

EIGHTH SEMESTER

CIVIL PROCEDURE CODE

Civil Procedure Code and Limitation Act

1. Definitions UNITS: 01
2. decree, Order, Mesne profits, Foreign Judgment, etc. UNITS: 02
3. Suits in general UNITS: 02
4. Jurisdiction of courts, Res Judicata, Place of suing, Institution of Suits, Summons and discovery, Judgment and Decree, Interest, Costs. UNITS: 03
5. Execution(sections and 0. 21) UNITS: 01
6. Court by which a Decrees may be executed, Transferees and Legal Representative, procedure in execution, Arrest and detention, attachment, Sale, Distribution of Assets. UNITS: 04
7. Commissions. UNITS: 01
8. Suits in particular cases UNITS: 02
9. by or against Government or Public Offices, by alien and by or against Foreign Rulers or Ambassadors, interpleader. UNITS: 02
10. Special proceedings UNITS: 01
11. Arbitration, Special Case, Public nuisance.UNITS: 01
12. Supplemental proceedings UNITS: 01
13. Appeals UNITS: 01
14. from Original Decree, from Appellate Decree, from Orders, appeal to Supreme Court. UNITS: 02
15. Reference, Review, Revision. UNITS: 01
16. Special provisions relating to the High Court. UNITS: 02
17. Rules UNITS: 01
18. Miscellaneous -Caveat, Inherent powers etcUNITS: 02
19. Party to suits UNITS: 01
20. Frame of suitsUNITS: 01
21. Recognized agents and pleaders. UNITS: 01

22. Institutions of suits. UNITS: 01
23. Issue and service of summons. UNITS: 02
24. Pleadings generally. UNITS: 01
25. Plaint. UNITS: 02
26. Written statement, Set off and Counter Claim. UNITS: 02
27. Appearance of parties and consequence at non-appearance. UNITS: 01
28. Examination of parties by the court. UNITS: 01
29. Discovery and inspection UNITS: 01
30. Admissions UNITS: 01
31. Production, impounding and return of documents UNITS: 01
32. Settlement of issues and determination of suits on issues of law UNITS: 01
33. Disposal of suits at the first hearing. UNITS: 01
34. Summoning and attendance of witnesses. UNITS: 02
35. Attendance of witnesses UNITS: 01
36. Adjournments. UNITS: 01
37. Hearing of the suit and examination of witnesses. UNITS: 01
38. Affidavits UNITS: 01
39. Judgment and Decree. UNITS: 02
40. Death, Marriage and insolvency of parties. UNITS: 01
41. Withdrawal and Adjustment of suits. UNITS: 01
42. Payment into Court. UNITS: 01
43. Security for costs. UNITS: 01
44. Commissions. UNITS: 01
45. Suits by or against Minors and persons of unsound mind etc. UNITS: 01
46. Suits by or against Minors and persons of unsound mind etc. UNITS: 01
47. Interpleader Suit UNITS: 01
48. Special case. UNITS: 01

49. Summary procedure. UNITS: 01

50. Arrest and attachment before judgment UNITS: 01

51. Temporary Injunction and interlocutory order UNITS: 02

52. Appointment of Receivers. UNITS: 01

Indian Limitation Act UNITS:05

Definitions.

Limitation of suits appeals and application

Computation of period of limitation

Acquisition of ownership by possession

Miscellaneous

**Note: The units mentioned above include
internal assessment hours.**

BOOKS RECOMMENDED

C.K.Takawani : Code of Civil Procedure

Mulla : Code of Civil Procedure

M.P.Tondon : Code of Civil Procedure

J.D. Jain : Limitation Act

CRIMINAL PROCEDURE CODE

1. Definitions- Bail able and Non-Bail able offences, Cognizable and Non-Cognizable, Summons and Warrant case, etc.UNITS: 02
2. Constitution of criminal courts and offices UNITS: 02
3. Powers of court UNITS: 02
4. Powers of superior officers of police UNITS: 01
5. Aid to the magistrates and the policeUNITS: 02
6. Arrest of persons UNITS: 02
7. Process to compel appearance UNITS: 02
8. Process to compel production of things.UNITS: 02
9. Procedure for attachment and forfeiture UNITS: 02
10. Security for keeping the peace and for good behaviour.UNITS: 02
11. Order for maintenance of wives, children and parents. UNITS: 02
12. Maintenance of public order and tranquility. UNITS: 03
13. Preventive action of police.UNITS: 03
14. Information to police and their powers to investigate. UNITS: 02
15. Jurisdiction of criminal courts and enquiry and trial. UNITS: 02
16. Conditions requisite for initiation of proceedings. UNITS: 02
17. Complaints to magistrates. UNITS: 02
18. Commencement of proceedings before magistrates. UNITS: 02
19. The Charge. UNITS: 03
20. Trial before Court of Session. UNITS: 02
21. Trial of warrant cases and summons cases by magistrate. UNITS: 02
22. Summary trial. UNITS: 02
23. Attendance of persons confined or detained in prison. UNITS: 02
24. Evidence and inquires and trails UNITS: 02
25. General provision as to enquiry and trial.UNITS: 02

26. Provisions as to accused persons of unsound mind UNITS: 02
27. Provisions as to affecting the administration of justice. UNITS:01
28. The judgment. UNITS: 02
29. Submission of death sentence for confirmation. UNITS: 02
30. Appeals, Reference, Revision and transfer of cases UNITS:02
31. Execution Suspension, Remission and commutation of sentences. UNITS: 02
32. Provisions as to bail and bond. UNITS: 03
33. Disposal of properties. UNITS: 02
34. Irregular proceedings. UNITS: 02
35. Limitations for taking cognizance of certain offences. UNITS: 03
36. Miscellaneous. UNITS: 02

Note: The units mentioned above include internal assessment hours.

BOOKS RECOMMENDED

- | | |
|------------------------|----------------------------------|
| R.V Kelkar | : Lectures on Criminal Procedure |
| Sarkar | : Criminal Procedure |
| Ratanlal and Dhirajlal | : The Code of Criminal Procedure |

PUBLIC INTERNATIONAL LAW

- 1. Historical and theoretical foundation of International law** UNITS: 03
- 2. Basic Principles of International Law** UNITS: 03
 - a. Sovereign equality of States
 - b. Non intervention
 - c. Non use of force
 - d. International cooperation
 - e. Peaceful settlement of disputes
- 3. Sources of International Law** UNITS: 06
 - a. Treaties
 - b. Customs
 - c. General Principles of Law recognized by Civilized Nations
 - d. Judicial & Arbitral decisions and Juristic Opinions
 - e. UN General Assembly Resolutions
- 4. Relationship between International and Internal Law** UNITS: 06
 - a. Theories
 - b. State practice with special reference to India and United Kingdom
- 5. Subjects of International Law** UNITS: 08
 - a. State
 - b. International organizations
 - c. Individuals/ Peoples
 - d. MNCs and other Private Entities
- 6. The Law of Recognition** UNITS: 07
 - a. Recognition of States
 - b. Recognition of Governments
 - c. Recognition Dejure and Defacto
 - d. Legal effects of Recognition
 - e. Stimson's doctrine of non-recognition
- 7. Jurisdiction of States** UNITS: 07
 - a. Territorial jurisdiction
 - b. Personal jurisdiction
 - c. Protective jurisdiction
 - d. Universal jurisdiction (terrorism, hijacking, narcotics, war crime and crimes against peace)
 - e. Diplomatic immunities and privileges
 - f. State immunity
- 8. Law of State Responsibility** UNITS: 07
 - a. Nature and kinds of responsibility
 - b. Responsibility for breach of treaty and expropriation of property including the Calvo clause and the law relating to debts

- c. Responsibility for international delinquencies
- d. Treatment of aliens
- e. Law relating to claims and damages
- f. Obligations ErgaOmnes
- g. Abuse of rights

9. State Succession UNITS: 05

- a. Meaning and kinds
- b. Theories of State Succession
- c. Rights and Duties arising out of state Succession

10. The Law relating to the acquisition and loss of Nationality UNITS: 05

- a. International importance of nationality
- b. Nationality of corporations and un-incorporated associations
- c. The law relating to extradition, rendition and asylum

11. Peaceful Settlement of International Disputes (with reference to Article 33 of UN Charter)

UNITS: 04

12. Law of Treaties

UNITS: 08

- a. Meaning
- b. Classification of Treaties
- c. Formation, Ratification and Reservation and Termination
- d. Important Maxims- '*Pactatertiesnecnocent*', '*Rebus sicStantibus*', '*PactasuntServanda*'.

13. The Law relating to International Institutions UNITS: 06

- a. The UN General Assembly
- b. The Security Council
- c. The Economic and Social Council
- d. The development of International Law through the International Court of Justice
- e. The UN Secretariat

Note: The units mentioned above include internal assessment hours.

BOOKS RECOMMENDED

1. J. G. Starke : Introduction to International Law
2. Dr.S. K. Kapoor : International Law and Human Rights
3. M. P. Tandon : Public International law
4. Dr. H.O. Agarwal : International Law and Human Rights
5. Malcolm N. Shaw : International Law
6. D.J. Harris : Cases and Materials on International Law
7. D.W. Bowett : The Law of International Institutions
8. S.K Verma : An Introduction to Public International law
9. Ian Brownlie : Basic Documents in International Law

PENOLOGY AND VICTIMOLOGY

Criminology, Penology & Victimology-1

UNITS: 25

1. Criminology: Nature & Scope
2. Nature and Extent of Crime in India, Criminology, Criminal Law and Criminology
3. General Approaches to Crime control organized Crime (Smuggling in Narcotics etc), White
4. Collor Crime-Corruption in Public Life
5. Socio-Economic Crime-Adulteration of Foods and Drugs
6. Crime in the Profession
7. Perpetrators of Ordinary Crime
8. The situational crime
9. The chronic offender
10. Criminality of women
11. Young offender

II

UNITS: 15

12. School of Criminology
13. The Constitutional School of Criminology, Lombroso and others, Hereditary and mental
14. retardation as causes of Crime, Sociological theories Anomies, Modern Sociological Theories:
15. Sutherland's differential Association theory, Reckless's Social vulnerable theory. Multiple
16. Causation Theories

III

UNITS: 15

17. Factor Responsible for Causation of Crime, Environment, home and community influences,
18. urban and rural crimes. The ghetto, broken homes, effect of TV, Video, Press, Narcotics and
19. Alcohol, Caste community tension-Case, Wars and Communal riots-their causes and
20. demoralizing effects, Atrocities against Scheduled Cadres.

IV

UNITS: 20

21. Criminal Justice Structure, Criminal law and its administration, The Police System, Structural
22. Organization of Police and the States, Power and Duties of Police under the Police Act and
23. Cr.P.C, Arrest, Search and Seizure and Constitutional imperatives, Liability of Police for
24. Custodial Violence, Select Aspects of National Police Commission Report

Note: The units mentioned above include internal assessment hours.

Books

1. Katherine S Williams, Textbook on Criminology, 1999
2. Loveland, Frontiers of Criminality, 1995
3. Manheim H, comparative Criminology, 1965
4. Walker, N. Crime and Criminology, 1987

PATENT RIGHTS : CREATION AND REGISTRATION

Introduction UNITS: 10

Patent and its importance
Economic importance of Patent
International Regime Relating to Patents –
Convention and Treaties – in general

The Patents Act, 1970 and the Patents (Amendment) Act, 2005 UNITS: 20

Meaning of Patent and subject matter, essentials of patent
Patents & Traditional Knowledge
How to obtain a patent
Specific Issues–Bio-patents, drug patents vis-à-vis public health, software patents, etc.
Protection of traditional knowledge–domestic as well as international issues.
Patent drafting

Register of Patents and Patent Office UNITS: 15

Register of patent
Patent office
Power of the Controller
Power of Central Government
Appeal
Remedies for infringement of patent

Rights and obligations of a patentee UNITS: 15

Nature of patent rights
Limitation of the patentees' rights
Obligation of patentee

Transfer of Patent Rights – concept of Exhaustion of Rights UNITS: 15

Compulsory Licenses and Licenses of Right
Revocation and surrender of patents
Infringement of Patents and penalties
Patent Co-operation treaty [PCT]

Note: The units mentioned above include internal assessment hours.

Recommended Books:

1. Prabudh Ganguli, Gearing up for Patents
2. Prabudh Ganguli, Intellectual Property Rights
3. P. Narayanan, Intellectual Property Law
4. Wadehra B.L., Patents, Trademarks, Designs and Geological Indications.
5. Cornish P., Intellectual Property Law.
6. P. Narayanan, Patent Law (4th ed., 2006)
7. V K Ahuja, Intellectual Property Rights
8. GB Reddy, Intellectual Property Law

INFORMATION TECHNOLOGY LAW

1 Information Technology Act-2000 as amended in 2008

UNITS: 25

History of the Act
Essence of the Act
Legal Recognition of Electronic Documents
Legal Recognition of Digital Signatures
E-Governance
Regulation of Certifying Authorities
Offenses under IT Act
Penalties and Adjudications
Making of Rules and Regulations etc.

2. Cyber Law

UNITS: 15

Meaning of Cyber Law
Need for Cyber Law
Computer and web technology
Cyber Law and Cyber Crimes
Computer software and Copyright Law
Trademark Issues in Cyberspace

3 Digital Evidence

UNITS: 20

Admissibility of Electronic Records
Digital Signature as Evidence
Cyber Crime Investigation
Cyber Appellate Tribunal
Jurisdiction Issues
Bailable Offences
Liability of Network Service Providers
Liability of Companies
Applicability of the Indian Evidence Act on Electronic Record

4 New Trends in Information Technology Law

UNITS: 15

Emerging Cyber Law Practices
E-Courts and Public Interest Litigations on the Internet
Cyber Frauds, Indian Consumers and Cyber Space
Social Networking Sites and the law
Recent Cyber Crime Cases in India

Prescribed Legislations:

1. Information Technology Act, 2000 as amended in 2008
2. Information Technology Rules, 2000

3. Cyber Regulation Appellate Tribunal Rules, 2000
4. The Indian Penal Code, 1860
5. The Indian Evidence Act, 1872
6. Bankers Book Evidence Act.1891
7. Reserve Bank of India Act, 1934

Note: The units mentioned above include internal assessment hours.

Recommended Books:

1. Farooq Ahmed, Cyber Law in India, Pioneer Books, New Delhi-110009
2. Vakul Sharma, Information Technology Law and Practice, Universal, Delhi
3. Arun Baweja, Information Technology and Development, Kalpar Publication, Delhi
4. P.S. Yivek Shane, Banerjee, Science and Society, Himalaya Publishing House, Bombay
5. Ashok Korde, A. Sawant, Science and Scientific Method, Himalaya Pub. House, Bombay 50
6. B.B.Batra, Information Technology, Kalpar Publications, Delhi
7. Nandan Kamamth, Guide to Information Technology Act, University Law Pub.Co. Delhi-33
8. Suresh T. Viswanathan, The Indian Cyber Laws, Bharat Law House, New Delhi-83.
9. Ankit Fadia and Jaya Bhattacharjee, Encryption-Protecting your Data
10. P. Narayan, Intellectual Property Law, Eastern Law House, New Delhi
11. Pawan Duggal, Cyber Law-The Indian Perspective

BANKING LAW

1. Introduction : UNITS: 03

Emergence of banking institutions

2. Bank and Customer : UNITS:08

Definition of Banker & Customer General relation between Banker and Customer Special relation between Banker and Customer, Rights and obligations of the Banks, Garnishee Order, Bankers lien

3. Accounts UNITS: 07

Kinds of accounts

4. Over drafting UNITS:05

5. Special types of customers UNITS: 06

6. Safe custody deposit UNITS: 06

7. Pass book UNITS: 02

8. Letters of credit UNITS: 04

9. Purchase and discount of bills UNITS: 04

10. Nationalisation of Banks UNITS: 03

11. Law relating to negotiable instruments : Definition and Kinds, Holder and holder in due course, endorsement, Crossing of cheques, kinds of cheques, Marking of cheques, Material alteration, Paying banker and statutory protection, Collecting banker and statutory protection, Notice of dishonour, Criminal Liability of the drawer of the cheque UNITS: 15

12. Reserve Bank of India Act, 1934 UNITS: 06

13. Banking Regulation Act, 1949 UNITS: 06

Note: The units mentioned above include internal assessment hours.

RECOMMENDED BOOKS

Tandon : Law of Banking

Dr. Subramanyam : Law of Banking

LEGISLATIVE DRAFTING

I. Meaning, Nature and Types of Legislative Drafting

UNITS: 10

1. Whether It is a Science or an Art?
2. Qualities of a Good Draft
3. Equipments of a draftsman
4. Subordinate Legislation: Bye Laws, Ordinances and Notification/Circular

II. Essentials of Legislative Drafting

UNITS: 20

1. Rules of Composition for Legislative Drafting
2. Materials and Preliminaries
3. Stages in Drafting
4. Mechanism of an Act.
5. Precision
6. Clarity and Complexity
7. Value of Words

III. Drafting Parts of a Statute

UNITS: 15

1. Title and Preamble
2. Commencement Clause
3. Protection and Finality Clause
4. "As if Enacted in this Act"
5. Punctuation Marks

IV. Legislative Drafting : Policy and Flaws

UNITS: 15

1. Language and Content
2. Policy of Legislation
3. Common Flaws in Drafting

V. Select Model Bills

UNITS: 15

1. Bill for Establishing College
2. Bill to Control Trade in Commodities
3. Bill to Establish Fund
4. Bill to Regulate Practice of Profession.

Note: The units mentioned above include internal assessment hours.

Books for Reference

Bakshi, P.M. :An Introduction to Legislative Drafting

Vishwanathan, T.K. : Legislative Drafting- Shaping the Law for the New Millennium jILL.

Chakrabarthy, NirmalKanti:Principles of Legislation and Legislative Drafting

Blake, Susan:A Practical Approach to Legal Advice and Drafting / Universal Publishing Company Pvt. Ltd.

Thornton, G.C. : Legislative Drafting Butterworths, London.

COMPETITION LAW (OPTIONAL)

I. Introduction and Evolution of Competition Law

UNITS: 10

- a. Development of Competition Law
- b. Economic Rationale for Competition Law
- c. Goals of Competition Law
- d. Competition and Consumer Welfare
- e. Impact of Socialism
- f. Sherman Antitrust Act, 1890 and Clayton Antitrust Act, 1914
- g. M.R.T.P. Act, 1969 - Objectives, Restrictive and Unfair Trade Practices, 1991 Amendment and Failure of M.R.T.P. Act.
- h. Enacting Competition Act, 2002 – Objectives

II. Anti- Competitive Agreements

UNITS: 08

- a. Rationale for Prohibition
- b. Horizontal and Vertical Agreements
- c. *Per se* illegal Practices
- d. Exemptions

III. Abuse of Dominant Position & Merger

UNITS: 15

- a. Rationale for Prohibition
- b. Relevant Markets
- c. Determining 'abuse' of 'dominance'
- d. Instruments of Abuse
- e. Remedies
- f. Types of Merger- Horizontal and Non Horizontal
- g. Analysis of Merger - Market Definition, Market Structure and Concentration, Coordinated and non Coordinated Effects and Market Entry.

IV. Intellectual Property and Competition Law

UNITS: 12

- a. Rationale for IPRs working in tandem with Competition Law
- b. Economic Theory of Innovation and Competition and Tests
- c. Competition Issues and TRIPS.
- d. Licensing of Intellectual Property Rights

V. Competition Authorities

UNITS: 15

- a. Role and Tools of Competition Authorities
- b. Competition Commission of India - Mechanism, Powers and Independence.
- c. Director General
- d. Competition Appellate Tribunal

VI. International Trade and Competition Law

UNITS: 15

- a. Competition Policy at International Level- Havana Charter, Singapore Ministerial Conference, *UNCTAD*, OECD and GATT/ WTO.
- b. Jurisdiction Issues in Cross-Border Anti Competitive Activities
- c. International Effects of cartels and possible remedies under International or Domestic Competition Law

Note: The units mentioned above include internal assessment hours.

Reference Books

- 1) Roy, Abir and *Kumar, Jayant*, Competition Law In India Published by Eastern Law House, Kolkata, 2008.
- 2) Mittal, D.P., *Taxman's* Competition Law and Practice, Taxman, New Delhi, 2008.
- 3} S.M. Dugar's MRTP Law, Competition Law and Consumer Protection 4th ed. 2009.
- 4) Mehta, Pradeep S., A Functional Competition Policy for India, Academic Foundation, New Delhi, 2006.
- 5) Ganesh, G. Privatization in India Published by Mittal Publications, New Delhi, 2001.