

INTRODUCTION TO MASTER'S IN SECURITY AND DEFENCE LAWS

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Scheme of Discussion

- **Part I: The Linkage between Law and Technology**, Industrial Revolutions and Technology, Pros and Cons of NET, Legal Issues Relating to NET and NET and NEST.
- **Part II: The Linkage between Security, Defence Law and Technology**, Globalization and its Impact on Defence and Security Governance, Forces reshaping the global defence and Security industry including New actors: New technologies: New Frameworks: New Rules and New budget and funding realities
- 5 Phases of India's defence industrialization including self-sufficiency; Self-sufficiency to Self-Reliance; self-reliance through co-production; self-reliance through greater participation of the Indian private sector and Make in India has become the new model.

Scheme of Discussion

- **Part III: COVID-19 Pandemic and its Impact on Business Environment,** Impact of Domestic Institutions, Legal and Privacy issues of using technology apps, Putta Swamy Judgment of 2017 and 2018, COVID and State Responsibility, Chinese State Responsibility Under IL, India Banning of 59 and 47 APPS of China and Legal Issues, COVID and Key Challenges for Lawyers
- **Part IV: Brief Description of the Syllabus:**
- **Semester I,** General Principles of Law, International Security, Diplomacy and Conflict Resolution, Defence Technology and Defence Laws, Int. Institutions and Global Security
- **Semester II:** Defence Management and Strategic Studies, Defence Contracts and Tenders, Defence Procurement Policies: National and International Perspectives, Defence Laws and Policies in India
- **Semester III:** Regional Security and Global Governance: Terrorism and Counter Terrorism; Aviation, Space and Maritime Security Laws; Cyber Space, Cyber Security and National Defence
- **Semester IV:** Dissertation

Law and Technology

- Law follows technology or technological developments necessitate the legal regulations. It is true with Defence Technologies.
- Ongoing developments in Defence technologies illustrates the observation that “Law lags science; it does not lead it.”
- Relationship between law and technology has always been uneasy. Law had been slow and lethargic to respond to new technologies.
- Till recently the law makers handled problems presented by technology with out break down of legal resources. Convergence of computers and internet posed a much more grave problem. Legal policy makers find it difficult to address.
- Techno-Driven Laws including Air Law, Space Law IT Law, IP Law, Cyber Law, Telecom Law,, Defence Law etc.,

Evolution of Technology

- **Ancient Technology**-- Invention of ramp to aid construction processes; Bronze technology used in Mesopotamia; City planning and sanitation technologies in Indus Valley Civilization; Seafaring technology; Early Seismic detectors by Chinese Civilization; Magnetic compass; Water Lifting Technologies; Wheel Technology; Metallurgical Technology
- **Medieval Technology**--Mechanical Clocks; Vertical Windmill; Dry Compass; Textile manufacturing; Communication Technology; Paper making Technology; Steam Engine; Railway Transportation
- **Modern Technology** --Broadband Internet Access; Quantum Computers; Nanotechnology; Biotechnology; Whole genome sequencing; Scramjets and Drones-Four Industrial Revolutions and their Impact on Society

Impact of Three Industrial Revolutions

- So far international community witnessed Four industrial revolutions
- First Industrial revolution from 1760-1840 developments include new methods of manufacturing, invention of new products, scientific & applied research, development in transport and specialized labor
- Second Industrial Revolution from 1875-1930 new inventions such as electricity, telephone, automobiles, modern business system, growing middle class and leisure time
- Third Industrial Revolution starting in the 1950s and 60s, also referred to as the “**Internet or Digital Revolution**.” made computers, advances in computer technology and telecommunications have created free flow of Information, Transistors, which eventually allow for the ultimate in scale: whole world as **Global Village**

4th IR or Knowledge Revolution

- Now a Fourth Industrial Revolution is characterized by a **fusion of technologies that is blurring the lines between the physical, digital, and biological spheres.**
- Compared with previous industrial revolutions, the Fourth IR is evolving at an exponential rather than a linear pace.
- Moreover, it is disrupting almost every industry in every country. And the breadth and depth of these changes herald the **transformation of entire systems of production, management, and governance.**
- The Fourth Industrial Revolution covers wide-ranging fields such as Artificial intelligence, The Internet of Things (IoT), robotics, autonomous vehicles, 3D printing, nanotechnology, biotechnology, materials science, energy savings, computing, etc.

The Pros and Cons of the 4th IR

- Fourth Industrial Revolution has the potential to raise global income levels and improve the quality of life.
- Technology has made possible new products and services that increase the efficiency and pleasure of our personal lives.
- Ordering a cab, booking a flight, buying a product, making a payment, listening to music, watching a film, or playing a game—any of these can now be done remotely.
- The Fourth Industrial Revolution represents a fundamental change in the way we live, work and relate to one another.
- It is a new chapter in human development, enabled by extraordinary technology advances commensurate with those of the first, second and third industrial revolutions.
- Transportation and communication costs will drop, logistics and global supply chains will become more effective, and the cost of trade will diminish, all of which will open new markets and drive economic growth.
- It also has some negative impact on the society if, it is not used properly and raised lot of legal questions.

NET and Legal issues

- The emerging technologies of Artificial Intelligence (AI), Automation, Big Data, Block chain, 3D printing, Cyber technology, Cloud Computing, Crypto Currency, Drones, Energy, Genetic, Geo special, Mobile, Machine learning, Nano, Robotic technologies etc. have garnered an incredible amount of attention and changing the living patterns of the human being
- **Major legal issues concerning “New and Emerging Technologies” (NET) :**
- **Traditional:** Technology and its Impact on State Sovereignty, State Jurisdiction, State Responsibility, Privacy, Security,
- **Modern:** Technology Impact on legal issues regulating the use and mis- use of data, evidence, Protection of creative works, and inventions including IP, Mobile, Biometric mobile, Facial recognition technology, biotechnology, genetic testing, nanotechnology, synthetic biology, computer privacy, autonomous robotics etc.,
- These technologies are generating fair amount of litigation, and presented concerns regarding the possibility of intrusive governmental surveillance and needs new approaches to ensure appropriate and timely regulatory responses

Legal Question

- **The existing legal regimes is unable to deal effectively with new and innovative technology and are also rising lot of legal Questions**
- Do machines have morality?
- What legal liability regime should we adopt for damages arising from these Technologies?
- What kind of ethical guideline we should adopt ?
- Is anticipative regulation justified for certain classes of risks in applications of these technologies?
- Should legal systems resort to the precautionary principle to avoid dealing with the risks of a rapidly changing technological trajectory?
- Are technology-based initiatives necessary, or is a product-specific approach more appropriate?
- Can a line be drawn between legal and ethical guidance in this context?

NET to NEST

- In January 2020, the Ministry of External Affairs (MEA) took the progressive step to establish India's first, New and Emerging Strategic Technologies (NEST) division.
- NEST will act as the nodal division within the ministry for issues pertaining to new and emerging technologies.
- It will help in collaboration with foreign partners in the field of 5G and artificial intelligence.
- Its mandate shall include, but not be limited to, evolving India's external technology policy in coordination with domestic stakeholders and in line with India's developmental priorities and national security goals.
- It will also help assess foreign policy and international legal implications of new and emerging technologies and technology-based resources, and recommend appropriate foreign policy choice.
- NEST will negotiate technology governance rules, standards and architecture, suited to India's conditions, in multilateral, Regional and Bilateral frameworks.

Linkage between Security, Defence Law and Technology

- National defence and security has since time immemorial assumed a paramount role in determining national policies and assessing their impact on international peace and conflict.
- The new techniques and changes have transformed the nature of war from its mercenary character to that of nationalized and total war. In this modern era every citizen from a country is involved in the process of war directly or indirectly.
- Defence studies as an academic discipline is broadly conceived to encompass all issues-both domestic and strategic-that can affect our national defence and national security interests.
- Recognizing the importance and role of the Defence studies various countries like Australia, Britain, China, France, Germany, Japan, Pakistan, Russia, U.S.A, and many other countries of the world introduced Defence studies as an academic discipline in their countries at university, college and school level.
- Defence studies promote the development of military education and creation of awareness about National security among civilians.

GLP and Its Impact on Defence and Security Governance

- What is Globalization? Globalization is the term used to characterize the processes of growing interconnection and interdependence among the different nations of the world.
- It offers to the increased flow of trade, people, investment, technology, culture, ideas among countries and creates a more integrated and interdependent world
- components of Globalization: globalization of markets, globalization of production, globalization of financial markets, globalization of technology , globalization of HR skills
- Globalization of markets is one of the most fascinating developments of the 20th and 21st centuries. Its impact on economic transactions, processes, institutions, and players is dramatic and wide ranging. It challenges established norms and behavior and requires different mindsets

Positive and Negative Aspects of GLP

- On the positive side, it generated by growing international economic, cultural, and political cooperation and solved many global problems. Promotes intense competition among multinational corporations (MNCs) and also makes local companies to be more competitive internationally and benefits Consumer.
- On the negative side, globalization also has profound implications for states such as the autonomy and policy-making capability of states are being undermined by economic and cultural internationalization.
- Shift of sovereignty from political to economic
- Role of States have Changed from Law-maker to Law-takers
- Role of States are changing from regulator to facilitators
- Many governments see their role as not to regulate markets but to facilitate their expansion.
- Globalization and regional interactions are wiping out national borders and weakening national policies.

Forces and Phases Shaping Defence and Security

- **5 Forces reshaping the global defence and Security industry**
- 1. New actors: 2. New technologies: 3. New Frameworks 4. New Rules and 5. New budget and funding realities
- **5 Phases of India's defence industrialization**
- (1) from independence till the mid-1960s, when self-sufficiency was an overall economic principle behind India's industrial development;
- (2) from mid-1960 till the mid-1980s, the term self-reliance replaced self-sufficiency in defence production;
- (3) from mid-1980s till the early 2000s, the emphasis on self-reliance through co-production;
- (4) from the mid-2000s to late 2014, self-reliance was tried through greater participation of the Indian private sector.
- (5) With the Modi government coming to power, Make in India has become the new model.

Forces reshaping the global Security industry

- **New actors:** Defence and security companies face increasingly competitive environments filled with new actors from emerging markets and adjacent industries, many applying disruptive business models to increasingly constructive effect.
- The entry of a variety of emerging market companies that maintain the flexibility to offer 'good enough' solutions, technology transfer, and favourable financing terms has been a feature of export markets for several years
- In addition, demand for defence- and security-focused solutions in the cyber/information domain, new materials, wearable/flexible electronics, unmanned systems, artificial intelligence, big data analytics, and navigation and communication technologies are driving convergence between security and defence requirements and capabilities

Forces Reshaping Defence and Security Industry

- **New technologies:** Development, proliferation, and clever use of a range of emerging technologies have the potential to rapidly transform end-user capability requirements and shatter assumptions about the types of models that will enable success for corporate activities.
- Four categories of capability revolutions stand out: perception, processing, human and materials performance; communication, navigation, targeting, and strike; an manufacturing and logistics.
- For example, the increasing incorporation of a range of advanced manufacturing techniques— especially additive manufacturing but also augmented-reality manufacturing—and growing research in novel materials such as composites will have significant and durable implications for all AD&S industry activities.
- Moreover, investment in next-generation manufacturing technologies, like synthetic biology manufacturing and 4D printing (and the smart materials required for 4D printing) signal a longer-term, but even more disruptive, shift in industry models and the capabilities industry will be asked to develop

Forces Reshaping Defence and Security Industry

- **New frameworks:** The intersection of industry drivers with broad 'megatrends' related to economics, geopolitics, demography, immigration, challenges to Westphalian concepts of state sovereignty,
- Environmental Issues and climate change will have far-reaching implications for global defence communities and the industry that supports them.
- The unravelling of current geopolitical frameworks and evolving economic realities related to global debt, slow growth.
- Emerging-market 'mid-life crises' will be particularly affecting for the future of the global defence industry.

Forces Reshaping Defence and Security Industry

- **New rules:** Managing supply chains and business resilience amid increasing regulations focused on counterfeiting, cyber security, corruption, climate change, and conflict materials will bring new risks and constraints on partner identification and could even further constrain the nature of the markets to which companies can sell.
- In addition, innovation in defence and security products and services will require new laws and regulations for safety, security, business, infrastructure, and ethical concerns.
- Ongoing legal, ethical, and security discussions related to technology areas such as human performance enhancement, autonomous strike, armed drones, near ubiquitous sensors and surveillance, and big data analytics technologies.

Forces Reshaping Defence and Security Industry

- **New budget and funding realities:** The current environment of constrained procurement budgets will be matched by enduring spending crunches in research, development, testing, and evaluation (RDT&E) budgets across several regions.
- The global defence industry is experiencing several enduring and intersecting technological, competitive, and market transitions that will impact both immediate and distant opportunities and risks.
- Cultivating new mindsets and perspectives through scenario planning will be critical to ensuring the agility and resilience necessary to navigate unsettled environments and a growing collection of risks and opportunities.

Indian Defence Industrialisation Phases

- India's defence industrialization can be divided into five different phases:
- (1) from independence till the mid-1960s, when self-sufficiency was an overall economic principle behind India's industrial development;
- (2) from mid-1960 till the mid-1980s, when the term self-reliance replaced self-sufficiency in defence production;
- (3) from mid-1980s till the early 2000s, when the emphasis on self-reliance was through co-production;
- (4) from the mid-2000s to late 2014, when self-reliance was tried through greater participation of the Indian private sector.
- (5) With the Modi government coming to power, Make in India has become the new model.

Phase 1. The Quest for Self-Sufficient

- India's defence industrialization immediately after independence was influenced by the country's socialistic and centralised planning system reflected in the first Industrial Policy Resolution adopted in 1948.
- The resolution emphasized the importance to the economy of securing a continuous increase in production and its equitable distribution, and pointed out that the State must play an active role in the development of industries.
- The resolution, which was revised in 1956, reserved the key industries – including arms and ammunition, railways, air transport and atomic energy – in the domain of the public sector and the State assumed the exclusive right for their development.
- The quest for self-sufficiency got a further push by the 1954 US-Pakistan strategic partnership and the border tension with China which became intense in the late 1950s.
- In 1954 Bharat Electronics Ltd (BEL) was set up with French assistance. The government also acquired two shipyards – Mazagon Dock Ltd and Garden Reach Shipyard – and placed them under the control of MoD with the intention of undertaking naval construction.

Phase 2. Self-Sufficiency to Self-Reliance

- The events of the 1960s, particularly the 1962 war with China and the India-Pakistan war of 1965 brought about a major change in India's defence policy. Not only India's defence budget as percentage of GDP increased subsequent years but also the approach towards arms procurement policy and indigenous defence production changed.
- On its part, given the Cold War politics, the Soviet Union was willing to provide arms and assistance to India on terms which were considered favourable to New Delhi.
- A major beginning of this close cooperation was made with the MiG-21 aircraft (signed in October 1962), which paved the way for the aircraft's licence manufacture by HAL. By 1980, roughly 70 per cent of Indian military hardware was of Soviet origin
- In this phase of India's defence industrialisation, the focus was more on licence production rather than on indigenous production. Apart from MiG- 21, a number of other programmes were taken up for licence production, including tanks, destroyers, etc.
- By the end of the Cold War, India was overwhelmingly dependent on the Soviet Union: 100 per cent for ground air defence, 75 per cent for fighter aircraft defence, 60 per cent for ground attack aircraft, 100 per cent for tracked armoured vehicles, 80 per cent for tanks, 100 per cent for guided missile destroyers etc.,

Phase 3. Self-Reliance through Co-production

- Beginning with the mid-1980s, the government pumped up resources on R&D to enable DRDO to undertake high-profile projects.
- A major beginning in this respect was made in 1983 when the government sanctioned the Integrated Guided Missile Development Programme (IGMDP) at the initial cost of Rs 388.83 crore to develop four missile systems – Prithvi (surface-to-surface), Akash (surface-to-air), Trishul (naval version of Prithvi) and Nag (anti-tank) – and a Technology Demonstrator, Agni.
- In the same year, the government also sanctioned the Light Combat Aircraft (LCA) at a cost of Rs 560 crore to develop an indigenous fighter aircraft.
- The indigenous efforts were however not adequate to meet the growing requirements of the armed forces. This forced the government to look for alternatives from external sources
- Apart from Russia, India has also signed joint developmental programmes with Israel, which has become one of the top suppliers of arms to India. Cementing the growing defence trade between Tel Aviv and New Delhi,

Phase 4 Self-Reliance through Private Participation

- While co-development/co-production remains a distinct feature of India's defence industrialisation process since the late 1990s, the approach towards self-reliance has taken a major turn since the early 2000s, when the government decided to allow 100 per cent participation of the private sector in defence production.
- However, the liberalisation process has been a long-drawn-out process, dating back to the constitution of six task forces in 1998 to explore the question
- Consequent to their recommendations, the government finally opened the defence industry in 2001 to the private sector, with the further provision of foreign direct investment (FDI) of up to 26 per cent.
- This did not however mean an easy access to defence contracts as MoD's Defence Procurement Procedure (DPP) – which stipulates detailed rules and procedures for capital procurement and the source of procurement– did not have enough provisions to facilitate private companies' participation in defence.
- In order to create such provisions, successive DPPs have included a host of enabling provisions that include an offset clause, two new procurement categories – Make and Buy and Make (Indian) – and a host of other measures

Phase 5. Self-Reliance through Make in India

- The Make in India initiative is not restricted to the defence industry; it covers 25 diverse sectors and constitutes a part of the Modi government's larger economic plan to propel the share of manufacturing in GDP to 25 per cent (from 16 per cent at present) and create 100 million additional jobs by 2022
- Also, the model is not very different from the previous model: both of them focus on achieving the same broad goal of self-reliance in defence manufacturing through greater participation of the private sector
- The new model reposes a great deal of trust with the private sector. More importantly, to facilitate private sector participation the government has brought in a host of 'ease of doing business' measures, besides bringing in an element of decisiveness in decision making
- the Modi government has taken several broad reform measures pertaining to the defence industry. These pertain to industrial licensing, FDI cap, defence exports and level playing field between private and public sectors.
- The reform in licensing which came in the form of a series of government notifications issued between 26 June 2014 and 22 September 2015⁴⁰ is an attempt to codify and simplify the process of granting industrial licence (IL) and remove procedural hurdles and other complexities in the process..

Impact of COVID-19 Pandemic

- The COVID-19 Pandemic has forced states to Closed borders, quarantine imposed on people, travel bans, paralyzed supply chains, and export and import restrictions
- COVID19 Pandemic Impacted on Human Rights Law, Health Law, Trade Law, Environment Law Aviation Law, Shipping Laws, labour and Employment Laws, Refugee and Migration Laws, Criminal Law, Travel and Tourism Laws, Investment and FDI Regulations,
- Further, Food Safety and Security, Defence and Security Laws, Taxation, Business and Commercial Laws, Arbitration and Mediation , Sports Laws, Media Freedom and its Violation, global Consumer behavior and Consumer Protection, Intellectual Property Rights, Capital and Financial Market, Emerging Technologies etc..

COVID-19 Pandemic

- **The impact of the pandemic COVID-19 poses fundamentals questions :**
- How will the pandemic influence the international order in the future?.
- How the pandemic might reshape the world order, including prospects for international cooperation.
- Can the pandemic will accelerate USA decline and the advent of a more multipolar world ?.
- It can be argued that the COVID-19 situation is unprecedented in scale, and thus the recovery might look different or take longer than it has in the past.
- Predicting the outcome of this situation is a futile attempt at this point in time, but it is reassuring that signs of recovery are emerging from the regions which has dealt with the situation the longest

COVID-19 -Changing Business Environment

- What sorts of guidelines and input should guide product design?
- How desirable are knowledge-sharing agreements?
- Joint development of technology and know-how will work?
- What are ideal features of international business partners?
- How should management monitor competitive activity?
- How can competitive advantages created and sustained?
- What degree of attachment is optimal to alternative sourcing and production locations around the world?
- Management has to grapple with these and many other similar questions on an ongoing basis.

IMPACT OF COVID-19 ON DOMESTIC INSTITUTIONS

- No industry has escaped the impact of COVID-19.
- Some have been hit hard, for example; Travel, Tourism, Entertainment Hotel Industries, steel, textiles, etc.
- Others, such as food and beverages, paper, pharmaceuticals, and industrial machinery and equipment, have fared better.
- An ongoing restructuring was put in motion as a result of the globalization of markets. Downsizing, consolidation, and reconfiguration are common terms used to describe the current state of affairs in all industries.
- The new realities of the global marketplace have prompted business organizations to be constantly in search of enhanced productivity and new sources of competitive advantage. Such efforts to critically examine one's capabilities can be classified into several thrusts

COVID Pandemic and Legal challenges

- New technology was employed to create lists of persons suspected to be infected with COVID-19.
- Drones were deployed to monitor compliance by quarantined individuals.
- Smartphone applications are being used for detection and contact-tracing.
- One particular application, *Aarogya Setu*, is now required to be downloaded by all persons employed in workplaces, which itself is open to legal challenge
- In the *Puttaswamy (Privacy)* judgment of 2017, it was held that to sustain a privacy restricting action the State had to show that,
 - a) the restrictions were sanctioned by law;
 - b) were made pursuant to a legitimate state aim;
 - c) there exists a rational relationship between the purpose and the restriction; and
 - d) that the State has chosen the “least restrictive” measure available to achieve its objective, all of which are absent in *Aarogya Setu*.

COVID Pandemic and Legal challenges

- The *Puttaswamy (Aadhar)* judgment of 2018 had also mandated that there should be a data protection law, which is also missing in the case of *Aarogya Setu*.
- Other legal challenges include a Supreme Court ruling on health care workers' (HCWs) lack of personal protective equipment (PPE).
- The Supreme Court directed the Government to provide PPE to HCWs, but did not provide for any form of compliance monitoring of its own .
- And the Supreme Court ruled in *Parmanad Katara* that private hospitals must also admit non-COVID-19 emergency patients.
- In practice, however, private hospitals have not been admitting non-COVID-19 emergency patients.

COVID 19 and State Responsibility

- Under IL States have legal responsibilities both towards states and individuals. If a state violates international law it is responsible to immediately cease the unlawful conduct.
- The state also has a responsibility to make full reparations for the injury caused, including both material and moral damages.
- Apart from these, individual's rights are also violated by some states and also by non state actors. So it is the responsibility of state under international law to protect or to take immediate attention to solve these problems.
- State responsibility, the possibility of holding China accountable for violations of the provisions of the Int. Health Regulations of 2005 ("IHR") is a research topic.
- In the wake of the novel corona virus outbreak, recurring questions have been raised about the legal responsibility of China for its role in the spread of the virus.
- As the virus continues to wreck havoc across the globe, many have questioned the Chinese government's actions in the initial weeks following the outbreak of the novel virus in Wuhan.
- There have been repeated calls from many across the world for China to pay compensation to the affected countries.

COVID 19 and State Responsibility

- In the US alone, two class action suits have been filed against China, for suppressing information about the virus in its early days and seeking billions in compensation for the damages caused by the outbreak of the virus.
- ***Can China Be Tried in Domestic Courts?***
- availability of sovereign immunity to China before domestic courts. Most countries including the US and India have legislative provisions granting sovereign immunity to foreign States before domestic courts.
- ***Can China Be Held Responsible Under International Law?***
- Under international law, every internationally wrongful act or omission of a State entails the international responsibility of that State.
- ***Practical Difficulties in Proving China's Culpability***
- However, the question of whether such acts or omissions constitute a breach of an international obligation binding upon China at the relevant time is more problematic and challenging.
- It is noted that the measures taken by States in response to the spread of the virus may soon cause various legal disputes on the basis of the IHR, but a number of shortcomings of the regulation provided will not allow for their effective resolution.
- It is suggested that an advisory opinion of the ICJ should be requested to clarify the content of States' obligations under the IHR

India Banning 59 and 47 Chinese APPs

- Amidst rising tensions with China, Government of India through its Ministry of Electronics and Information Technology recently blocked for public access the availability of 59 and 47 Chinese Apps in India.
- Affected apps include social media apps like TikTok, Helo and WeChat; and other popular apps like ShareIT, UC Browser, CamScanner and Clubfactory.
- The Ministry has banned the apps by invoking its power under Section 69A of the IT Act, 2000 (the IT Act) IT Rules, 2009 (the Blocking Rules)
- Reasoning--apps' engagement in activities "prejudicial to sovereignty and integrity of India, defence of India, security of state and public order."
- According to the Ministry, the banned apps were "stealing and surreptitiously transmitting users' data in an unauthorized manner to servers which have locations outside India.
- The compilation of these data, its mining and profiling by elements hostile to national security and defence of India, which ultimately impinges upon the sovereignty and integrity of India, is a matter of very deep and immediate concern which requires emergency measures."

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Banning Apps and Legal Implications

- Clause 1 of Section 69A of the IT Act grants powers to the Central Government to enable the blocking of certain information generated, transmitted, received, stored or hosted in any computer resource, for reasons such as
- (1) interest of sovereignty and integrity of India (2) defence of India (3) security of the state, (4) friendly relations with foreign states (5) public order, (6) for preventing incitement to the commission of any cognizable offence relating to above.
- In *Shreya Singhal v. UOI*, the constitutionality of Sec. 69A of IT Act, as well as the IT Rules formed thereunder, was challenged. The SC upheld the constitutionality citing the safeguards provided by the statute and the rules.
- A constitutional aspect to the current ban lies with Article 19(2) of the Indian Constitution. The State can put reasonable restrictions on freedom of speech and expression in the interest of sovereignty and integrity of the nation.
- In a way, banning these apps is a restriction to the freedom of speech and expression of the citizens.
- TikTok became a platform for every section of society to portray their ideas in the form of videos. The banning of the apps results in the restriction of the freedom of expression of such people.

Banning Apps and Legal Implications

- China's Point of View: China has claimed the decision of the Indian Government as "selective and discriminatory".
- They said that the ban on these apps is on ambiguous and far-fetched grounds. Also, it runs against fair and transparent procedure requirements.
- They said that it violates WTO rules on fair trade practices.
- But, we must consider that WTO laws authorize a country to act against companies if it poses a threat. In the present context, the Government cited this to ban the applications.
- Recently, President Trump issued executive orders that will effect ban two major Chinese apps of TikTok and WeChat from the U.S. market.
- The move is a significant escalation in ongoing technology tensions between the U.S. and China, The decision will have both immediate and long-term implications for the companies and their American consumers, for U.S.-China relations, and for the broader conflict over the future of the internet.

COVID-19 --Key Challenges for Lawyers

- Participation in cross-border transactions poses some unique legal concerns for companies. The legal profession will need to pay continued attention to these management issues. These issues are outlined below.
- **Legal Agreements and Conflict Resolution in International Business Transactions** How should sales, distributor licensing contracts be structured? How detailed should they be? What are the mechanisms for satisfactory conflict resolution?
- **Intellectual Property Protection:** This perennial problem is a concern for most technology-intensive firms. International partners continue to have their own interpretations of the rights and obligations associated with technology transfer. Practical mechanisms for ensuring protection are absent.

COVID-19 --Key Challenges for Lawyers

- **Standards and Product Liability:** Legal systems for product liability exhibit great variations from country to country. Simplification and harmonization of legal processes will be a high priority for international trade lawyers.
- ***Dumping and Anti-dumping*** . The legal profession will continue to be involved in dumping suits initiated by domestic manufacturers. Effectiveness of such appeals will depend upon their ability to generate convincing evidence of deliberate underpricing
- **International Business Ethics** For many years the U.S. business community has argued that the Foreign Corrupt Practices Act (FCPA) creates a competitive disadvantage in international operations.
- **Environmental Impact** Multinational companies will be under tremendous scrutiny for the potentially damaging impact to their host country environments. Creative strategies are needed in this area in order to avoid such problems.

Description of Course Structure

- **Semester I**
 - **General Principles of Law**
 - **International Security, Diplomacy and Conflict Resolution**
 - **Defence Technology and Defence Laws**
 - **International Institutions and Global Security**
- **Semester II**
 - **Defence Management and Strategic Studies**
 - **Defence Contracts and Tenders**
 - **Defence Procurement Policies: National and International Perspectives**
 - **Defence Laws and Policies in India**
- **Semester III**
 - **Regional Security and Global Governance**
 - **Terrorism and Counter Terrorism**
 - **Aviation, Space and Maritime Security Laws**
 - **Cyber Space, Cyber Security and National Defence**
- **Semester IV**
 - **Dissertation**

Regional Security and Global Governance

- **Module 1: Concept of Regionalism** includes Concept under UN Charter, Regional Organizations; Characteristics of regional organizations; causes for its evolution, significance; Theories of Regionalism, Functionalism and Neo-Functionalism and Regional Organization- Prof. Srinivasa Rao
- **Module II: Regionalisation and Global Governance** covers global governance and UN, Integration and Disintegration, Macro regional governance (WTO, ASEAN, AFTA, SAFTA); Old divides and New Frontiers, New wave of Regionalism (NAFTA, EU); Prof. Srinivasa Rao
- **Module III: Regional Security and cooperation in South Asia**, Doctrines, Proposals, Arrangements for Regional Security and Cooperation in South Asia, Regional Security in South Asia: Continuities and Discontinuities; Regional Cooperation in ASEAN and SAARC- PV Rao
- **Module IV: India's Approach and Perspective on Regionalism-** Philosophical Foundations of India's Foreign Policy, India and its Neighbours, India and Major Powers, India-USA; India-Russia; India-France; India-Germany; India-Japan; India-UK Prof. Subramanymam Raju
- **Module V: India's Border Security and Security Management**, Smarter Border Management- An Indian Perspective Border Patrol Organizations, Security Challenges and their management in border areas, Collaborative Border Management systems etc; Prof. Srinivasa Rao
- **Module VI: Emerging Technologies and Security Management**, Emerging Technologies, Future Technologies for the Defence Sector, Selection of Technology Parameters; Future Technologies for the Defence Sector etc., Prof. Srinivasa Rao

Terrorism and Counter-Terrorism

- **Module I: Introduction to Terrorism and Counter terrorism deals with,** Difference between Terrorist Act and Criminal Act, Nature of Terrorism, Theories of Terrorism, Terrorism and its Categories, Geographic Specifications of Terrorism, Causes of Terrorism, and so on—Prof. PV Rao
- **Module II: International Security and Terrorism focuses** on Terrorist Acts in the configuration of the threat to International Peace and Security, The Essential Characteristics of the Current Definition of the Threat to International Peace And Security Cause by Terrorist Acts, Obligation of International Organization and Problem of Terrorism, SAARC and Counter-Terrorism, Dr. Ramesh
- **Module III: United Nations and International Terrorism** deals Objectives of UN and the role of various organs of the UN including the the General Assembly Resolutions on Terrorism, Security Council Resolutions on Terrorism, Multilateral Conventions on Terrorism, The United Nations Global Counter-Terrorism Strategy- Prof. Balakista Reddy
- **Module IV Human Rights and Terrorism** deals with the Impact of Terrorism on Human Rights, Human Rights and Counter-Terrorism, Specific Human Rights Challenges etc..Dr. K. Ramesh
- **Module V: Anti-terrorism Law and Policy in India** deals with the Constitution of India, Law Commission 173rd Report, The Indian Penal Code, 1860, The Preventive Detention Act, 1950, Armed Forces Special Powers Acts, The Prevention of Terrorism Act, 2002, The Unlawful Activities (Prevention) Act, 2004, The National Investigating Agency Act, 2008, The Unlawful Activities (Prevention) Amendment Act, 2008, the Anti-Hijacking Act, 2016 Dr. D.Balakirishna
- **Module VI: Contemporary Issues in Terrorism and Counter-terrorism** covers Insurgency and Counter-Insurgency, Radicalization and Violent Extremism, Terrorist Victimization: Victims of Terrorism, Terrorism in the Age of Internet, Terrorism and National Security – Role of MHA and MEA and Institution of Indian Intelligence Agencies. Cpit. Capt. Anand Naidu

Aviation, Space and Maritime Security Laws

- **Module I: Introduction to Air Law covers both International Air Law and Domestic Air Laws** including the Chicago Regime, the Warsaw System and the Air Safety and Security Regime. Prof. Balakista Reddy
- **Module II: Deals with Security and Aircraft Hijackings**, Concept of Aviation Security, ICAO and Aviation Security, Various International Conventions dealing with the Aviation Security. This Module also covers various Aviation Security Legislations of India- Prof. Balakista Reddy
- **Module III: Introduction to International Space Law**, Sources of ISL, Development of ISL of three Phases including form 1957 to 1967, Second Phase from 1967 to 1979 and Third Phase from 1980 to Present- Prof. Balakista Reddy
- **Module IV: Deals with Space Security Challenges** including the protection of Space Assesses, PAROS, and other relevant international treaties and domestic legislations. Prof. Arvind Kumar
- **Module V: Deals with the Introduction International Maritime and Law of the seas**, Sources and Development of IML, Various International Treaties dealing the maritime security provisions. Hamsa Devani
- **Module VI: Deals with the Contemporary Issues relating to Maritime safety and Security Challenges** . It also touch the technology part- Commodore UDAI RAO
- **Module I: Deals with other Contemporary Issues of Security – Prof. Arvind Kumar**

Cyber Space, Cyber Security and National Defence

- **Module I: Introduction to National Security and Cyber Space**, Conceptual Framework of Cyber Space and Cyber Security, Speculative Security, Cyber Exploitation, Cyber Crime and Cyber Terrorism; **Dr. K V K Santhy**
- **Module II: Armed Conflict and Cyber Defence**, The Law of Armed Conflict and Cyber Warfare: The Relationship, The Emerging Structure of Strategic Cyber Offense, Cyber Defence, and Cyber Deterrence, A New Framework for Cyber Deterrence, Cyber Conflict, Cyber Power, and Security; **Prof. Ashwak**
- **Module III: National Approaches to Cyber Security and Cyber Warfare**, Persistent Enemies and Cyber war: Rivalry Relations in an Age of Information Warfare, Russia and Its Cyber Capabilities, China in Cyberspace, Toward a Theory of Cyber Power: Strategic Purpose in Peace and War; **Dr. KVK Shanti**
- **Module IV: Contemporary Issues on Cyber Security and Warfare**, Cyber Space & Cyber Threats: Recent Developments, Cyber Defence, Jurisdictional Concerns, Technological Complications: Lessons to be learnt and Roadmap for the future. **AP Suresh Advocate**

Dissertation

- The spectacular fast developments in technology in different areas in the beginning of the 20th century, made law-making necessary in this new field of transportation, in peace and in war.
- The course extensively tries to encompass numerous aspects of Security and Defence Law. Given the nature of the course, there are numerous contemporary aspects of the security and defence law that cannot be discussed in detail.
- The main objective of the dissertation component is to assess the research and writing skills of the students as well as to provide a platform for creative legal scholarship and can be refined and submitted for publication in scholarly journals or even serve as the basis for full-length dissertations in doctoral programmes.
- The students are free to select their Dissertation Topic voluntarily but it should be relevant to their field of course.
- **The written Dissertation will carry a total of 150 marks** which will be followed by a **Viva-voce examination carrying 50 marks**. Dissertation shall be evaluated by one examiner and if a student secures a minimum of 50% marks in the written report, he/she may be called for viva-voce examination. In total, a student should secure a minimum of 50% marks in the Dissertation including the written report and viva-voce examination.

Thank You