



SARVAJANIK
UNIVERSITY

INCLUSIVE | INTEGRATED | INNOVATIVE

PROFESSIONAL ELECTIVE COURSES SEMESTER - V



SARVAJANIK EDUCATION SOCIETY
SARVAJANIK COLLEGE OF LAW
(CONSTITUENT COLLEGE OF SARVAJANIK UNIVERSITY)

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		5		
Subject		Information Technology Law		
Course Type		Professional Elective Course		
Course Code		BLLB12501	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

Object: Advent of computers, followed by Internet has revolutionized the human existence and their conduct in the society. The traditional paper documents are now being replaced by their electronic equivalents. The commercial transactions and individual functioning are more and more driven by the digital technology. This transition has put forth need for a law to facilitate and govern activities in the information society and has thus led to the passing of the Information Technology Act, 2000. The primary focus of this course will be on studying the information technology law.

Course Outcome

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

CO1: Understand the provisions of Information Technology laws

CO2: Understand electronic signatures, data protection, cyber security; penalties & offences under the IT Act, dispute resolution, and other contemporary issues.

Syllabus

Module 01. Introduction

1.1 Evolution of the IT Act, Genesis and Necessity

1.2 Salient features of the IT Act, 2000

1.3 Various authorities under IT Act and their powers.

1.4 Impact on other related Acts- Amendments to Indian Penal Code, Amendments to Indian Evidence Act, Amendments to Bankers Book Evidence Act, Amendments to Reserve Bank of India Act.

Module 02. Cyber Space Jurisdiction

2.1 Privacy and Data Protection On Cyber Space

2.2 Jurisdiction issues under IT Act, 2000

Module 03. E-commerce and Laws in India

3.1 Digital/ Electronic Signature in Indian Laws

3.2 E-Commerce; Issues and provisions in Indian Law

3.3 Cyber Tribunal & Appellate Tribunal

3.4 Cyber Regulations

Module 04. Sensitive Personal Data or Information (SPDI) in Cyber Law

4.1 SPDI Definition and Reasonable Security Practices in India

4.2 Reasonable Security Practices – International perspective

Suggested Readings

- Cyber Law in India by Farooq Ahmad; Pioneer Books
- Information Technology Law and Practice by Vakul Sharma; Universal Law Publishing Co. Pvt. Ltd.
- The Indian Cyber Law by Suresh T. Vishwanathan; Bharat Law House New Delhi
- 5. Guide to Cyber and E – Commerce Laws by P.M. Bukshi and R.K. Suri; Bharat Law House, New Delhi
- 6. Guide to Cyber Laws by Rodney D. Ryder; Wadhwa and Company, Nagpur
- 7. The Information Technology Act, 2000; Bare Act – Professional Book Publishers, New Delhi

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		5		
Subject		Maritime Law		
Course Type		Professional Elective Course		
Course Code		BLLB12502	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

Object: This course intends to equip students with the knowledge of existing legal framework governing the Seas. The main aim of the course is to help the students learn about different maritime zones and the corresponding rights and duties of coastal and other states in respective zones. A separate chapter is dedicated to the dispute settlement mechanism under UNCLOS, 1982 which will help the students in assessing the practical implications of the law of sea.

Course Outcome

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

CO1: Understand the laws of the sea and its implications.

CO2: Highlight the law relating to marine settlement mechanism in maritime law.

CO3: Generate a good understanding of the rights and duties of States and, possibly, other players in the various maritime zones.

Syllabus

Module 01. Introduction to Law of the Sea

- 1.1 Historical Background
- 1.2 Freedom of sea
- 1.3 Codification
- 1.4 Sources of Law of the Sea
- 1.5 Principles
- 1.6 Law of the sea in India

Module 02. Maritime Zones

- 2.1 Concept of Territorial Sea – Internal waters
- 2.2 Navigation -- Innocent Passage
- 2.3 Zones - Continental Shelf & Exclusive Economic Zone – Rights and Duties of Coastal and other states.
- 2.4 Principle of Equidistance and its invocation, Special and Relevant Circumstances Rule
- 2.5 Application of Civil and Criminal Jurisdiction within maritime boundary

Module 03. Marine spaces beyond National Jurisdiction

3.1 High Seas – Navigation

3.2 Flag State Jurisdiction- Piracy - Hot Pursuit

3.3 Common Heritage of Mankind - Exploration and Exploitation of Resources in Area (Sea bed and Ocean floor)

3.4 Rights of Land locked States

3.5 Marine pollution

Module 04. Dispute Settlement Mechanism under UNCLOS

4.1 Maintenance of International Peace and Security at sea

4.2 Compulsory settlement – Choice of procedure

4.3 International Sea Bed Authority

4.4 International Tribunal for Law of Sea

4.5 Role of ICJ

4.6 Role of International Sea Bed Chamber - Arbitration and Conciliation

Suggested Readings

- Birnie W. Patricia; Boyle & Environment, International Law and the Environment 1992
- Brownlie, Principles of International Law (Oxford Universal Press).
- D.P. P'Connel, International Law of the Sea, Vols. 1 & 11 (1982)

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		5		
Subject		Private International Law		
Course Type		Professional Elective Course		
Course Code		BLLB12503	Total Credit	2
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
2	-	25	25	50

Object: Private International Law, also known as conflict of laws, is a national law, consisting of rules that enable finding that law of that country which will govern disputes among private parties that involve a foreign element. Currently, there is no well-defined body of private international law, but certain subjects such as contracts or family law may have their own governing rules. Study of this law will also give an international and comparative perspective to the study of different laws required in practice of civil law.

Course Outcome

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

CO1: Understand the nature and scope of private international law.

CO2: Understand the civil and commercial practice relating to cross border issues involving contracts, property, succession, marriage, divorce and adoption.

CO3: Analyse the impact of private international law from comparative and international perspectives, and in the context of social and cultural diversity.

Module 01. Introduction

1.1 Meaning and definition of Private International Law

1.2 Historical development of Private International Law and Indian Private International Law

1.3 Nature, scope, theories and sources of Private International Law

1.4 Relationship between Public International Law and Private International Law

Module 02. Characterization

2.1 Meaning, and nature of problem requiring characterization

2.2 Concept and theories of characterization - based on lex fori, lex causae; Two-fold characterization (primary and secondary), Comparative Law

2.3 Process and stages of characterization - Characterization of factual situation and Characterization of connecting factor

2.4 Characterization of Proper Law

Module 03. Domicile as a Connecting Factor

3.1 Meaning and definitions

3.2 Acquisition of domicile - Domicile of independent persons: Domicile of origin; Domicile of choice: residence and intention, abandonment of domicile of choice, comparison between domicile of origin and choice; Domicile of refugees, fugitives, Domicile of dependents-married women, minor children, lunatics, Domicile of legal persons

Module 04. Law of Property

- 4.1 Characterization - movable and immovable property
- 4.2 Transfer of immovable property, concept of lex situs, capacity and formal validity of transfer, the Mozambique rule and exceptions
- 4.3 Transfer of tangible and intangible movable property, meaning, Theories -lex domicile, lex actus, lex situs and proper law; Issues in transfer of tangible movables, Assignment of intangibles - debts and documents, voluntary and involuntary assignment.

Module 05. Law of Contractual Obligations

- 5.1 Proper law of contract - meaning and nature, freedom of choice, implied choice of law, Real and substantial connection theories
- 5.2 Validity and formation of contract - creation of contract, formal and material validity, capacity, contracts contrary to public policy and procedural law
- 5.3 Interpretation of contract
- 5.4 Discharge of contract - performance and impossibility of performance, lex loci contractus and lex loci solutionis

Module 06. Law of Non-Contractual Obligations

- 6.1 Tortious act, and lex loci delicti
- 6.2 Theories - lex fori, lex loci commissi and proper law or social environment
- 6.3 Jurisdictional issues - cause of action and locus delicti, Choice of law – the English approach
- 6.4 Defences

Module 07. Private International Law in India

- 7.1 Indian Private law and marital issues
- 7.2 Issues with the applicability of Private International Law in India
- 7.3 Marriage validity on an international level
- 7.4 Provisions for the reciprocal recognition of marriage

Module 08. Foreign Judgments

- 8.1 Recognition and enforcement of foreign judgments - Theories - comity, obligation, judicial reason, harmony, Indian Law
- 8.2 Recognition of foreign judgments - Conclusive and final judgment, Defences against enforcement of foreign judgments, Rule of res judicata, Reciprocity
- 8.3 Execution of foreign judgments by Indian courts

Suggested Readings

- Dicey, Morris & Collins, Conflict of Laws, Sweet and Max well 15th ed., 2016.
- James Fawcett and Janeen M Carruthers, Cheshire and North's Private International Law Oxford University Press, 14th ed., 2008.
- Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014.
- Paras Diwan, Private International Law: Indian and English; Deep & Deep, 2008.
- K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kulwer International, 2010