

**Orientation Programme
on
Law, Technology and Development**

6th - 7th September, 2019

***Venue: Delhi Judicial Academy, Dwarka, Sector - 14,
New Delhi – 110078
India***

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I. Statutes

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4.	Constitution of India, 1950
5.	Drugs & Cosmetics Act, 1940
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3.	Information Technology (Intermediaries Guidelines) Rules, 2011
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IV. Manuals and Guidelines

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1.	National Guidelines for Accreditation, Supervision and Regulation of ART clinics in India	https://www.icmr.nic.in/guidelines?field_select_diasease_tid=90
2.	Good Pharmacy Practice : Joint FIP/WHO Guidelines on GPP : Standards for quality of pharmacy services	https://www.fip.org/www/uploads/database_file.php?id=331&table_id

V. Reports

S. No.	Title	Source
Law Commission Reports		
1.	Report No.271, Human DNA Profiling- A draft bill for the use and regulation of DNA based technology (2017)	http://lawcommissionofindia.nic.in/reports/Report271.pdf
2.	Report No. 267, Hate Speech (2017)	http://lawcommissionofindia.nic.in/reports/Report267.pdf
3.	Report No. 228 on the Need for Legislation to Regulate Assisted Reproductive Technology Clinics as well as Rights & Obligations of Parties to a Surrogacy (2009)	http://lawcommissionofindia.nic.in/reports/report228.pdf
4.	Report No.101, Freedom of Speech & Expression under Article 19 of the Constitution: Recommendation to Extend it to Indian Corporations (1984)	http://lawcommissionofindia.nic.in/101-169/Report101.pdf
Other Government Reports		

1.	Parliamentary Standing Committee Report No. 102 on Surrogacy (Regulation Bill) 2016	http://164.100.47.5/newcommittee/reports/English/Committees/Committee%20on%20Health%20and%20Family%20Welfare/102.pdf
2.	Report of the Group of Experts on Privacy (2012) by Planning Commission of India	http://planningcommission.nic.in/reports/genrep/rep_privacy.pdf
3.	Report No.42, National Identification Authority of India Bill, (2010) by Standing Committee on Finance, Lok Sabha Secretariat	http://www.prsindia.org/uploads/media/UID/uid%20report.pdf
Reports by development organizations and expert committees		
1.	E-governance and Digital India : Empowering Indian citizens through technology by Deloitte and ASSOCHAM by World Health Organization	https://www2.deloitte.com/content/dam/Deloitte/in/Documents/technology-media-telecommunications/in-tmt-empowering-indian-citizens-through-technology-noexp.pdf
2.	The World Medicines Situation	https://apps.who.int/medicinedocs/pdf/s6160e/s6160e.pdf
3.	Surrogate Motherhood- Ethical or Commercial by Centre for Social Research	https://wcd.nic.in/sites/default/files/final%20report.pdf
4.	Report to Formulate Policy and Guidelines for Approval of New Drugs, Clinical Trials and Banning of Drugs by Prof. Ranjit Roy Chaudhury Expert Committee	http://www.indiaenvironmentportal.org.in/files/file/clinical%20trials1.pdf
5.	Aadhaar : Digital Inclusion and Public Services in India by World Bank Group	http://pubdocs.worldbank.org/en/655801461250682317/WDR16-BP-Aadhaar-Paper-Banerjee.pdf
6.	Getting to equal : How digital is helping close the gender gap at work	https://www.accenture.com/t00010101t000000_w_ar-es_acnmedia/pdf-9/accenture-getting-to-equal.pdf
7.	How technology issues impact women's rights : Ten points on Section J	https://www.genderit.org/articles/how-technology-issues-impact-women%E2%80%99s-rights-10-points-section-j
8.	Encouraging Counter-speech by mapping the contours of Hate Speech on Facebook in India by	https://www.orfonline.org/wp-content/uploads/2018/03/ORF_Report_Counter_Speech.pdf

	Observer Research Foundation	
9.	Analysis of MPs and MLAs with Declared Cases related to Hate Speech by Association for Democratic Reforms	http://www.im4change.org/siteadmin/tinyMCE//uploaded/Analysis_of_MPs_MLAs_with_Declared_Cases_Related_to_HateSpeech.pdf
10.	Child online protection in India by United Nations International Children's Emergency Fund (UNICEF)	https://www.icmec.org/wp-content/uploads/2016/09/UNICEF-Child-Protection-Online-India-pub_doc115-1.pdf
11.	India Draft Personal Data Protection Bill, 2018 and EU General Data Protection Regulation : A comparative view by Deloitte	https://www2.deloitte.com/content/dam/Deloitte/in/Documents/risk/in-ra-india-draft-personal-data-protection-bill-noexp.pdf
12.	Artificial intelligence and robotics and their impact on the workplace	file:///C:/Users/OWNER/Downloads/AI-and-Robotics-IBA-GEI-April-2017.pdf

VI. International Instruments

S. No.	Title	Source
1.	Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine, 1997 (Oviedo Convention)	https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168007cf98
2.	Agreement on Trade related aspects of intellectual property rights, 1995	https://www.wto.org/english/docs_e/legal_e/27-trips.pdf

VII. Case Laws

Session-II: Innovation in Medical Technologies: Protecting the Vulnerable

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(a)	Accessibility & Affordability of Drugs and Medical Devices	
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1.	<i>Novartis AG v Union of India and Ors</i>	AIR 2013 SC 1311
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1.	<i>Natco Pharma Limited v Bayer Healthcare LLC (¶¶23-30)</i>	Cr App. 30589/2019 Dated 11/7/2019
2.	<i>Bayer Corporation and Ors v Union of India and Ors (¶¶35-120)</i>	2019 (78) PTC 521 (Del)
3.	<i>Dr Zaheer Ahmed v Union of India</i>	W.P. (C) 11711/2018 Dated 12/12/2018
4.	<i>Bayer Corporation and Ors v Union of India and Ors (¶¶17-74)</i>	238 (2017) DLT 701
5.	<i>Mohd Ahmed v Union of India and Ors (¶¶36-86)</i>	W.P. (C) 7279/2013 Dated 17/4/2014
6.	<i>Bayer Corporation and Anr v. Union of India & Ors (¶¶17-37)</i>	162 (2009) DLT 371
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1.	<i>The Tamil Nadu Chemists v Union of India (¶¶22-27)</i>	CMP. No. 23341/2018 Dated 2/1/2019 (Madras HC)
2.	<i>Tamil Nadu Druggists and Chemists Association v Union of India(¶¶35-38)</i>	WMP. No. 28716/2018 Dated 17/12/2018 (Madras HC)
3.	<i>Bayer Corporation v Union of India (¶¶10-20)</i>	AIR 2014 Bom 178
(b)	Regulation of Clinical Trials	
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1.	<i>Kalpna Mehta v Union of India</i>	W.P. (C) No.558 /2012 Dated 13/1/2015
2.	<i>Swasthya Adhikar Manch v Union of India (¶¶1-8)</i>	W.P. (C) No. 33&79/2012 Dated 21/10/2013
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1.	<i>Union Of India and Anr v Jan Balaz and Ors</i>	W.P. I No. 841/2015

		Dated 27/4/2016
2.	<i>Baby Manji Yamada v Union of India and Ors</i> (¶¶4-18)	AIR 2009 SC 84
	Other High Courts	
1.	<i>Sadhna Agrawal v State of Chhattisgarh and Ors</i> (¶¶1-32)	2017 Lab IC 617 (Chattisgarh HC)
2.	<i>Daxaben Patel v State of Gujarat</i> (¶¶1-14)	2014GLH(3)14 (Gujarat HC)
3.	<i>Jan Balaz v Anand Municipality and 6 Ors</i> (¶¶1-22)	AIR 2010 Guj 21
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1.	<i>Albert Einstein Society of Human Gametes v Director of Income Tax (Exemption)</i> (¶¶1-7)	ITA No. 1764/Hyd/2012 Dated 26/8/2015

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2.	<i>Binoy Viswam v Union of India and Ors</i> (¶¶90-127)	AIR 2017SC2967
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1.	<i>Debashis Nandy v Union of India and Ors</i> (¶¶1-45)	(2019)2WBLR(Cal) 245 (Calcutta HC)

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2.	<i>Pravasi Bhalai Sangathan v Union of India</i> (¶¶1-28)	AIR 2014 SC 1591
3.	<i>Jafar Imam Naqvi v Election Commission of India</i> (¶¶1-11)	AIR 2014 SC 2537
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1.	<i>G Thirumurugan Gandhi v State and Ors</i> (¶¶6-13)	Cr OP No. 30235/2018 Dated 9/7/2019 (Madras HC)
2.	<i>Shamit Sanyal and Ors v State of West Bengal</i> (¶¶21-53)	2014(4) CHN (CAL) 648
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1.	<i>Avnish Bajaj vs. State</i> (¶¶1,21-22)	150 (2008) DLT 769
2.	<i>K. N. Govindacharya v. Union of India</i> (¶¶ 6, 7)	W.P. (C) 3672/2012 Dated 23/8/ 2013
	Other High Courts	
1.	<i>S. Muthukumar v. The Telecom Regulatory Authority of India & Ors</i> (¶¶3,6)	W.P.(MD)No. 7855/2019 Dated 3/4/2019 (Madras HC)
2.	<i>Kalandi Charan Lenka v State of Odisha</i> (¶¶1-16)	2017(I)OLR543
3.	<i>The Registrar (Judicial), Madurai Bench of Madras HC v. The Secretary to Government</i> (¶¶18, 19, 21, 22, 24, 26)	W.P.(MD).No.1666 8/2017 Dated 12/9/2017 (Madras HC)
4.	<i>R Mahalakshmi v Commissioner of Police Greater Chennai and Ors</i> (¶¶12-18)	2016(4)MLJ(Cr)184 (Madras HC)
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1.	<i>Google India Pvt. Ltd v. Visaka Industries Ltd.</i> (¶¶ 5, 8, 12-15, 54, 56, 57, 64, 67-71, 92-98)	2017 (1) ALT 620

(e)	Public Exhibition of Films	
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1.	<i>Kodungallur Film Society and Ors v Union of India</i> (¶¶1-14)	2018(4)BomCR(Cri) 606
2.	<i>Bobby Art International and Ors v Om Pal Singh Hoon and Ors</i> (¶¶1-38)	AIR 1996 SC 1846
3.	<i>KA Abbas v Union of India and Ors</i> (¶¶10-53)	AIR 1971 SC 481
	Other High Courts	
1.	<i>International Hindu Sena v Union of India</i> (¶¶6-12)	AIR 2019 Guj 23
2.	<i>Bibhuti Bhusan Jena v Union of India and Ors</i> (¶¶1-19)	AIR 2011 Ori 31
3.	<i>Lakshmi Ganesh Films and Ors v Government of Andhra Pradesh</i> (¶¶1-83)	2006(4)ALT188
4.	<i>Sree Raghavendra Films v Government of Andhra Pradesh and Ors</i> (¶¶1-44)	1995(2)ALT43

Session-VI: IPR and E-commerce

S. No.	Title	Citation
(a)	Trademark	
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1.	<i>Amway India Enterprises Pvt Ltd and Ors v IMG Technologies Pvt Ltd</i> (¶¶175-325)	260(2019)DLT690
2.	<i>Christian Louboutin SAS v Nakul Bajaj and Ors</i> (¶¶1-83)	253(2018)DLT728
3.	<i>WWE v. M/S Reshma Collections</i> (¶¶1-35)	CS/(OS) 1801/2013 Dated 4/10/2013
(b)	Copyright	
	Delhi High Court	
1.	<i>UTV Software Communication Ltd and Ors v 1337X to and Ors</i> (¶¶1-107)	2019(78)PTC375(Del)
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1.	<i>Dabur India Ltd v KR Industries</i> (¶¶1-30)	AIR 2008 SC 3123
2.	<i>Dhodha House and Ors v SK Maingi and Ors</i> (¶¶1-51)	AIR 2006 SC 730

VIII. Suggested Readings

S. No.	Title	Citation
(a)	Use of Technology in Governance : E- governance	
1.	From e-government to digital era governance and beyond : Lessons from 15 years of research into Information and Communications Technology in the Public Sector	Albert Meijer, Manuel Pedro Rodriguez Boliviar and j Ramon Gil Garcia, <i>From e-government to digital era governance and beyond : Lessons from 15 years of research into Information and Communications Technology in the Public Sector</i> , Journal of Public Administration, Research and Theory 1, 5 (2018), available at https://academic.oup.com/DocumentLibrary/jpart/EGov-Introduction.pdf , last seen on 27/08/2019.
2.	E- governance : Past, Present and Future in India	Nikita Yadav and VB Singh, E- governance : <i>Past, Present and Future in India</i> , 53 <i>International Journal of Computer Applications</i> 36, 47 (2012), available at https://arxiv.org/ftp/arxiv/papers/1308/1308.3323.pdf , last seen on 27/08/2019.
3.	The role of e-governance in bridging the digital divide	Andreea Stoiciu, <i>The role of e-governance in bridging the digital divide</i> , 48 UN Chronicle, (2011), available at https://unchronicle.un.org/article/role-e-governance-bridging-digital-divide , last seen on 27/08/2019.
4.	Role of ICT in E-governance and Rural Development	<i>Role of ICT in E-governance and Rural Development</i> , CXO today.com, available at https://www.cxotoday.com/story/role-of-ict-in-e-governance-and-rural-development/ , last seen on 27/08/2019.
5.	The role of future oriented technology analysis in e-government : A systematic review	I. Miles and J. M. Sánchez-Torres, <i>The role of future oriented technology analysis in e-government : A systematic review</i> , (2017), available at https://link.springer.com/article/10.1007/s40309-017-0131-7 , last seen on 27/08/2019.
6.	Courts of Tomorrow: Technology Adoption for Delivery of Timely Justice	Office of adviser to the PM, <i>Courts of Tomorrow: Technology Adoption for Delivery of Timely Justice</i> , e-COURTS Mission Mode Project, 1, Office of adviser to the PM, (2012).
7.	E- justice : Towards a strategic use of ICT in	Waleed H Malik, <i>E- justice : Towards a strategic use of ICT in judicial reform</i> , available at

	judicial reform	http://ghconline.gov.in/library/document/conference2728072018/III1E-Justice.pdf , last seen on 29/08/2019.
8.	Using Technology to Enhance Access to Justice	Abhijeet Chavan, Bonnie Rose Hough, James E Cabral, Jane Ribadeneyra John Greacam, Linda Rexer, Richard Zorza, Thomas M Clarke, <i>Using Technology to Enhance Access to Justice</i> , 26 Havard Journal of Law and Technology 245, 320 (2012).
9.	Justice and Technological Innovation	Sourdin, Tania, <i>Justice and Technological Innovation</i> , Access to Justice 1, 11 (2015), available at http://www.civiljustice.info/access/42 , last seen on 29/08/2019.
10.	The Role of Information Technology in Modernizing Courts	Fredrick Egonda-Ntende, <i>The Role of Information Technology in Modernizing Courts</i> , available at https://www.venice.coe.int/sacjf/2005_02_uga_entebbe/rep_egonda_ntende.htm , last seen on 29/08/2019.
(b)	Accessibility & Affordability of Drugs and Medical Devices	
1.	The crisis in access to essential medicines in India : Key issues which call for action	Anurag Bhargava and SP Kalantri, <i>The crisis in access to essential medicines in India : Key issues which call for action</i> , 10 <i>Indian Journal of Medical Ethics</i> , (2013), available at https://ijme.in/articles/the-crisis-in-access-to-essential-medicines-in-india-key-issues-which-call-for-action/?galley=html , last seen on 26/08/2019
2.	Evergreening : A controversial issue in pharma milieu	Inderjit Singh Bansal, Deeptymaya Sahu, Gautam Bakshi and Sukhjit Singh, <i>Evergreening : A controversial issue in pharma milieu</i> , 14 <i>Journal of Intellectual Property Rights</i> 299, 305 (2009), available at http://indiaenvironmentportal.org.in/files/Evergreening.pdf , last seen on 26/08/2019.
3.	Drug Affodability in India- An analytical review	Ummamaeshwari A, Lakshmana Prabhu S and Puratchikody, <i>A Drug Affodability in India- An analytical review</i> , 3 <i>MedCrave</i> 153,156 (2017), available at https://pdfs.semanticscholar.org/8530/0616ff9767b8d3000fa19e044218734ead52.pdf , last seen on 26/08/2019.
4.	The larger implications of the Novartis Glivec judgment	Sudip Chaudhuri, <i>The larger implications of the Novartis Glivec judgment</i> , available at https://infochangeindia.org/public-health/112-public-health/analysis/9358-the-larger-implications-of-the-novartis-glivec-judgment , last seen on 26/08/2019.

5.	India must carefully navigate regulatory challenged posed by E-pharmacies	Ashna Ashesh and Siddharth Sonkar, <i>India must carefully navigate regulatory challenged posed by E-pharmacies</i> , The Wire (03/05/2019), available at https://thewire.in/business/regulation-online-pharmacies-india-challenges , last seen on 26/08/2019.
6.	Analysis of Medical Devices Rules, 2017	<i>Analysis of Medical Devices Rules, 2017</i> , Nishith Desai Associates, available at http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research_Papers/Analysis-of-Medical-Devices-Rules-2017.pdf , last seen on 26/08/2019.
7.	A new regulatory paradigm for medical devices in India	Kumar, D., Yadav, V. and Mathewson, M., <i>A new regulatory paradigm for medical devices in India</i> , Regulatory Focus, (2017), available at file:///C:/Users/1/Downloads/2017%20Nov%20Regulatory%20Focus%20New%20regulatory%20paradigm%20India%20Yadav%20Kumar%20Mathewson.pdf , last seen on 26/08/2019.
8.	Analyzing the Draft E-Pharmacy Rules	Akash Santosh Loya and Pratik Joshi, <i>Analyzing the Draft E-Pharmacy Rules</i> , IndiaCorpLaw, available at https://indiacorplaw.in/2019/01/analyzing-draft-e-pharmacy-rules.html , last seen on 26/08/2019.
9.	Draft Rules for E-pharmacy under the Drugs and Cosmetic Rules, 1945	Kartik Ganapathy, Divya Varghese and Shobhika Upadhyay, <i>Draft Rules for E-pharmacy under the Drugs and Cosmetic Rules, 1945</i> , mondaq, available at http://www.mondaq.com/india/x/740234/food+drugs+law/Draft+Rules+For+EPharmacy+Under+The+Drugs+And+Cosmetic+Rules+1945 , last seen on 26/08/2019.
(c)	Regulation of Clinical Trials	
1.	Regulatory development in the conduct of clinical trials in India	D Mehta and R Roy Chaudhary, <i>Regulatory development in the conduct of clinical trials in India</i> , Global Health, Epidemiology and Genomics, (2016), available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5870412/ , last seen on 27/08/2019.
2.	The evolving regulatory landscape for clinical trials in India	Alisha Naqvee, Barbara Bierer, Jamie Flaherty, Mark Barnes and Minal Caron, <i>The evolving regulatory landscape for clinical trials in India</i> , 73 Food and Drug Law Journal 601, 623, available at

		https://law.yale.edu/sites/default/files/area/center/solomon/barnes_flaherty_caron_naqvee_bierer.pdf , last seen on 27/08/2019.
3.	Social, Ethical, Medical and Legal Aspects of surrogacy : An Indian Perspective	Sharma, <i>Social, Ethical, Medical and Legal Aspects of surrogacy : An Indian Perspective</i> , 140 Indian Journal of Medical Research 13, 16 (2014), available at http://www.ijmr.org.in/temp/IndianJMedRes140713-2833174_075211.pdf , last seen on 27/08/2019.
4.	The regulation of surrogacy : A children's rights perspective	Katherine Wade, <i>The regulation of surrogacy : A children's rights perspective</i> , Child Family Law Q 113, 131 (2017), available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5540169/ , last seen on 27/08/2019.
5.	ICMR Guidelines on assisted reproductive technology- Lacking in vision and wrapped in red tape	Laxmi Murthy and Vani Subramanian, <i>ICMR Guidelines on assisted reproductive technology- Lacking in vision and wrapped in red tape</i> , 4 Indian Journal of Medical Ethics 123, 124 (2007) available at https://ijme.in/articles/icmr-guidelines-on-assisted-reproductive-technology-lacking-in-vision-wrapped-in-red-tape/?galley=pdf , last seen on 27/08/2019.
6.	Clinical Trials in India	Krishna Sarma and Manisha Singh, <i>Clinical Trials in India</i> , Food and Drug Law Institute, available at https://www.fdli.org/2018/10/clinical-trials-in-india/ , last seen on 27/08/2019.
7.	Clinical Trials Industry in India : A systematic review	Dinesh Abrol and Swadhin Mondal, <i>Clinical Trials Industry in India : A systematic review</i> , Institute for Studies in Industrial Development Working Paper Series, Working Paper No. 179, Institute for Studies in Industrial Development (2015).
(d) Data Protection under the Aadhaar regime		
1.	The looming question of data privacy	Payel Majumdar Upreti, <i>The looming question of data privacy</i> , Business Line (19/07/2019), available at https://www.thehindubusinessline.com/blink/cover/the-looming-question-of-data-privacy/article28578179.ece , last seen on 28/08/2019.
2.	Can the Adhaar Act and Data Protection act coexist?	Praavita, <i>Can the Adhaar Act and Data Protection act coexist?</i> , The Wire (30/07/2018), available at https://thewire.in/law/can-the-aadhaar-act-and-a-data-protection-act-coexist , last seen on 28/08/2019.

3.	India: Aadhaar Ordinance	Divya Sharma and Rashi Dhir, <i>India: Aadhaar Ordinance</i> , mondaq, available at http://www.mondaq.com/india/x/793546/Data+Protection+Privacy/Aadhaar+Ordinance , last seen on 28/08/2019.
4.	The Definitive Guide to Privacy Online	<i>The Definitive Guide to Privacy Online</i> , Privacy Monitor, available at https://www.privacymonitor.com/articles/privacy-guide/ , last seen on 28/08/2019.
5.	Internet Security : Ten ways to keep your personal data safe from online Snoopers	John Naughton, <i>Internet Security : Ten ways to keep your personal data safe from online Snoopers</i> , The Guardian (16/9/2013), available at https://www.theguardian.com/technology/2013/sep/16/10-ways-keep-personal-data-safe , last seen on 28/08/2019.
6.	Social Media accounts need to be linked with Aadhaar to check fake news, SC told	<i>Social Media accounts need to be linked with Aadhaar to check fake news</i> , SC told Live Mint (19/8/2019), available at https://www.livemint.com/companies/news/social-media-accounts-need-to-be-linked-with-aadhaar-to-check-fake-news-sc-told-1566217179666.html , last seen on 2/09/2019.
7.	Aadhaar- social media accountlinking could result in creation of a surveillance state, deprive fundamental right to privacy	Ashita Regidi, <i>Aadhaar- social media accountlinking could result in creation of a surveillance state, deprive fundamental right to privacy</i> , First Post (21/8/2019), available at https://www.firstpost.com/india/aadhaar-social-media-account-linking-could-result-in-creation-of-a-surveillance-state-deprive-fundamental-right-to-privacy-7200891.html , last seen on 2/09/2019.
(e) Technological Advancement : Impact on Individual/ Group Rights		
1.	The internet for empowerment of minority and marginalized users	Bharat Mehra, Cecelia Merkel, Ann Peterson Bishop, <i>The internet for empowerment of minority and marginalized users</i> , 6 New Media Society 781, 799 (2004), available at https://pdfs.semanticscholar.org/1668/75738653a6eff4dd75f7d14a8f663a7b428a.pdf , last seen on 29/08/2019.
2.	Digital advancement and inclusive growth	Hans V Basil, <i>Digital advancement and inclusive growth</i> , SSRN, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=31

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3.	How technology in education is empowering marginalized groups	Tanvi Dubey, <i>How technology in education is empowering marginalized groups</i> , Your Story, available at https://yourstory.com/2017/05/technology-education-ite , last seen on 29/08/2019.
4.	ICTs for empowerment and social transformation : A brief exploration from the viewpoint of organizational action	<i>ICTs for empowerment and social transformation: A brief exploration from the viewpoint of organizational action</i> , IT for Change, available at https://itforchange.net/index.php/icts-for-empowerment-and-social-transformation-a-note-prepared-by-it-for-,change-for-actionaid-0 , last seen on 29/08/2019.
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