

## **Module III: Secondary Market**

- Secondary Market Development of Stock market in India
- Stock market & its operations
- Trading Mechanism
- Basis of Sensex
- Risk Management in Secondary Market

## **Module IV: Mutual Funds**

- Introduction
- Types
- Risks Involved
- Setting Up of Mutual Fund
- Regulatory Framework

## **Module V: Venture Capital**

- Concept
- Regulatory Framework
- Registration
- Investment Conditions and Restrictions
- Foreign Capital Investors

## **Module VI: Legal Scenario**

- The SEBI Act, 1992
- The Companies Act, 2013
- The Securities Contracts (Regulation) Act, 1956

### **○ Reading Materials:**

1. E. Gordon, Capital Market in India; Himalaya Publishing House, Ramdoot, K. Natarajan Dr. Bhalerao Marg, Girgaon, Mumbai- 400004.
2. Sanjeev Aggarwal: Guide to Indian Capital Market; Bharat Law House, 22, Tarun Enclave, Pitampura, New Delhi– 110 034.
3. V.L. Iyer: SEBI Practice Manual; Taxman Allied Service (P) Ltd., 59/32, New Rohtak Road, New Delhi- 110005.
4. M.Y. Khan: Indian Financial Systems; Tata McGraw Hill, 4/12, Asaf Ali Road, New Delhi– 110 002.
5. S. Suryanarayanan: SEBI – Law, Practice & Procedure; Commercial Law Publishers (India) V. Varadarajan Pvt. Ltd., 151, Rajindra Market, Opp. Tis Hazari Court, Delhi– 110054.
6. Mamta Bhargava: Compliances and Procedures under SEBI Law; Shreeji Publishers, 8/ 294, Sunder Vihar, New Delhi– 110 087.
7. Taxmann: SEBI Manual.
8. Asim Kumar Mishra: Venture Capital Financing in India; Shipra Publications, 115A, Vikas Marg, Shakarpur, Delhi- 110092.
9. Vishal Saraogi: Capital Markets and Securities Laws simplified, Lawpoint Publication, 6C, R.N. Mukherjee Road, Kolkata-70000.
10. Ramaiya A, Guide to the Companies Act (1998), Vol. I, II and III.

**Faculty**

**Mr. Abhishek Kumar**

**PROFESSIONAL ETHICS & PROFESSIONAL ACCOUNTING SYSTEM**

**Paper – III**

[Credit Marks – 4]

- The Bar Council Code of Ethics
- 50 selected opinions of the Disciplinary Committees of Bar Councils
- 10 major judgments of the Supreme Court on the subject
- Mr. Krishnamurthy Iyer's book on "Advocacy"
- The Contempt Law and Practice
- Fundamental principles of Accountancy for Advocates
- Other reading materials as may be prescribed by the University

**Broad Division of topic Professional Ethics**

- Basic concept; Laws relating to Enrolment & Practice , The Bar Council Code of Ethics & Etiquette, Professional Misconduct , Disciplinary Proceedings, Important Decisions
- Bar-Bench Relations, Responsibility of advocates towards Society
- Duty of Advocates & Judges in Administration of Justice, Contempt of Court , Remedies against interference in the Administration of Justice & Accountancy for Lawyers

**Different Acts which cover the entire syllabus**

1. Advocate's Act, 1961,
2. Relevant Bar Council of India Rules,
3. Relevant Extracts of the Legal Services Authority Act, 1987,
4. Relevant Extracts of Supreme Court Rules & Patna High Court Rules towards Advocate on Record System,
5. Extracts of other laws where discussion about lawyer, legal representative, its right & duties,
6. *Contempt of Courts Act, 1971, & Its Rule*
7. 50 Cases Laws on Disciplinary Proceedings by BCI, 25 Case laws on Professional Ethics of High Court & Supreme Courts
8. Bar Council of India Certificate and Place of Practice (Verification) Rules, 2015
9. The Bihar State Litigation Policy, 2011

<b><i>Detail Lecture Plan for Professional Ethics &amp; Accounting System</i></b>			
Sl. No.	Lecture Number	Name of Act/ Topic	Remark
1.	8 lectures	Extracts of Advocate's Act, 1961	
2.	12 lectures	Extracts of BCI Rules & different cases of BCI & BSBC	
3.	10 Lectures	Different Cases on Disciplinary Proceedings	
4.	10 Lectures	Different Cases on Professional Ethics decided by Supreme Court of India of the year 2009- 2014	
5.	5 lectures	Role of Advocates under Legal Services Authority Act, 1987	
6.	5 Lectures	Extracts of Supreme Court Rules & Patna High Court Rules relating to professional conduct of an advocate	
7.	5 lectures	Role of Advocates under different laws viz. Criminal, Civil, Labour etc.	
8.	10 lectures	Contempt of Courts Act, 1971	
Total Lectures	60	Project & Viva Voice shall be taken strictly on time	Note :- Non submission of projects or non appearance in Viva exam shall be subject to deduction of marks

Dr. Anshuman  
Faculty, CNLU



## **TELECOMMUNICATIONS, PRESS AND MEDIA LAW**

### **Objective:**

Media law presents a wonderful opportunity to investigate the many contending rights and interests in the public arena as the rights to free articulation, data, and a free media rival other significant rights including notoriety, a reasonable preliminary, protection, privacy, licensed innovation, and public safety, alongside the option to be liberated from segregation in the entirety of its structures. Numerous spaces of the law blend in 'media law', making it an amazing prologue to the overall set of laws for columnists and advertising professionals and a fruitful field of modification and practice for law understudies.

Customarily just columnists and a few legal advisors truly had to think about media law, however now every resident should know the dangers of distributing on the grounds that we are all now distributors as we post to online media, send messages, and delivery our web journals, recordings, films, games, programming, and pictures.

Numerous spaces of the law combine in 'media law', making it a great prologue to the overall set of laws for columnists and advertising specialists and a rich field of amendment and practice for law understudies.

### ➤ **Media and Press Law**

**Unit I: Historical background of Freedom of Speech and expression in India** (Lectures-02)

**Unit II: Constitutional framework of freedom of Speech and expression in India** (Lectures-07)

- Right to circulation
- Right to publication
- Right to advertisement
- Broadcasting
- Right to conduct interviews
- Publication of parliamentary proceedings

### **Unit III: Restrictions on freedom of Speech and expression**

(Lectures-07)

- Public order
- Security of state
- Defamation
- Contempt of Court
- Morality and Decency

### **Unit IV: Right to Privacy**

(Lectures-07)

- Defining Privacy
- Privacy and the right to free speech
- The law on privacy in India

(Lectures-07)

### **Unit V: The Official Secrets Act and Right to Information Act**

- The Official Secrets Act, 1923
- Judicial recognition of the Right to Information Act, 2005
- Salient features of The Right to Information (Amendment) Act, 2019

### **Unit VI: Print Media: Power, Functions and Its Liability under:**

(Lectures-07)

- 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

#### ➤ **Telecommunications Law**

### **Unit VII: Jurisprudence of Telecommunication**

(Lectures-06)

- Telecommunications Law and Regulation : An Introduction
- Distinctions between the Old and the New Telecommunication Policy
- The Economics of Telecommunications Regulation: Marketing Strategies

### **Unit VIII: Regulatory Regimes**

**(Lectures-09)**

- *Indian Telecommunications Law*
  - i. History, Evolution and Growth of Indian Telegraph Act 1885.
  - ii. TRAI—Relationship of TRAI with ITA
  - iii. TDSAT-Power, Functions, Roles& Responsibilities
  - iv. Department Of Telecommunications--Roles & Responsibilities in relations with Case Laws
- The Telecommunications regime in the U.K
- European Union Communications Law
- US Telecommunications Law

### **Unit IX: Key Regulatory Issues**

**(Lectures-04)**

- Authorization and Licensing
- Spectrum Management
- Access and Interconnection
- Consumer Protection and Telecommunication

### **Unit X: Communications Content**

**(Lectures-04)**

- Communication Privacy
- Convergence: The Impact of Broadband Regulation on Telecommunication
  - Internet Service Providers: Content Liability, Control, and Neutrality.

### **Part XI: International Regulatory Regimes**

**(Lectures-03)**

- International Regulatory Law
- Telecommunications Reforms in Emerging Markets

## **SUGGESTED READINGS**

1. Facets of Media Law by Madhavi Goradia Divan
2. Laws of the Press in India by Durga Das Basu Prentice Hall, Delhi
3. Indian Press Laws by Radhakrishna murthi India Law House)
4. Media & Press Laws by Gaurav Oberoi
5. Press Laws & Media Ethics by Anil K Dixit Reference Press
6. Media & Ethics by S. K Aggarwal Shipra Publication
7. EU Electronic Communication Law:  
Competition & Regulation in the European Telecommunication Market,  
Oxford  
University Press by Paul L. Nihoul, Peter B. Roadford
- 8 Telecommunication Law and Regulations, Oxford University Press by Ian  
Walden

**Faculty Name**

**Ms. Sadaf Fahim**

