



# M KRISHNA LAW COLLEGE, HASSAN.

(Under the Auspices of the Malnad Technical Education Society (R), Hassan.)  
(Affiliated to the Karnataka State Law University, Hubballi)  
Accredited by the NAAC with B+ Grade.

Salagame Road, Behind All India Radio, HASSAN - 573 202, (Karnataka)

Phone : (O) : 08172-245406, Fax (P) : 08172-245414

1974-2024

Golden Jubilee Year

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Ref. No. : MKLC

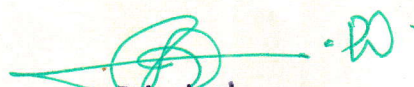
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1.3.2.1: Number of courses that include experiential learning through project Moot Courts, Court visits, Arbitration/Mediation/Client Counseling Exercises, Para legal volunteering/ legal aid training, advocate chamber and internship in law firms//NGOs/Judicial Clerkships etc., year wise during last five years

This is to certify that, following is the list of some of the subjects across the programme which highlights the experiential learning.

Sl. No.	Courses in the program with course code	Components of course that include experiential learning through project Moot Courts, Court visits, Arbitration/Mediation/Client Counseling Exercises, Para legal volunteering/ legal aid training, advocate chamber and internship in law firms//NGOs/Judicial Clerkships etc, if any	Pg.No.
1	Constitutional Law-1 --> 4001	Crucial Constitutional Issues	1
2	Contract-1 --> 4002	Seminar	2
3	Law of Torts --> 4003	Alternative Form and Remedies	3
4	Family Law-1 --> 4004	In-house seminar	4
5	Indian Penal Code --> 4005	Study of Range of Offences	5-6
6	Constitutional Law-2 --> 4007	Crucial Constitutional Issues	7
7	Contract-2 --> 4008	In-house seminar	8
8	Labour Law-1 --> 4009	In-house seminar	9-10
9	Property Law --> 4010	In-house seminar	11
10	Mohammedan Law and Indian Succession Act --> 4011	In-house seminar	12-13



  
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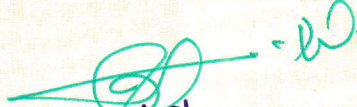
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11	Jurisprudence --> 4014	Assignments	14-15
12	Labour Law-2 --> 4015	In-house seminar	16-17
13	Law of Taxation --> 4016	Assignment	18-19
14	Criminal Procedure Code and Juvenile Justice --> 4017	Familiarize with Case paper	20-21
15	Professional Ethics --> 4024	In-house seminar	22-24
16	Insurance Law --> 4021	In-house seminar	25-26
17	Banking Law --> 4022	Assignment	27-28
18	Right to Information --> 4023	Assignment	29
19	ADR --> 4025	Exercises of each method	30
20	Company Law --> 4026	In-house seminar & field work	31-32
21	Intellectual Property Rights-1 --> 4028	Assignment	33
22	DPC --> 4032	Drafting Skills	35
23	Environmental Law --> 4034	In-house seminar & field work	36
24	IPR-2 --> 4035	Assignment	37-38
25	Moot Court Exercises --> 4039	Internship	39-40



  
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# 1<sup>st</sup> SEMESTER OF 3 YEAR LL.B COURSE

## CONSTITUTIONAL LAW - I

### OBJECTIVES:

The purpose of the course is to acquaint the students with the idea that the Indian Constitution is a normative Constitution with value aspirations. The Indian Constitution envisages establishing a justice system with legal technique. The basic postulate of Constitution like the Constitutional Supremacy, Rule of law and Concept of Liberty are emphasized in this paper. Exhaustive analysis of Fundamental Rights and committed approach to Directive principles would form the essence of the course.

### UNIT-I

Meaning & Definition of Constitution: kinds of Constitution, Constitutionalism, Salient features of Indian Constitution. Preamble: Meaning, Scope, Importance, Objectives and Values enshrined in the Preamble. Citizenship- modes of acquisition & termination.

### UNIT- II

State: Definition under Article 12, New Judicial trends on concept of State Action- need for widening the definition.

Definition and Meaning of Law: Pre- Constitutional and Post- Constitutional Laws, Doctrine of Severability and Doctrine of eclipse, Judicial Review and Article 13.

Equality and Social Justice: General Equality Clause under Article 14, New Concept of Equality, Judicial Interpretation on Equality.

### UNIT-III

Protective Discrimination and Social Justice under Articles 15 and 16, New Judicial trends on Social Justice, Constitutional Provisions on Un-touchability under Article 17.

Right to Freedom: Freedom of Speech and Expression, Different dimensions - Freedom of Assembly, Association, Movement and Residence, Profession, Occupation, Trade or business, Reasonable restrictions.

### UNIT- IV

Rights of the Accused: Ex-post facto Law - Double jeopardy - Right against self incrimination (Article 20). Rights of the arrested person, Preventive Detention Laws (Article 22), Right to Life and Personal Liberty, Various facets of Life and Liberty (Article.21), Right against Exploitation, Secularism - Freedom of Religion, Judicial interpretation, Restrictions on freedom of religion,

### UNIT- V

Cultural and Educational Rights of minorities - Recent trends - Right to Constitutional Remedies: Article 32 and 226 - kinds of writs - Right to property (prior to 1978 and the present position), Directive Principles of State Policy and Fundamental Duties- inter relation between fundamental rights and directive principles.



## CONTRACT-I: LAW OF CONTRACT

### OBJECTIVES:

Contracts are the basis of majority of transactions especially transactions dealing with property. Whether the transaction is in the ordinary course of life or in the electronic world (e-commerce), the general principles governing contracts remain same. For this reason it is very important to introduce the students to the basic principles governing contracts and lay powerful foundation for their study of other transactional and related laws in subsequent semesters.

### COURSE CONTENTS:

#### UNIT-I

Formation of Contract - Agreement and Contract Definitions - Classification - Offer and Acceptance - Communication - Revocation - Essential elements Invitation to Offer- Tenders, Consideration - Nudum Pactum- Essential elements - Privity of Contract and of Consideration - Exceptions - Unlawful Consideration and its effect, e-contract.

#### UNIT -II

Capacity to Contract - Minor's Agreements and its effects - Agreement of Persons of unsound mind and Persons disqualified by Law.  
Free Consent - Coercion - Undue influence - Misrepresentation - Fraud- Mistake - Legality of Object - Void Agreements- and Contingent Contracts.

#### UNIT- III

Modes of Discharge of Contracts - Time and place of performance - performance reciprocal promises - Appropriation of Payments - Discharge by Agreement, Operation of Law, Frustration (Impossibility of Performance) and by Breach (Anticipatory and Actual).

#### UNIT-IV

Remedies for Breach of Contracts - Damages -Kinds of damages - Remoteness of damages - Ascertainment of damages - Quasi Contracts.

#### UNIT - V

The Specific Relief Act-Sections 9-16, Section 21, Section 24, Sections 36-42. Nature of performance when granted and not granted - Who may obtain and against whom - Discretionary remedy - Power of Court to grant relief - Rectification of instruments - Cancellation - Declaratory decrees - Preventive relief- Temporary injunctions - Perpetual and Mandatory Injunctions.



## LAW OF TORTS

### OBJECTIVES:

This course is designed to study the principles of Tortious liability, the defences available in an action for torts, the capacity of parties to sue and be sued and matters connected therewith. Further, this course is designed to study specific torts against the individual and property. With Rapid industrialization, inadequacy of the law to protect the individual and exposed. An attempt shall be accorded to the individuals against mass torts and industrial torts. Keeping in the expensive character of judicial proceedings the students should reflect on the alternative forms, and also the remedies provided under the Consumer Protection Act, 1986.

### COURSE CONTENTS:

#### UNIT-I

Evolution of law of torts- Nature and scope of law of torts- Meaning- Torts distinguished from Contract- Crime- Development of Ubi jus ibi Remedium- Mental elements- Intention, Motive, Malice In Law and in Fact.

#### UNIT-II

General Defences, Vicarious Liability.

#### UNIT - III

Negligence; Nuisance; Absolute and Strict liability.  
Legal Remedies- Awards- Remoteness of damage.

#### UNIT-IV

Torts against person: Torts affecting body- Assault, Battery, Mayhem and False Imprisonment; Torts affecting reputation- Libel and Slander, Torts affecting freedom- Malicious Prosecution, Malicious Civil Action and Abuse of Legal process; Torts affecting domestic and other rights- Marital Rights, Parental Rights, Rights to Service, Contractual Rights, Intimidation and Conspiracy; Torts against property.

#### UNIT - V

Salient features of Consumer Protection Act, 1986, who is consumer, Defect in goods, Deficiency in services, Medical services, Remedies to consumers, Consumer Disputes Redressal Agencies, Limitation for filing complaints, Penalties.

Salient features of MV Act, 1988, Liability without fault in certain cases, Insurance of Motor Vehicles against third party risks, Claims Tribunal, Offences, Penalties, and Procedure.



## FAMILY LAW-1 HINDU LAW

### OBJECTIVES:

This course is designed to endow the students with knowledge of both the codified and uncodified portions of Hindu Law. The course concerns itself with the sources, schools, institutions, succession, maintenance, menace of dowry, etc.

### COURSE CONTENTS:

#### UNIT-I

The Concept of Dharma - Sources of Hindu Law Ancient and Modern, Importance of Dharma Shashtra on Legislation Mitakshara and Dayabaga Schools of Hindu Law-Application of Hindu Law.

#### UNIT-II

Marriage and Kinship Evolution of the Institution of Marriage and Family- Law Prior to Hindu Marriage Act -A detailed study of Hindu Marriage Act, 1955 - Matrimonial Remedies Maintenance and Alimony; Customary Practices and legislative provisions relating to dowry prohibition.

#### UNIT -III

Hindu undivided family - Mitakshara Joint Family, Formation and Incidents - Property under both Schools Kartha; His Position, Powers, Privileges and Obligations - Debts - Doctrine of Pious Obligation - Partition and Reunion - Religious and Charitable Endowment.

#### UNIT-IV

Inheritance and Succession Historical perspective of traditional Hindu Law relating to Inheritance - Hindu Succession Act, 1956. Stridhana- Woman's Property - Amendments to Hindu Succession Act; Gifts and Testamentary Succession - Wills.

#### UNIT-V

Law relating to Hindu Minority and Guardianship: Kinds of Guardians; Duties & Powers of Guardians; A detailed study of Hindu Adoption and Maintenance Act, 1956; Maintenance; Traditional Rights and Rights under Hindu Adoption & Maintenance Act 1956.



# CRIMINAL LAW - I: INDIAN PENAL CODE

## OBJECTIVES:

This course is designed to understand the meaning of crime, methods of controlling them and the essential principles of criminal liability by a study of a range of offences under the Indian Penal Code

## COURSE CONTENTS:

### UNIT-I

General Principles of Crime; Conceptions of Crime; Distinction between Crime and other wrongs under Common Law.

Principles of criminal liability- Actus reus and mens rea (also statutory offences) and other maxims; Variations in liability - Mistake, intoxication, compulsion, legally abnormal persons; Possible parties to the crime, Principal in the 1<sup>st</sup> degree; Principal in the 2<sup>nd</sup> degree; Accessories before the fact; Accessories after the fact.

**Indian Penal Code General Explanation:** From sections 1 to 5, sections 6, 7, Sections 21 to 30, 32 to 37 and section 52 & 52A, Punishment; From Sections 53 to 55A, 63, 64, 65, Section 73 to 75.

### UNIT-II

**General Exceptions:** Sections 76-106; Abetment Sections 107-120; Criminal Conspiracy, Sections 120A & 120B; Offences against State; Sections 121-130; Offences against the public tranquillity: Sections 141 - 160; Difference between Section 34 & 149 ; Offences relating to election: Contempt of lawful Authority and Public Servants (Brief discussion) Sections 172-190.

False evidence - Sections 191- 197, 208 - 212; Offences relating to coins and Government Stamps: Sections 230 to 240 & 263A; Public Nuisance & Private Nuisance; Offences relating to religion Section 295 - 298.

### UNIT-III

Offences affecting human life: (Section 299 to 311)-Hurt, Grievous Hurt Wrongful restraint - Wrong confinement-Criminal force and Assault.

### UNIT-IV

Kidnapping, Abduction, Sexual offences; Rape; Custodial rape, marital rape (Sections 375-377), Offences against property. Theft, robbery and Dacoit-Criminal Misappropriation of property criminal breach of trust - Receiving of stolen property-Cheating - Fraudulent deeds and disposition of property.



## **UNIT-V**

Mischief - Criminal Trespass - Offences relating to document and property marks: Offences relating to marriage (Sections 493 - 498 A) ; Defamation (Sections 499 502); Criminal intimidation and annoyance and attempt to commit such offences (Sections 506- 511)

### **PRESCRIBED BOOKS:**

- Rathanlal and Dhiraajlal, The Indian Penal Code, (New Delhi; Lexis Nexis Butterworths Wadhwa Nagpur 2012)
- Turner, Cecil J.W. Kenny's Outlines of Criminal Law (New York; Cambridge University Press 2013).

### **REFERENCES BOOKS:**

- K.D., Gaur, A Text Book on the Indian Penal Code, (New Delhi; Universal Publishing Co., 2012).
- K.I, Vibhuti, P.S Achutham Pillai's Criminal Law (Lexis Nexis Butterwords Wadhwa Nagpur 2012)
- Williams, Glanville, Text Book of Criminal Law, (New Delhi: University Publishing 2012)



## II SEMESTER OF 3 YEAR LL.B COURSE CONSTITUTIONAL LAW – II

### OBJECTIVES:

This course gives the students a picture of Constitutional Parameters regarding the organization, powers and functions of the various organs of the Government. The emphasis is also on the study of the nature of federal structure and its functioning. A critical analysis of the significant judicial decisions is offered to highlight judicial restraint, judicial activism and judicial balancing. Finally, the students should be able to articulate their independent views over contemporary crucial Constitutional issues.

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REF

### UNIT-I

Federal system: Organization of State.

Relationship between the Centre and the State: Legislative, Financial and Administrative, Co-operative Federalism and recommendation of Commission.

Freedom of Trade and Commerce, Official Language, Local self-government with Special emphasis on 73" and 74" Amendment.

Constitutional provision of Jammu and Kashmir (Art. 370)

Special provisions relating to specific states (Art. 371-A to 371-F)

### UNIT-II

Executive: Centre and State; President and Governor; powers and functions.

Parliament and State Legislature: Bicameralism, Composition, Powers and Function. (Councils of ministers): collective responsibility, Position of Prime Minister and Chief Minister.

### UNIT-III

Speaker: Parliament and State Legislature, Powers and Functions, Privileges Anti-Defection Law.

Judiciary: Union and States, appointment, powers, jurisdiction and Transfer of judges.

### UNIT-IV

Subordinate Judiciary, Administrative Tribunals.

Public Service Commission: services under the Center and the State, Constitutional protection to Civil Servants.

Election Commission: Powers and functions.

State liability for Torts and Contract.

### UNIT-V

Emergency: Types, Effects and effects on Fundamental Rights.

Constitutional Interpretation

Amendment: Basic structure theory.

Schedules. Review of working of the Constitution.



## CONTRACT-II

### OBJECTIVES:

This course enables the students to better appreciate the law governing special contract like, indemnity, guarantee, agency, etc. Which are more relevant in the contemporary society. Law contained in several legislations apart from the Indian Contract Act is taught in the Course.

### COURSE CONTENTS:

#### UNIT - I

Contract of Indemnity Definition, Nature and Scope-rights of indemnity holder, commencement of the indemnifier's liability- contract of Guarantee-Definition, nature and Scope, Difference between contract of indemnity and Guarantee- rights of surety- discharge of surety – extent of surety's liability-co-surety.

#### UNIT- II

Contract of bailment- Definition-kinds-Rights and Duties of Bailor and Bailee- rights of Finder of goods as Bailee-contract of pledge- Definition Comparison with Bailment- Rights and duties of Pawnor and Pawnee

#### UNIT- III

Agency – Definition – Creation of Agency – Kinds of Agents – Distinction between Agent and Servant – Rights and Duties of Agent- Relation of Principal with third parties Delegation – Duties and Rights of Agent – Extent of Agents authority- Personal liability of Agent- Termination of Agency.

#### UNIT- IV

Indian Partnership Act – Definition – Nature, Mode of determining the existence of partnership – Relation of partner to one another Rights and Duties of partner; Relation of Partners with third parties Types of partners – Admission – Retirement, and Expulsion of partners; Dissolution of firm; Registration of Firms.

#### UNIT- V

Sales of Goods Act – The contract of sale – Agreement to sell – conditions and Warranties- passing of property – Transfer of title – Performance of the Contract Rights of Unpaid seller- Remedies for Breach of contract.



## LABOUR LAW-I

### OBJECTIVES

In this course, the students are to be acquainted with the Industrial relations framework. Further, the importance of the maintenance of industrial peace and efforts to reduce the incidence of strikes and lockouts are to be emphasised. The main objective is to examine the provisions in the Trade Unions Act, 1926; the machineries contemplated under the Industrial Disputes Act, 1947 for the prevention and settlement of industrial disputes and other matters. Further, the objectives underlying the Industrial Employment (Standing Orders) Act, 1946 and Disciplinary Enquiry for misconduct are to be studied with a view to acquain misconduct and the procedure to be followed before imposing punishment for misconduct alleged and established.

Referring wherever necessary to the Constitutional provisions and the ILO Conventions and recommendations will do learning of these legislations. We will be looking at the judicial response, legislative response and probable amendments required to the industrial relations laws to meet the challenges posed by economic liberalisation. In order to understand the above-mentioned legislations in their proper perspective, a brief historical background of the legislations will also be examined.

In this course, students shall also acquaint with legal frame-work relating to social security and welfare. The concept of social security, its importance and also Constitutional basis for the same are introduced. The importance of ensuring health, safety and welfare of the workers, social assistance and social insurance schemes and the regulation of wages under the various legislations are to be emphasised. The objective is also to understand the provisions of the Employees Compensation Act, 1923, the Employees' State Insurance Act, 1948, the Payment of Wages Act, 1936, the Factories Act, 1948. These legislations are to be studied with a view to acquaint the students regarding various rights and benefits available to the workmen under. Legislations are to be analysed by examining historical background, objectives underlying these legislations, judicial interpretations and effectiveness of these legislations in the changed economic policies.

### UNIT-I

Historical aspects - Master and Slave Relationship, Trade Unionism in India and UK. Enactment of the Trade Unions Act, 1926- ILO Conventions relating to Trade Unions and relevant Constitutional provisions.

A bird's eye view of the Act - Definitions - Trade Union, Trade Dispute, etc., Provisions relating to registration, withdrawal and cancellation of registration - Funds of Trade Union, Immunities, problems of Trade Union, Amalgamation of Trade Union - Recognition of Trade Unions - Methods, need and efforts in this regard, Collective Bargaining - Meaning, methods, status of collective bargaining settlements, collective bargaining and liberalisation.



## UNIT-II

Historical Background and Introduction to the Industrial Disputes Act, 1947 - Definitions- Industry, Workman, Industrial Dispute, Appropriate Government, etc., Authorities/ Industrial Dispute Resolution machinery - Works Committee, Conciliation and Board of Conciliation - Powers and Functions, Court of Inquiry, Grievance Settlement Authority, Voluntary Arbitration U/S 10-A, Compulsory Adjudication- Government's power of reference U/S- 10 - Critical analysis with reference to decided cases. Compulsory Adjudication - Composition, Qualification, Jurisdiction, powers of adjudication authorities, - Award and Settlement - Definition, Period of operation, binding nature and Juridical Review of award.

## UNIT - III

Law relating to regulation of strikes and lockouts- Definition of strikes and lockouts, Analysis with reference to Judicial Interpretations, Regulation U/Ss 22, 23, 10-A(4-A), and 10 (3), Illegal strikes and lockouts, penalties - Regulation of Job losses- concepts of Lay-off, Retrenchment, Closure and Transfer of undertakings with reference to statutory definition and Judicial Interpretations - Regulation of job losses with reference to the provisions of chapter V A and V B of the ID Act, 1947 - Regulation of managerial prerogatives - Ss. 9A, 11A, 33 and 33A of ID Act 1947 Certified Standing Orders - Meaning and Procedure for Certification, Certifying officers- Powers and Functions, etc.,

## UNIT – IV

Concept and Importance of Social Security - Influence of I.L.O. - Constitutional Mandate. The Employees' Compensation Act, 1923 - Definitions - employee, employer, dependent, partial disablement, total disablement, etc., Employer's liability for compensation - Conditions and Exceptions - Procedure for claiming compensation. Computation of Compensation. Commissioner - Jurisdiction, Powers, etc.,

The Employees' State Insurance Act, 1948 - Definitions - Employment injury, contribution, dependent, employee, principal employer, etc., Employees' State Insurance Funds - contribution, Benefits available - Administrative Mechanism - E.S.I Corporation, Standing Committee, Medical Benefits Council - Composition, Powers, Duties - Adjudication of Disputes - E.S.I Courts. Comparative analysis of the E.S.I. Act, 1948 with the Employees' Compensation Act, 1923

## UNIT V

The Payment of Wages Act, 1936 - Definitions - employed person, factory, industrial and other establishment, wages, etc., Deductions - Authorities Inspectors and Payment of Wages Authority.

The Factories Act, 1948 - Definitions - factory, manufacturing process, occupier, worker, hazardous process, etc., Provisions of the Factories Act relating to health, safety and welfare of workers - Provisions relating to Hazardous process - Provision relating to working conditions of employment - Working Hours, Weekly leave, Annual leave facility - provisions reaching to regulation of employment of women, children and young persons



## PROPERTY LAW

### OBJECTIVES:

The focus of this course on the study of the concept of property, the nature of property rights and the general principles governing the transfer of property. A detailed study of the substantive law relating to particular transfers, such as sale, mortgaging, lease, exchange, gift and actionable claims will also be undertaken. The course also includes an exposure into the concept of trust.

### COURSE CONTENT:

#### UNIT-I

General principles of Transfer of property by act of parties inter-vivos- concept and meaning of immovable property, transfer of immovable property, persons competent to transfer. – Operation of Transfer conditions restraining alienation and restrictions repugnant to the interest created, rule against perpetuity and exceptions. Direction for accumulation, Vested and contingent interest, void conditions, Rule of acceleration, fulfillment of conditions subsequent.

#### UNIT- II

Doctrine of election, transfer by ostensible and co-owner- Apportionment priority of rights- Rent paid to holder under defective title, improvements made by bonafide holder - Doctrine of Lis pendens - Fraudulent transfer and part-performance.

#### UNIT-III

Mortgages of Immovable property Definition, Kinds of mortgages and their features, Rights and Liabilities of Mortgagor and Mortgagee; Priority of securities, marshalling and contribution - Charges.

#### UNIT- IV

Sale of immovable property, Rights and liabilities of seller and buyer before and after completion of sale, Difference between sale and contract for sale; Lease of immovable property; Definition; Scope, creation of lease - rights and liabilities of lessor and lessee Determination and holding over; Exchange, Definition and mode Actionable Claims; Gifts; Scope - meanings mode of Transfer, Universal Gifts; onerous gifts.

#### UNIT-V

Law of trusts with Fiduciary relations: Definitions of Trust and its comparison with other relationships like Debt, Ownership, Bailment, Agency and Contract; Kinds of Trusts – creation of trust-Appointment of Trustees- Duties and Liabilities of Trustees- Rights and Powers of trustees- Disabilities of Trustee- Rights and Liabilities of the Beneficiary- vacating the office of trustee and Exinction of trusts.



## **FAMILY LAW- II MOHAMMEDAN LAW & INDIAN SUCCESSION ACT**

### **OBJECTIVES:**

The knowledge of family laws is important for lawyers. This course is designed to endow the students with knowledge of both the codified and uncoded portions of Mohammedan Law. The course concerns itself with the sources, schools, institutions, succession, maintenance, menace of dowry, etc., In addition the students have to familiarize themselves with the provisions of the Indian Succession Act.

### **COURSE CONTENT:**

#### **UNIT- I**

Development of Islamic law: Advent of Islam & development of Muslim law, Schools of Islamic Law, Who is a Mohammeden; Conversion and its consequences on family; Marriage, Guardianship, Succession; Child and Family the Shariat Act, 1937; Sources of Islamic Law; Concept of Marriage: Definition, Objects, nature, essential requirements of a Muslim marriage, classification of marriage – Legal effects of valid, void and irregular marriage – Muta marriage Customary practices and State regulation: Polygamy; Child marriage; Option of Puberty; Dower; Kinds of Dower: Dower when confirmed; Widow's Right of Retention.

#### **UNIT – II**

Parentage Legitimacy, and Acknowledgement of paternity custody, Maintenance and education, Guardianship and parental rights. Matrimonial Remedies under Islamic Law and Indian Divorce Act, 1869 (Amended Act)- Modes of Talag – Effects of Talag – Iddat- Nullity Of marriage – Bar to matrimonial relief, Alimony and Maintenance: Alimony and Maintenance as an Independent remedy – A review under Muslim law, Indian Divorce Act, 1869, provisions under the Criminal procedure Code, 1973; Maintenance of divorced Muslim Women under the Muslim Women (Protection of Rights on Divorce) Act, 1986.

#### **UNIT- III**

Will-meaning, Limitations on a Mohammeden in making a will; Difference between will and Gift, Will made in death bed or during illness; Gifts (Hiba) : Essentials of Valid Gift; Kinds of Hiba; Revocation of Gifts; Wakt; Essentials of valid Wakt; Mutawalli- Appointment – Powers and Duties of Mutawalli; Law relating Pre-emption; Nature of Rights of Pre-emption; Who can Pre-empt; Formalities; When the Rights of Pre-emption is lost.



#### UNIT - IV

Muslim law of inheritance –Shia and Sunni Schools; Distribution of Property under Indian Succession Act of 1925 (of Christians, Parsis)- Domicile- Kinds of Domicile – Modes of Acquisition of Domicile; Parsis Intestate succession and Non Parsis Intestate Succession, Succession certificate, Probate and letters of administration, powers and Duties of Executor.

#### UNIT-V

Wills- privileged and unprivileged Wills- construction of Wills in brief – void bequests, Void Wills, Kinds of Legacies; Specific and Demonstrative Legacy; Ademption of Legacies; Protection of Property of the deceased; Appointment of Curator- powers and Duties, Family Courts Act, 1984- Constitution, powers, and its functions; Need for Uniform Civil Code- Article 44 of Indian Constitution.

#### PRESCRIBED BOOKS:

Mulla, Principles of Mohammedan Law, (New Delhi : Nexis, 1906).  
Paras Diwan, Law of Intestate and Testamentary Succession, 4<sup>th</sup> edition, (New Delhi: Universal Law Publishing Co.Ltd, 2013)

#### REFERENCE BOOKS:

- B. B. Mitra Indian Succession Act, 1925. 15<sup>th</sup> Edition, (New Delhi: Jain Book Agency, 2013)
- A. A. A.Fyzee, outlines of Mohammedan Law, (Oxford University Press, 1974)
- Basu, N. D., Law of Succession, 5<sup>th</sup> Edition, (Calcutta: Eastern Law House, 1974)
- Paras Diwan, Family Law: Law of Marriage and Divorce in India, (New Delhi: Universal Law Publishing Co Ltd, 2011)
- A.M. Bhattachargee, Muslim Law and the Constitution (Calcutta: Universal House, 1994)
- Tahir Mohamood, The Muslim Law of India, (Law Book Company, 1980)
- Indian Divorce Act, 1869- Bare Act

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### III SEMESTER OF 3 YEAR LL.B COURSE JURISPRUDENCE

#### OBJECTIVES:

Any academic discipline, worthy of the name, must develop in the student the capacity for critical thought. Legal education needs to teach both law and its context- social, Political, theoretical.

At the part of legal enterprise is the concept of law. Without deep understanding of the concept, neither legal practice nor legal education can be a purposive activity. This course of Jurisprudence is designed, primarily, to induct Students into a realm of questions concerning the nature of Law. Therefore, the first part of the course is concerned with important questions like, what is law? what are the purposes of Law? the relationship between law and justice, the like. The second part is concerned with the important sources of law. The emphasis is on important issues concerning law with reference to ancient and modern Indian Legal thought.

One Important branch of jurisprudence consists in analysis of legal concepts. The law of contract and tort is concerned with different rights which one person may have against another. Jurisprudence, on the other hand, studies the meaning of the term "rights" in the abstract and seeks to distinguish various kinds of rights which are in theory possible under a legal system. Similarly, it investigates other legal concepts and tries to build up a general and comprehensive pictures of each concept as a whole. This course is designed primarily on the English Model but native India Orientation is given wherever possible.

#### UNIT-I

Meaning and nature of 'Jurisprudence' – Purpose and value of Jurisprudence- Schools of Jurisprudence: Natural law, Imperative Theory, Legal Realism, Historical School, Sociological School.

#### UNIT-II

Functions and purpose of law, Questions of law, fact and discretion- justice and its kind Civil and Criminal Administration of Justice- Theories of punishment and Secondary functions of the court.

#### UNIT-III

Sources of Law: Legislation, Precedent and Custom – A Comparative study

#### UNIT-IV

Legal concepts; Rights and Duty, Kinds meaning of right in its wider sense possession of ownership kinds of Ownership, Difference between Possession and Ownership; Nature of personality, status of the Unborn, Minor Lunatic, Drunken and Dead persons.



## **UNIT-V**

Liability: Conditions for imposing liability.-Wrongful act: Damnum Sine Injuria, causation, mens rea, intention, malice, negligence and recklessness, strict liability, vicarious liability, obligation. Substantive Law and Procedural Law.

### **PRESCRIBED BOOKS:**

- Fitzgerald, Salmond on Jurisprudence, (Bombay: Tripathi, 1999)
- Dias, R. W. M., Jurisprudence, (Dellhi: Aditya Books, 1994)

### **REFERENCE BOOKS:**

- W. Friedman, Legal Theory, (New Delhi: Universal, 1999)
- V.D.Mahajan, Jurisprudence and Legal Theory, (Luckdown; Eastern, 1996 Reprint)
- Paton, G.W. Jurisprudence, ELBS,(Oxford, 1972)
- Bodenheimer, Edgar, Jurisprudence, (Harvard University press, 1974) (Revised Edition)



## LABOUR LAW- II

### OBJECTIVES:

In this course, students are to be acquainted with legal frame-work relating to social security and welfare. It is necessary to know the concept of social security, its importance also Constitutional basis for the same. The importance of ensuring health, safety and welfare of the workmen and social assistance and social insurance schemes under various legislations are to be emphasised. The main theme underlying the programme is to critically examine provisions of the Factories Act, 1948, the Child Labour (Prohibition and Regulation) Act, 1986, the Contract Labour (Regulation & Abolition) Act 1970, the Minimum Wages Act, 1948, the payment of Bonus Act, 1965, the Payment of Gratuity Act, 1972, the Employees' State Insurance Act, 1948, the Employees' Provident Fund (Family Pension Fund and Deposit Linked Insurance Fund) Act, 1952, the Maternity Benefit Act, 1961, the Unorganised Workers' Social Security Act, 2008, These legislations are to be studied with a view to acquaint the students regarding various rights and benefits available to the workmen thereunder. These legislations are to be analysed by examining historical background objectives underlying these legislations, judicial interpretations and effectiveness of these legislations in the changing times.

### UNIT-I - Constitutional Dimensions of Industrial Relations and Labour

Constitution and Labour welfare - The Bonded Labour System Abolition Act, 1976 The Equal Remuneration Act, 1976 - the Inter-State Migration of Workers Act, 1979 - the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

### Unit II - Wages, Bonus and Gratuity

Concept of Wages - Theories of wages and Kinds of wages. The Minimum Wages Act, 1948 - Definitions - appropriate government, employer, employee, Scheduled employment, etc. - Fixation of Minimum rates of wages - Methods - Regulation of working conditions. Payment of Wages, Working Hours, etc.

Bonus - Context - a claim for share in profits even after payment of wages according to contract of employment? Is it a breach of contract or an implied term of the contract? Concepts of bonus and right to share in profits - The payment of Bonus Act, 1965 provisions relating to payment of bonus - judicial interpretations and constitutionality of the provision relating to Govt's power to exempt.

Gratuity - Context - reward for long drawn loyal service - employers' liability or good gesture? Historical developments. The payment of Gratuity Act, 1972 - definitions - judicial interpretation and parliamentary amendment of the definition of employee. - payment of gratuity - determination of the amount of gratuity authorities.



### **Unit III- Protection of Child Labour and Contract Labour**

Child labour - practice and reasons for child labour - competing views on necessity and feasibility of abolition of child labour - Human rights perspective and constitutional provisions for the protection of child - The Child Labour (Prohibition and Regulation) Act, 1986 - Definitions - Provisions relating to prohibition of child labour in certain establishments and processes - regulation of conditions of work - Penalties - Judicial interpretations. Amendments made through The Child Labour (Prohibition and Regulation) Amendment Act, 2016 and Criticisms.

Abolition and regularisation of contract labour, regulation of contract labour under the Contract Labour (Regulation & Abolition) Act 1970 - judicial decisions relating absorption of sham practice of contract labour - evaluation of the working of the Act in the present days.

### **UNIT-IV - Social Security**

The Employees' Provident Fund (Family Pension Fund and Deposit Linked Insurance Fund) Act, 1952 - Definitions- contribution, employee, employer, factory, fund, etc. - Provident Fund Scheme, Family Pension Scheme, Employees' Deposit Linked Insurance Scheme - Scope, Contributions - Benefits - Authorities under the Act - Powers, Latest judicial pronouncements.

The Maternity Benefit Act, 1961- Object and Scope of the Act, Definitions - appropriate government, employer, establishment, factory, maternity benefit, wages, etc. - Benefits under the Act - Inspectors.

### **Unit -V - Protection of unorganised labour**

Features and scheme of protection of workers in unorganised sector under the Unorganised Workers' Social Security Act, 2008

Necessity of protection of unorganised labour in shops and establishments by regulating their working conditions - the Karnataka Shops and Commercial Establishments Act, 1961 application of the Act, Hours of work, annual leave with wages - wages and compensation employment of children and women - authorities and penalties.

Globalisation, Privatisation and Open Economy- Effects of Globalisation on Industry and Labour - Constitutional Mandate of Welfare State and effectiveness of Social Security and Social welfare legislations in India under new economic policy - Review of laws to meet new challenges - Legislative and Judicial response/trend towards application of Labour laws- Emergence of laws relating SEZs, etc.



## SEMESTER - COURSE-III: TAXATION

### OBJECTIVES

Legal regime of Tax encompasses the policies, Laws and rules for Taxation process. Income Tax Law is concerned with tax imposed on various sources of income. With regard to indirect tax latest in the pipeline of fiscal policy is introduction of uniform Goods and Service Tax (GST) regime by July 1, 2017. Tax Policy is related to duties on imports from foreign countries and all compulsory levies imposed by the Government on Individuals firms, limited companies, Govt. organizations, Local Authorities and others for the benefit of the State. The object here is imparting conceptual understanding to the students of the provisions of both direct and indirect tax laws. The students of law are required to know the impact of taxation on business transactions.

### COURSE CONTENTS

#### UNIT-I

##### General

Concept of Tax- Nature and characteristics of different types of taxes- Direct and Indirect taxes-Distinction between tax and fees, tax and Cess-Tax evasion, Tax planning and Tax avoidance- Retrospective Taxation-Federal Base of Taxing Power -Power of Taxation under the Constitution, Immunity of State agencies/Instrumentalities- Fundamental Rights and the power of Taxation- Commerce Clause, Inter-State Commerce and Taxation, Scope of Taxing powers of Parliament. Delegation of taxing power to State Legislatures and Local bodies.

#### UNIT-II:

##### Direct Tax Regime

The Income Tax Act 1961. Basis of taxation of Income-Basic concepts, Person, Residential Status and incidence of tax, Income from Salaries-Income from House Property-Income from Business or profession and vocation-Capital gains, Income from other sources-Deemed assessee, Set off and carry forward Loss; Incomes exempt from tax, permissible deductions & Chapter VIA deductions, Assessment, Kinds of assessment, Income tax authorities- Appointment-powers and functions, Provisions relating to collection and recovery of tax-filing of returns, electronic filing, I.T. Portal working and Refund of tax, appeal and revision provisions, offences and penalties.

#### UNIT-III:

##### Indirect Tax Regime

Concept of Goods and Service Tax (GST)-The Constitution (122nd Amendment) Act 2017. The Central Goods and Services Tax Act, 2017- Dual GST model taxation- GST Council - Central GST (CGST): GST levy on transactions-sale, transfer, Purchase, barter, lease, or import of goods and/or services. IGST /SGST /UTGST/ compensation Law to State



Governments GSTN-Goods and Services Tax Network Portal: Tax invoice, GST on Imports & Exports, benefits of GST to trade, industry, e-commerce & Service Sector and consumers at large, Impact of GST on GDP of India and Inflation.

#### UNIT-IV

##### Indirect Tax Regime:

IGST – Integrated GST(IGST) levied by the Central Government. Inter-state transactions on imported goods or services- State GST (SGST); The State Goods & Service tax Law, Powers Central government to levy tax on interstate taxable supply, Impact of GST on State revenue, Indemnifying State Revenue Loss; UTGST - Union Territory Goods and Service Tax Law, GST Exemption on the sale and purchase of securities, Securities Transaction Tax(STT).

#### UNIT-V:

##### Custom Law

Legislative Background of the levy-ports-Warhouses-Nature and restrictions on exports, imports-Levy, exemption and collection of customs, duties and overview of law, procedure-Clearance of goods from the port, including baggage-Goods impored or exported by post and stores and goods in transit-Duty drawbacks provisions, Authorities- Powers and functions and SEZ Units.

#### PREScribed BOOKS:

- Sumit Dutt Majumder, GST in India, 2<sup>nd</sup> edn., (New Delhi: Centax Publications Pvt. Ltd., 2016/2017).
- Taxmann's Income Tax Act, 60<sup>th</sup> edn., (New Delhi, Taxmann Publications Pvt. Ltd., 2016/2017).
- R. K. Jha and P.K. Singh, A Bird's Eye view of GST, 1<sup>st</sup> edn., (Hyderabad: Asia Law House, 2017)

#### REFERENCE BOOKS/WEBSITES/PORTALS

- Arvind P Datar, Kanga and Palkhivala's The Law and Practice of Income Tax, 11<sup>th</sup> edn., (Magpur: LexisNexis, 2014).
- Sampath Iyengar's. Law of Income Tax, 11<sup>th</sup> edn., (New Delhi: Bharat Law House Pvt. Ltd., 2011)
- Income-Tax Act, 1961 and Income-Tax Rules, 1962 as amended by latest Finance Act, 2016-17.

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**CRIMINAL LAW- II: CRIMINAL PROCEDURE CODE, 1973, JUVENILE JUSTICE  
(CARE AND PROTECTION OF CHILDREN) ACT, 2000 AND PROBATION OF  
OFFENDERS ACT, 1958.**

**OBJECTIVES:**

Procedural Law providing for a fair procedure is significant for a just society, the course is aimed at driving home the students how the pre-trial, trial and the subsequent process are geared upto to make the administration of criminal justice effective. The course will acquaint the student with organisation of the functionaries under the code, their power and functions at various stages and the students will also undertake the study of two cognate Acts as a part of this course viz., Juvenile Justice Act and Probation of Offenders Act. In addition the course teacher shall endeavour to familiarise the students with the case paper like FIR, Police statement, charge sheet, etc.

**COURSE CONTENTS:**

**UNIT- I**

**Introductory and pre-trial Process**

Meaning of procedure; The organization of the functionaries under the code; their duties, functions and powers; First Information Report, Complaint; Arrest; Inquest, Inquiry, Investigation and Trial; Features of a fair trial.

**UNIT- II**

**Process-I**

1. Magisterial powers to take cognizance
2. Commencement of Proceedings
3. Dismissal of complaints
4. Charge
5. Processes to compel appearance and production of things
6. Bail
7. Preliminary pleas to bar trial
8. Security for keeping peace and good behaviour

**UNIT- III**

**Trial Process-II**

1. Provisions as to Inquiries and trials
2. Types of Trial
3. Judgement
4. Appeals, Revision and Reference
5. Maintenance



#### **UNIT- IV**

##### **Miscellaneous**

1. Transfer of cases
2. Execution, suspension, remission and commutation of sentences.
3. Disposal of property
4. Irregular proceedings
5. Limitation of taking cognizance
6. Compounding of offences and plea bargaining.

#### **UNIT- V**

1. Salient features of the Juvenile Justice (Care & Protection of Children) Act, 2000
2. Salient features of the Probation of Offenders Act, 1958.

##### **PRESCRIBED BOOKS:**

- Ratanla & DhiraJlal- The code of Criminal Procedure.
- Juvenile Justice (care & Protection of children) Act, 2000- Bare
- Act Probation of Offenders's Act, 1958- Bare Act

##### **REFERENCE BOOKS:**

- R. V. Kelkar- Criminal Procedure
- Report of the Committee on Reforms of Criminal Justice System.



## CLINICAL COURSE-I: PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEMS

### OBJECTIVE:

Professions are noble. The movement of all professions, hitherto, has been from chaos to organization, organization to consolidation and consolidation to autonomy and monopoly. Same is true of the law profession also. The prime reason conferring autonomy and monopoly by the society on the professionals is the fact that they are a body of learned persons and interest of society and individual is safe in their hands. The Bar should set enviable standards of ethics and scrupulously adhere to them as also enforce them. It is too good of the society to trust the learned body of the professionals to regulate themselves and not to empower outsiders to sit in judgment over their activities. The trust reposed by the society in professionals is to be zealously guarded. The Bar should live up to the expectations of the society. The society has a right to expect of the professionals such ideal behaviour. The course is designed to imbue students with these high values forming the basis of the profession so that they can live up to those standards in their professional life.

### COURSE CONTENTS:

#### UNIT-I

The legal profession and its responsibilities; The equipment of the lawyers; Conduct in Court; Professional conduct in general; Privileges of a lawyer; Salient features of the Advocates Act, 1961.

#### UNIT-II

Duty to the Court: Duty to the profession; Duty to the opponent; Duty to the client; Duty to the self; Duty to the public and the State.

#### UNIT-III

Contempt of Court Act, 1972.

Selected major judgments of the Supreme Court:

1. In the matter of D. An Advocate, AIR 1956 SC 102.
2. P.J.Ratnam v. D.Kanikaram, AIR 1964 SC 244.
3. N.B. MIRZAN v. The Disciplinary committee of Bar Council of Maharashtra and Another, AIR 1972 SC 46.
4. Bar Council Of Maharashtra v. M.V. Dabholkar, etc., AIR 1976 SC 242.
5. V.C. Rangadurai v. D. Gopalan and others, AIR 1979 SC 201.
6. Chandra Shekhar Soni V. Bar Council of Rajasthan and Others, AIR 1983 SC 1012.
7. In Re an Advocate, AIR 1989 SC 245.
8. In Re Vinay Chandra Mishra, 1995 (Vol-I) IBR 118.
9. Supreme Court Bar Association v. Union of India, AIR 1998 SC 1895.
10. Ex-Capt. Harish Uppal v. Union of India, AIR 2003 SC 739.



# UNIT-IV

Selected opinions of the Bar council of India

1.	DC Appeal No. 16/93	1998	(Vol. 1)	IBR 135
2.	BCI Tr. Case No. 40/91	1998	(Vol. 1)	IBR 139
3.	DC Appeal No. 8/94	1998	(Vol. 1)	IBR 153
4.	DC Appeal No. 20/94	1997	(Vol. 3&4)	IBR 193
5.	BCI Tr. Case No. 76/95	1997	(Vol. 3&4)	IBR 201
6.	DC Appeal No. 43/96	1997	(Vol. 3&4)	IBR 207
7.	DC Appeal No. 18/91	1997	(Vol. 1&2)	IBR 271
8.	DC Appeal No. 24/90	1996	(Vol. 1)	IBR 135
9.	DC Appeal No. 19/93	1996	(Vol. 1)	IBR 152
10.	BCI Tr. Case No. 104/90	1996	(Vol. 1)	IBR 155
11.	BCI Tr. Case No. 52/89	1994	(Vol. 1)	IBR 187
12.	BCI Tr. Case No. 127/88	1992	(Vol. 3&4)	IBR 125
13.	BCI Tr. Case No. 39/87	1992	(Vol. 3&4)	IBR 147
14.	BCI Tr. Case No. 39/89	1992	(Vol. 3&4)	IBR 149
15.	BCI Tr. Case No. 16/88	1989	(Vol. 1)	IBR 99
16.	BCI Tr. Case No. 2/88	1989	(Vol. 1)	IBR 102
17.	BCI Tr. Case No. 52/88	1989	(Vol. 2)	IBR 110
18.	DC Appeal No. 41/87	1989	(Vol. 2)	IBR 122
19.	BCI Tr. Case No. 29/81	1989	(Vol. 2)	IBR 245
20.	DC Appeal No. 14/88	1989	(Vol. 2)	IBR 258
21.	BCI Tr. Case No. 14/80	1989	(Vol. 2)	IBR 264
22.	DC Appeal No. 24/87	1989	(Vol. 2)	IBR 273
23.	DC Appeal No. 46/86	1989	(Vol. 2)	IBR 280
24.	DC Appeal No. 3/88	1989	(Vol. 2)	IBR 285
25.	BCI Tr. Case No. 2/80	1989	(Vol. 2)	IBR 289
26.	BCI Tr. Case No. 10/86	1989	(Vol. 3&4)	IBR 520
27.	BCI Tr. Case No. 101/88	1989	(Vol. 3&4)	IBR 524
28.	DC Appeal No. 23/88	1989	(Vol. 3&4)	IBR 532
29.	DC Appeal No. 35/87	1989	(Vol. 3&4)	IBR 536
30.	BCI Tr. Case No. 27/88	1989	(Vol. 3&4)	IBR 542
31.	BCI Tr. Case No. 6/84	1989	(Vol. 3&4)	IBR 560
32.	BCI Tr. Case No. 24/86	1989	(Vol. 3&4)	IBR 563
33.	DC Appeal No. 10/88	1989	(Vol. 3&4)	IBR 572
34.	DC Appeal No. 45/74	1988	(Vol. 1&2)	IBR 182
35.	DC Appeal No. 23/87	1989	(Vol. 1&2)	IBR 187
36.	DC Appeal No. 6/81	1988	(Vol. 1&2)	IBR 264
37.	BCI Tr. Case No. 16/86	1988	(Vol. 1&2)	IBR 197
38.	DC Appeal No. 41/86	1988	(Vol. 1&2)	IBR 200
39.	DC Appeal No. 33/86	1989	(Vol. 3&4)	IBR 354



40.	DC Appeal No. 21/85	1988	(Vol. 3&4)	IBR 359
41.	BCI Tr. Case No. 43/82	1988	(Vol. 3&4)	IBR 364
42.	DC Appeal No. 28/86	1988	(Vol. 3&4)	IBR 374
43.	DC Appeal No. 64/74	1987	(Vol. 2)	IBR 314
44.	DC Appeal No. 30/84	1987	(Vol.2)	IBR 319
45.	DC Appeal No. 40/86	1987	(Vol. 3)	IBR 488
46.	DC Appeal No. 10/86 & 10A/86	1987	(Vol. 3)	IBR 491
47.	DC Appeal No. 7/86	1987	(Vol. 3)	IBR 496
48.	DC Appeal No. 7/81	1987	(Vol.4)	IBR 735
49.	DC Appeal No. 12/86	1987	(Vol.4)	IBR 745
50.	BCI Tr. Case No. 57/87	1987	(Vol.4)	IBR 753

## UNIT-V

### Accountancy for lawyers:

Need for maintenance of account – books of accounts that need to be maintained- Cash Book Journal and ledger.

Elementary aspects of bookkeeping: Meaning, Object, journal, double entry system, closing accounts.

The cash and bulk transaction- The Cash book- journal proper especially with reference clients accounts- Ledger, Trial balance and final accounts- Commercial mathematics.

### 1. Mode of assessment: The scheme of evaluation for Clinical Course- I: Professional ethics and Professional accounting system shall be as under:

- There shall be a viva for 20Marks at the end of the semester. Viva shall be conducted by the course teacher and the principal or a senior faculty member designated by the principal.
- Two Written Tests shall be conducted for 40 marks each.
- The questions in the test papers should be spread over whole syllabus.
- I test shall be at the end of 9 weeks of the semester and the II test shall be by the end of the semester.

### **PRESCRIBED BOOKS:**

- Iyer, K.V. Krishnaswamy, Professional Conduct and Advocacy, (Oxford University Press, 1945)
- B.S.Raman, Financial Accounting, "Elements of Accountancy", (Mangalore: Universal Publishers, 1998)

### **REFERENCE BOOKS:**

- Menon, N.R. Madhava, Clinical Legal Education, (Eastern Book Co., 2008)
- Dr. B. Malik, Art of Lawyer, (New Delhi: Universal Book Agency, 1999)
- Contempt of Court Act, 1971



## OPTIONAL -- I, INSURANCE LAW

### OBJECTIVES:

The insurance idea is an old-institution of transactional trade. The main objective of every insurance contract is to give financial security and protection to insured from any future uncertainties. Hence, insurance is considered as an inevitable component of economic development. Even from olden day's merchants who made great adventures, gave money by way of consideration to other persons who made insurance against loss of goods, merchandise ships and things adventured. The rates of money consideration was mutually agreed upon. Such an arrangement enabled other merchants more willingly and more freely to embark upon further trading adventures. The operational framework of insurance idea provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques of rules of interpretation as propounded by the judiciary. Besides, the insurance idea has a compensatory justice component. This course is designed to acquaint the students with the conceptual and operational parameters of insurance law in the light of various legislations regulating insurance sector in India.

### COURSE CONTENTS:

#### UNIT-I

Introduction: Nature - Definition - History of Insurance - History and development of Insurance in India : Classification of contract of Insurance, Insurance: (Life insurance - General insurance and Re-insurance - A brief overview), Nature of Insurance Contract, Overview of Insurance laws in India: Insurance Act, 1938 Insurance Regulatory and Development Authority Act, 1999: Its role and functions.

#### UNIT-II

Principles of Insurance law: Principles of good faith (Uberrimae fidei) - Non disclosure - Misrepresentation in Insurance Contract, Insurable Interest, Principle of Indemnity - Difference between Indemnity and Guarantee, Principle of Contribution, Principle of Subrogation, Principle of Loss Minimization, The risk- Meaning and scope of risk, Causa Proxima, Premium: Definition - Method of payment- Days of grace - Forfeiture - Return of premium, Assignment of the Subject matter.

#### UNIT-III

Life Insurance: Nature and scope of Life Insurance, Kinds of Life Insurance, The policy and formation of a Life Insurance contract, Event insured against Life Insurance contract, Circumstance affecting the risk, Amount recoverable under the Life Policy - Persons entitled to payment Settlement of claim and payment of money - Life Insurance Corporation Act, 1956 (overview) - General Insurance Business (Nationalization) Act, 1972 (overview) - Health and Medical Insurance, payment - Days of grace - Forfeiture - Return of premium, Assignment of the e Motor Vehicles Act, 1988 - Sec. (140-176) - Nature and scope - Absolute or fault liabilities, Third party or compulsory insurance of motors vehicles - Claims Tribunal - Legal aspects of Motor Insurance.



#### UNIT-IV

Fire Insurance: Nature and scope of Fire Insurance - Basic Principles - Conditions & Warranties - Right & Duties of Parties - Claims - Some Legal Aspects, Introduction to Agriculture Insurance - History of Crop Insurance in India - Crop Insurance under writing, claims, problems associated with crop insurance cattle insurance in India, Micro Insurance, Public Liability Insurance: Public Liability Insurance Act, 1991 (overview)- Claims Consumer courts and Insurance Ombudsman.

#### UNIT-V

Marine Insurance: Nature and Scope - Classification of Marine policies - Insurable interest, Insurable values - Marine Insurance and policy - Conditions and express Warranties - Voyage Deviation - Perils of sea - Loss - Kinds of Loss - The Marine Insurance Act, 1963 (Sections 1 to 91).

#### PRESCRIBED BOOKS:

- Murthy K.S.N and K. V. S. Sharma, Modern Law of Insurance in India, (New Delhi: Lexis Nexis, 2009 Srinivasan, M.N., Principles of Insurance Law, 7th Edition, (Nagpur: Wadhawa and Co., 2004).

#### REFERENCE BOOKS:

- Singh, Avtar, Law of Insurance, (Jain Book Agency, 2004)
- Birds, John, Bird's Modern Insurance Law, 8th Edition, (London: Suva Maxwell 1997)
- W.Patterson, Edwen, Cases and Materials on Law of Insurance (New York: Foundation Press, 1955)
- Insurance Act, 1938.
- The Marine Insurance Act, 1963.
- General Insurance (Business) (Nationalization) Act, 1972.
- The Life Insurance Corporation Act, 1956.
- Motor Vehicle Act, 1988.



## OPTIONAL-II: BANKING LAW

### OBJECTIVES:

A Vitaly important economic institution the banking is deeply influenced by socio-political and economic changes. The emerging changes in India, particularly after the initiation of the planning process as an instrument of rapid economic development had molded and affected the banking structure, policies, patterns and practices. A significant development in the banking system is diversification in banks financing. The Commercial banks entered into the field of wide ranging financial assistance to industry, both large and small scale, requiring the need for social control of the banking system eventually leading to the nationalization of banks.

The conventional banking system, found to be deficient for planned developmental purposes, paved the way for developmental banking. The fag of the last millennium witnesses influx of foreign banking companies into India and a shift in the banking policy as part of the global phenomenon of liberalization. The legal system is adopting itself into the new mores.

This course is designed to acquaint the student with the conceptual and operational parameters of banking law, the judicial interpretation and the new and emerging dimensions of the banking system.

### UNIT-I

**NATURE AND DEVELOPMENT OF BANKING** - History of banking in India and elsewhere - indigenous banking-evolution of banking in India- different kinds of banks and their functions- Multi - functional banks - growth and legal issues.

**LAW RELATING TO BANKING COMPANIES IN INDIA:** Control by government and its agencies: On management - On accounts and audit - Lending - Credit policy - Reconstruction and reorganization- Suspension and winding up.

### UNIT-II

**BANKING REGULATION ACT, 1949:** Evolution of Central Bank. Characteristics and functions, Economics and social objectives, The Central bank and the State - as banker's bank, The Reserve Bank of India as the Central Bank.

**ORGANISATIONAL STRUCTURE** - Functions of the RBI - Regulation of monetary mechanism of the economy - Credit control - Exchange control- Monopoly of currency issue - Bank rate policy formation. Control of RBI over non - banking companies, Financial companies, Non financial companies.

**THE DEPOSIT INSURANCE CORPORATION ACT, 1961:** Objects and reasons- Establishment of capital of DIC, Registration of banking companies insured banks, liability of DIC to depositors. Relations between insured banks DIC and Reserve Bank of India.



### UNIT-III

**RELATIONSHIP OF BANKER AND CUSTOMER:** Legal character, Control, banker and customer, Banker's lien, Protection of bankers, Customers- Nature and accounts - Special classes of customers - lunatics, minor. partnership, corporations, authorities, Right and duties of Bankers & customer. Consumer protection-banking as service

### UNIT-IV

**LAW RELATING TO NEGOTIABLE INSTRUMENTS, 1881 ACT** (read with amended act of 2002) Negotiable Instrument - Kinds - Holders and holder in due course Parties - Negotiable - Assignment - Presentment - Endorsement - Liability of Parties Payment in due course - Special rules of evidence - material alteration - Nothing of Parties Paying banker and collecting banker - Bills in sets - Penal provisions under NI Act - banker book evidence Act.

### UNIT-V

**LENDING BY BANKS:** Good lending principles Lending to poor masses - Securities advances - Kinds and their merits and demerits - Repayment of loans: rate of interest protection against penalty - Default and recovery - debt recovery tribunal.

**RECENT TRENDS OF BANKING SYSTEM IN INDIA:** New technology. Information technology. Automation and legal aspects, Automatic teller machine and use of internet Smart card, Use of expert system, Credit cards.

### PRESCRIBED BOOKS:

- Tannan, M.L., Banking Law and Practice, (Lexis Nexis, 2014).
- M.S. Parthasarathy (Ed.), Khargamavala, Negotiable Instruments Act (Bombay: N. V. Tripathi Pvt. Ltd. 1955)
- Justice Bhaghabati Prasad Banerjee, Guide to Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

### REFERENCE BOOKS:

- Singh, Avtar, Laws of Banking and Negotiable Instruments, (Eastern Book Co., 2007)
- Basu, Saroj Kumar and Alak Ghosh, A Review of Current Banking Theory and Practice, (Mc Millan, 1974)
- Paget, Law of Banking, 13th Edition, (UK: Lexis Nexis, 2007)
- Goyle, L.C., The Law of Banking and Bankers, (Eastern Law House, 1995)
- Relevant provisions of Information Technology Act, 2000



## OPTIONAL - II: RIGHT TO INFORMATION

### OBJECTIVES:

Free exchange of ideas is a basic pillar of a democratic society. Corruption thrives in sacred places, therefore it is stated that sunlight is the best disinfectant. There should be governance in sunshine. The course is designed to convince the students how the right to information infuses transparency and accountability in governance, preventing abuse of power.

### COURSE CONTENTS:

#### UNIT-I

Historical development of Freedom of Information in Sweden, USA & UK. Right to Information before Right to Information Act, 2005 in India. Significance in democracy; Constitutional basis; Supreme Court on right to information.

#### UNIT-II

RTI Act-definitions: Right to information and obligations of public authorities.

#### UNIT-III

Central information commission; State information commission; Powers and functions of information commissions; Appeal and penalties.

#### UNIT-IV

Other related laws - The Official Secrets Act, 1923; The Public Records Act, 1993; The Public Records Rules, 1997; The Freedom of Information Act, 2002; The Commission of Inquiry Act, 1952; The Commission of Inquiry (Central) Rules, 1972.

#### UNIT-V

RTI Judicial response: Supreme Court & High Court decisions on RTI: Best practices - A study of decisions rendered by state commissions and central Commission in the following areas of police, Revenue, PWD, irrigation, Secretariat, BSNL, Posts and Telegraphs, Scheduled Banks, CPWD, Income Tax Department, Central Excise Department, Local Authorities.

**PRESCRIBED BOOKS** : J.H. Barowalia, Commentary on the right to Information Act (Universal Law Publications).

Kamath, Nandan, A Guide to Cyber Laws and IT Act, 2000 with Rules and Notifications, 3rd Edition, (Universal Law Publisher, 2007)

### REFERENCE BOOKS:

- Dr. Farooq Ahmed, Cyber Law in India, 3rd Edition, (New Era Law Publisher, 2008)
- Joga Rao, S.V., Law Relating to Right to Information-A Comprehensive and Insightful Commentary with comparative Perspectives, (Jain Book Agency, 2009)
- Dr. Madubhushi Sridhar, Right to Information, Law & Practice (latest edition).



## **CLINICAL COURSE-II: ALTERNATIVE DISPUTE RESOLUTION SYSTEMS**

### **OBJECTIVES:**

Today alternative disputes resolution systems have become more relevant than before both at local, national and international levels. Certain of the disputes, by nature are fit to be resolved through specific method of resolution. Each of these dispute resolution systems involves different style of planning and execution. The skills involved are also different as also preparation. This course trains the students in ADRS. The course teacher shall administer simulation exercises for each of the methods.

### **COURSE CONTENTS:**

#### **UNIT-I**

General; Different methods of dispute resolution; Inquisitorial method; Adversarial method; Other methods - both formal and informal - like Arbitration, Conciliation, Negotiation, Mediation, etc.; Advantages and disadvantages of above methods; Need for ADRS; International commitments; Domestic needs; Suitability of ADRS to particular types of disputes; Civil Procedure Code and ADRS.

#### **UNIT-II**

Arbitration : Meaning of arbitration; Attributes of arbitration: General principles of arbitration; Different kinds of arbitration; qualities and qualifications of an arbitrator; Arbitration agreement and its drafting; Appointment of arbitrator, Principal steps in arbitration; Arbitral award; Arbitration under Arbitration and Conciliation Act, 1996.

#### **UNIT-III**

Conciliation: Meaning; Different kinds of conciliation - facilitative, evaluative, court-annexed, voluntary and compulsory; Qualities of a conciliator; Duties of conciliator; Role of a conciliator; Stages of conciliation; Procedure; Conciliation under statutes - Industrial Disputes Act, 1947; Family Courts Act, 1984; Hindu Marriage Act, 1955; Arbitration and Conciliation Act, 1996.

#### **UNIT-IV**

Negotiation: Meaning; Different styles of negotiation; Different approaches to negotiation; Phases of negotiation; Qualities of a negotiator; Power to negotiate

#### **UNIT-V**

Mediation: Meaning; Qualities of mediator; Role of mediator; Essential characteristics of the mediation process voluntary, collaborative, controlled, confidential, informal, impartial & neutral, self-responsible; Different models of mediation; Code of conduct for mediators.



**V SEMESTER OF 3 YEAR LL.B COURSE**  
**COMPANY LAW**

**OBJECTIVES:**

In view of the important developments that have taken place in the corporate sector the course is designed to understand the formation, management and other activities of the companies. Important regulations pertaining to the issue of shares and the capital raising have come into force. This course aims to impart the students, the corporate management, control, possible abuses, the remedies, and government regulation of corporate business and winding up of companies.

**COURSE CONTENTS:**

**UNIT- I**

**Introduction and concept**

Company- historical development – nature and characteristics of company- kinds of company  
Corporate personality – limited liability, lifting of corporate veil, promoters duties and liability of promoters

**UNIT – II**

**Incorporation**

Procedure of incorporation – Certificate of incorporation – MOA-AOA-doctrine of Indoor management, prospectus

**UNIT- III**

**Management and Control of Companies**

Board of Directors, Powers & Functions: Distribution of Powers between Board of Directors and general meeting.

Directors- appointment, qualification- position of directors – types of directors' powers and duties of directors, remuneration – removal.

Meetings: Meetings of Board and Committees, kinds of meetings, procedure relating to convening and proceedings at General and other meetings, resolutions prevention of Oppression and Mismanagement.

Corporate social responsibility

**UNIT- IV**

**Financial structure of Company**

**Sources of Capital :** Shares – types – allotment – transfer – of shares – Rights and privileges of shareholders – dividends – declaration and payment of dividends, prohibition of buy back – private placement-

Debentures – floating charge – appointment of debenture trustee and their duties – kinds – remedies of debenture holder – redemption

Acceptance of Deposit by companies, charge on assets



#### UNIT - V

**Reconstruction, Amalgamation & Winding Up** : concept – jurisdiction and Courts and NCLT – vesting of rights and transfer of obligations – takeover and minority interest  
Winding up : concept – modes of winding up – who can apply – procedure under different modes.

#### **PRESCRIBED BOOKS:**

Taxman, companies Act 2013.  
Singh, Avtar Company Law, (Lucknow: eastern Book Company, 2007)

#### **REFERENCE BOOKS:**

- Ramaiah, A, Guide to Companies Act, (Nagpur: Wadhwa, 1998)
- Shah, S. M., Lectures on Company Law, (Bombay: Tripathi, 1998)
- Kuchal, S. C, Corporation Finance: Principles and problems, 10<sup>th</sup> Edition, (Charit Publishing House, 1973)
- Y.D. Kulshreshta Government regulation of financial management of Private corporate sec in India, Indian Law Institute (1986)
- S.K. Roy, Corporate Image in India A study if Elite Attitudes towards Public and Private Industry, (Shri Ram Centre For Industrial Relations and Human Resources 1974)
- Gower, L.C.B, Principles of Modren Company Law, (London Sweet And Maxwell, 1197)
- D L Majumdar, Towards a Philosophy of Modren Corporation ( Asia publishing House 1967)
- Pennington, Robert R Penningon's Company Law, (U K Oxford University Press 2001)
- Rajiv Jain, Guide on Foreign collaborations – policies procedures (Vidhi Publications 2007)
- C Singhanian, Guide on Foreign collaborations and Investments in India – Law and Procedure (Fred B Rothman and Co, 1999)
- Joyant M Thakur Comparative Analysis of FEMA-FEMA Act 1999 with FERA.
- Sanjiv Agarwal Bharat's guide to Indian Capital 2<sup>nd</sup> Edition (New Delhi: Bharat Law House Pvt Ltd 2001).

#### **Note:**

The course teachers have to keep track of the notification regarding enforcement of the Companies Act, 2013 and teach the provisions enforced. For the provisions not enforced the parallel provisions from the Act of 1956 are to be taught.



## OPTIONAL-III: INTELLECTUAL PROPERTY RIGHTS -I

### OBJECTIVES:

Intellectual Property Law has assumed a great importance in recent times as a result of the recognition that "knowledge is property". The creations of the human brain as IP are required to be understood and protected. The Syllabi encompassing all relevant IP legislations in India with a view to understand and adjust with changing needs of the society because creative work is useful to society and law relating to innovation/creativity i.e. Intellectual Property is one of the fastest growing subjects all over the globe because of its significance and importance in the present era Disseminate information on national and international IPR issues. The course is designed with a view to create IPR consciousness; and familiarize the learners about the documentation and administrative procedures relating to IPR in India. The subject Intellectual Property Law divided into two Papers namely Paper-I and Paper-II of 100 marks each.

### COURSE CONTENTS:

#### UNIT I

**Introductory Aspects:** Overview of the concept of property; Industrial property and non-industrial property; Historical background of IPR; Importance of human creativity in present scenario; Different forms of Intellectual Property and its conceptual analysis.

**Patents:** Introduction and overview of patent protection; History of Patent protections; Meaning and definition of patent; Object of patent; Scope and salient features of Patent Act; How to obtain a patent; Product patent and Process patent; Specification - Provisional and complete specification; Opposition proceeding to grant of patents; Register of patents and Patent Office; Rights and obligations of patentee; Transfer of Patent Rights; Compulsory licences; Government use inventions; Revocation and surrender of patents: Infringement of Patents; Offences and Penalties.

#### UNIT II

**Trade Marks:** Introduction and overview of trade mark; Evolution of trade mark law; Meaning and definition of Trade mark; Object of trade mark; Features of good trade mark; Different forms of trade mark; Trademarks registry and register of trademarks; Property in a trade mark; Registrable and non-registrable marks; Basic principles of registration of trade mark; Deceptive similarity; Assignment and transmission; Rectification of register; Infringement of trade mark; Passing off, Domain name protection and registration; Offences and penalties.

#### UNIT III

**Introduction and overview of Cyber Intellectual Property:** Intellectual property and cyberspace; Emergence of cyber crime; Grant in software patent and Copyright in software; Software piracy; Trademarks issues related to Internet (Domain name); Data protection in



cyberspace; E-commerce and E-contract; Salient features of Information Technology Act; IPR provisions in IT Act; Internet policy of Government of India.

#### UNIT IV

Geographical Indications: Introduction and overview of geographical indications; Meaning and scope of geographical indications; Important geographical indications of India and their features; Salient features of the Protection of Geographical Indications Act; Protection of geographical indications; Misleading use of geographical indications; Registration of geographical indications; Right to use geographical indications; Infringement; Remedies against infringement; Role and functions of Registrar of Geographical indications; Conflict between Trade mark and geographical indications.

#### UNIT V

International Convention and Treaties: Paris Convention: Background; Salient features of Paris Convention; Governing rules of Paris Convention; Patent Co-operation Treaty: Background; Objectives of PCT; Salient features of PCT; Madrid Convention: Salient features: International registration of marks, World Intellectual Property Organisation (WIPO); Background; Salient features WIPO: World Intellectual Property Organisation.

#### PRESCRIBED BOOKS:

- ❖ Narayan, S., Intellectual Property Law in India. (Hyderabad; Gogia Law Agency, 2005)
- ❖ Cornish, William, Intellectual Property; Patents, Copyright, Trademark and Allied Rights, 2nd Edition, (London: Sweet & Maxwell, 1998)

#### REFERENCE BOOKS:

- ❖ Ganguli, Prabuddha, Intellectual Property Rights: Unleashed the knowledge Economy, (Tata Mc Graw Hill Publishing Co., 2001)
- ❖ Caddick, Nicholas et (al)., Copinger & Skone James, Copyright, 16th Edition 2. (U.K: Sweet & Maxwell, 21013)
- ❖ Unni, Trade Marks and the Emerging concepts of Cyber Property Rights, (Kolkata: Eastern Law House, 2002)
- ❖ Ryder, Rodney, Intellectual Property and the Internet. (Jain Book Agency: 2002)
- ❖ Matthan, Rahul, The law relating to Computers and the Internet, (Butterworths India Ltd, 2005)
- ❖ Verkey, Elizabeth, Law of Plant Varieties Protection, 1st Edition, (Eastern Book Co., 2007)
- ❖ Duggal, Pavan, Cyber Law: the Indian Perspective, (Saakshar Law Publications, 2002)
- ❖ Mittal, D.P., Taxmann's Law of Information Technology (Cyber Law) (Taxmann Allied Services, 2000).



## CLINICAL COURSE-III: DRAFTING, PLEADING AND CONVEYANCE

### OBJECTIVES:

Translation of thoughts into words - spoken and written is an essential ingredient of an effective lawyer. The students should be trained in drafting of pleadings and conveyances and other essential documents. The skill of drafting can be acquired and sharpened by undertaking the exercises under the supervision of an expert in the field. The course aims at equipping the students with drafting skills.

### COURSE CONTENTS:

1. General principles of drafting and relevant substantive rules.
2. Pleadings - Civil: plaint, written statement, interlocutory application, original petition, affidavit, execution petition, memorandum of appeal and revision, petition under Art. 226 and Art. 32 of the Constitution of India.
3. Pleadings - Criminal: complaint, criminal miscellaneous petition, bail application, memorandum of appeal and revision.
4. Conveyance: sale deed, mortgage deed, lease deed, gift deed, promissory note, power of attorney, will, trust deed, partition deed, etc.
5. Drafting of writ petition and Public Interest Litigation petition.

This course shall be taught through class room instructions and simulation exercises preferably with the assistance of practicing lawyers or retired judges.

### Examination and allocation of marks:

1. Each Student shall undertake 15 practical exercises in drafting of Pleadings carrying 45 marks (3 marks for each exercise).
2. Each student shall undertake 15 practical exercises in Conveyancing, which carries 45 marks (3 marks each).
3. The above - mentioned drafting of Pleadings and Conveyancing exercises shall be in the handwriting of the students on one side of the bond size papers. The papers shall be bound accompanied by a certificate signed by the course teacher and the principal to the effect that it is the bonafide work of the work of the concerned candidate.
4. The cover shall indicate the name of the examination, subject, and seat number. and the centre code number.
5. There shall be a contents page.

At the end of the semester, the student shall appear for a viva voce, which shall carry 10 marks. Viva-to be conducted by the Principal and the course teacher.



# ENVIRONMENTAL LAW

## OBJECTIVES:

Environmental problems have attained alarming proportions. It is essential to sensitise the students to environmental issues and the laws. The important principles in the field like inter-generation equity, carrying capacity, sustainable development, and precautionary principle, polluter pay principles are to be appreciated. The law in practice is to be analysed and evaluated. The course is designed towards these objectives.

## COURSE CONTENTS:

### UNIT-I

Environment: meaning and components- Pollution: meaning, sources, Kinds, and effects of pollution - Ancient and Medieval Writings Environmental jurisprudence-National environmental policy.

### UNIT-II

Environmental Policy and Law: Pre & Post Independence Period-Constitutional provisions on Environment and its Protection: Right to Environment, Duty to protect environment - Public interest litigation and environment - Role of Judiciary on Environmental issue - Doctrines of Environmental Pollution: Evolving new Principles - Absolute Liability - Polluter pays principle - Precautionary principle - Inter generational equity principle - Public trust doctrine.

### UNIT-III

International Law and Environmental Protection: Sustainable Development - International conventions in the development of Environmental Laws and its Policy: Stockholm - Rio & Johannesburg Declaration - Trans-boundary Pollution hazards & Regulation; Common Law aspects of Environmental Protection - Criminal Law and environment.

### UNIT-IV

Prevention and Control of Water & Air Pollution: Water Act, 1974 and Air Act, 1981 - Pollution Control Boards and its powers and functions - offences and penalties - Remedies in case of water and air pollution - Noise Pollution and its control: Noise Pollution (Regulation & Control) Rules, 2000 - Wildlife Protection Act, 1972: Hunting - Trade in Animal articles - Authorities under Wild Life Protection Act - Role on Judiciary of Wild Life Protection-Forest Conservation Act, 1980-judicial approach.

### UNIT-V

Environment Protection Act, 1986 - ECO-Mark, Environmental Audit - Coastal Regulation Zone, Environment Impact Assessment: Discretionary Model and Mandatory Model, Regulation on Bio-Medical Waste - Disposal of Solid Waste.



## OPTIONAL-V: INTELLECTUAL PROPERTY RIGHTS-II

### OBJECTIVES:

Intellectual Property Law has assumed a great importance in recent times as a result of the recognition that "knowledge is property". The creations of the human brain as IP are required to be understood and protected. The syllabi encompassing all relevant IP legislations in India with a view to understand and adjust with changing needs of the society because creative works useful to society and law relating to innovation/creativity i.e., intellectual property is one of the fastest growing subjects all over the globe because of its significance and importance in the present era. Disseminate information on national and international IPR issues. The course is designed with a view to create IPR consciousness; and familiarize the learners about the documentation and administrative procedures relating to IPR in India.

### COURSE CONTENTS:

#### UNIT I

**Indian Copyright Law:** Introduction and overview of copyright: History of the concept of copyright and related rights; Nature of copyright: Salient features of Copyright Act: Subject matter of copyright; Literary work; Dramatic work; Musical works; Artistic works; Cinematographic films; Sound recordings; Term of copyright; Rights conferred by copyright; Assignment, transmission and relinquishment of copyright; Licences; Infringement of copyright; Remedies against infringement of copyright.

#### UNIT II

**Biological Diversity Law:** Introduction and overview of Biological Diversity; Meaning and scope of Biological Diversity; Biological resources and traditional knowledge; Salient features of Biological Diversity Act 2002; Regulation of access to Biological Diversity; National Biodiversity Authority; Functions and powers of Biodiversity Authority; State Biodiversity Board; Biodiversity Management Committee and its functions.

#### UNIT III

**Protection of Plant Varieties and Farmers Rights Law :** Legal concepts relating to the protection of plant varieties rights; Legal concepts relating to the protection of plant breeders rights; IPR in new plant varieties; Policy and objectives of protection of plant varieties and farmers rights Act; Plant varieties and Farmers rights protection authority; National register of plant varieties; Procedure for registration; Rights and privileges; Benefit sharing; Compensation to communities; Compulsory licence; infringement; Relief against infringement; National Gene Fund.

#### UNIT IV

**Designs Law:** Introduction and overview of Designs Law; Salient features of Designs Law; Procedure for registration; Rights conferred by registration; Copyright in registered designs;



infringement; Powers and duties of Controller; Distinction between design, trade mark, copyright & patent.

## UNIT V

**International Treaties /Conventions on IPR: TRIPS Agreement: Background; Salient Features of TRIPS; TRIPS and Indian IPR; Berne Convention: Background; Salient features of Berne Convention; Convention on Biological Diversity: Objectives of CBD; Salient features of CBD; International IPR agreements affecting protection of plant varieties: The WTO Doha round of trade negotiations; International Treaty on Plant Genetic Resources ("ITPGR")**

### PRESCRIBED BOOKS:

- ❖ Narayan, S., Intellectual Property Law in India, (Hyderabad: Gogia Law Agency, 2005)
- ❖ Cornish, William, Intellectual Property: Patents, Copyright, Trademark and Allied Rights, 2nd Edition, (London: Sweet & Maxwell, 1998)

### REFERENCE BOOKS:

- ❖ Ganguli, Prabuddha, Intellectual Property Rights: Unleashed the knowledge Economy, (Tata Mc GrawHillPublishing Co., 2001)
- ❖ Caddick, Nicholas et (al), Copinger & Skone James, Copyright, 16th Edition 2. (U.K: Sweet & Maxwell, 21013).
- ❖ Unni, Trade Marks and the Emerging concepts of Cyber Property Rights. (Kolkata: Eastern Law Hosue, 2002)
- ❖ Verkey, Elizabeth, Law of Plant Varieties Protection, 1st Edition, (Eastern Book Co., 2007)
- ❖ Acharya, N.K, Text Book on Intellectual Property Rights, 7th Edition, (Asia Law House, 2014)
- ❖ Das, J.K., Intellectual Property Rights, 1st Edition, (Kamal Law House, 2008)



## CLINICAL COURSE-IV: MOOT COURT EXERCISE AND INTERNSHIP

### OBJECTIVES:

This course is designed to hone advocacy skills in the students. Moot Courts are simulation exercises geared up to endow students with facility in preparation of written submissions and planning, organising and marshalling arguments in the given time so as to convince the presiding officer.

The students should familiarize themselves with the various stages of trial in civil and criminal cases. They should be exposed to real court experience. Further they should imbibe the skills of client interviewing. This component may be planned to be part of the internship. Each student enrolled in 3 year course shall undergo an internship for minimum 12 weeks (20 weeks for 5 year LL.B. course) during the entire course under NGO, trial and appellate advocates, legal regulatory authorities, legislatures and parliament, other legal functionaries, market institutions, law firms, companies, local self government and other such bodies as the university may stipulate. However, the internship shall not be for a period of more than four weeks continuously in an academic year.

### COURSE CONTENTS:

#### (A) Moot Court (30 marks)

1.1 Each student shall participate in at least 3 moot courts. Each Moot court exercise shall carry.

**10 marks, which shall be divided as under:**

- For oral advocacy: 5 marks,

-Written submission: 5 marks

1.2 The student shall make written submission on behalf of the party for whom he makes oral advocacy as assigned by the course teacher.

1.3 The written submissions for the three moot courts shall be neatly written on one side of the bond size papers and bound together with a certificate signed by the course teacher and the principal to the effect that it is the bonafide work of the concerned student.

1.4 The cover shall indicate the name of the examination, subject, seat number and the centre code number.

#### (B) Observation of Trial (30 marks)

1.1 Each student shall attend trial in two cases one civil and one criminal in the course of last two or three years.

1.2 The student shall maintain a record and enter the various steps observed during their attendance on different days in the court.



1.3 The record shall be neatly written on one side of the bond size paper and bound. It will carry a certificate by the course teacher and principal to the effect that it is the bonafide work of the concerned student.

1.4 The record shall be valued for 30 marks.

1.5 The cover page shall indicate the name of the examination, subject seat number and the centre code number.

**(C) Client interviewing (30 marks)**

Each student shall observe two sessions of client interviewing at the Lawyer's Office/Legal Aid Office and record the proceeding in a diary, which shall carry 15 marks.

Each student shall further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This shall be recorded in a diary, which shall carry 15 marks.

The Diaries shall be neatly written on one side of bond size papers and bound with a certificate signed by the course teacher and the Principal to the effect that it is the bonafide work of the concerned student.

The cover page of the diary shall indicate the name of the examination, subject, seat number, and the centre code number.

**(D) Viva (10 marks)**

At the end of the semester, the student shall appear for a viva voce, which shall carry 10 marks.

**Method of assessment:** The submissions of Moot courts shall be valued by the course teacher. The diaries relating to trial observation and client interviewing and pre-trial preparations shall be valued by the professional under whose supervision the student has completed internship and the course teacher if it is so planned. If internship is with an Authority wherein trial observation and client interviewing is not possible, the student shall undertake these exercises separately and it shall be evaluated by the course teacher. The viva shall be conducted by the Principal of the college and the course teacher.