**LL.B. DEGREE : SEM.-IV**

**LAW OF EVIDENCE**

1. Introduction:

Definition, kinds of evidence, Fact, Facts in issue, proved, not proved, disproved, relevant.

2. Presumptions: kinds of Presumptions

3. Relevancy of Facts:

Section 5 to 16, Admissions and Confessions, Statements by persons who cannot be called as witnesses Statements made under Special circumstances, Facts of public nature, Relevancy of judgements, Opinion ofthird persons when relevant, Character when relevant.

4. Proof:

Facts which need not be proved.

5. Modes of proof

Reasons for the Growth, Structure and Procedure of Adjudicatory Bodies, Kinds of Tribunals

6. Documentary Evidence: presumption of documents

7. Exclusion of oral by documentary evidence

8. Ambiguous documents

9. Burden of Proof

10.Estoppel

11.Witness

12.Privileged Communications

13.Examination of witness

14.Improper admission or rejection of evidence

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

1. RatanLal&DheerajLal : Law of Evidence

2. Avtar Singh : Principles of Law of Evidence

3. Krishnamachari : Law of Evidence

4. Sarcar : Law of Evidence

**ENVIRONMENTAL LAW**

|  |  |  |
| --- | --- | --- |
| 1. | Concept of Environment and Pollution |  |
| 2. | Environment—meaning and contents |  |
| 3. | Pollution—meaning, kinds and effects of pollution |  |
| 4. | Legal control and historical perspective |  |
| 5. | Environmental jurisprudence |  |
| 6. | Criminal law and environment |  |
| 7. | Common law and environmet |  |
| 8. | Constitutional perspectives |  |

9. Fundamental rights—directive principles—fundamental duty—judicial approach— public interest litigation—right to information—doctrines of environmental pollution

10. Water and Air pollution

11. Meaning and standards, offences and penalties, judicial approach

12. Authorities under the enactments their powers and functions

13. Remedies in case of water and air pollution

14. Noise pollution

15. Legal control-judicial approach

16. Environmental protection

17. EP Act, 986—objectives, loopholes, judicial approach

18. Environmental Impact assessment

19. Bio-medical waste and hazardous waste

20. Coastal Regulation zone, 1991

21. Guidelines for beach resorts —role of judiciary

22. Forest and greenery

23. Greenery conservation laws—role of judiciary-authorities

24. Protection of wild life

25. Role of judiciary-offences-authorities

International regime

Stockholm conference, green house effect and ozone depletion-Rio conference-UN Declarations

**BOOKS RECOMMENDED**

Rosencranz : Environmental law and policy in India

Kailash Thakur : Environmental protection law and policy in India

Leelakrishnan : The Environmental Law in India

Gandhi : Environmental law

Karkera : Environmental law

**COMPANY LAW**

1. Introduction

2. Definition, Nature, Advantages and Disadvantages of a company.

3. Registration and Incorporation

4. Memorandum of Association

5. Various clauses of Memorandum of Association

6. Articles of Association

7. Constructive Notice and Doctrine of Indoor Management and Limitations

8. Prospectus

9. Definition, Contents of Prospectus, Remedies for Misrepresentation

10. Promoters

11. Definition, Duties, Liability and Position

12. Shares

13. Allotment, Statutory Restrictions, General Principles, Transfer of Shares

14. Shareholders and Members

15. Definition, How to become a member, who may be a member, calls on shares

16. Share Capital

17. Kinds of share capital, Share Warrants

18. Directors

19. Position, Appointment of Directors, Qualifications of Directors, Powers of Directors, Duties of

Directors, Meetings of Directors

20. Other Managerial Personnel

21. Meetings

22. Kinds of Meetings, Voting

23. Dividends, Audit and Accounts

24. Borrowing, Lending, Investments and Contracts

25. Debentures

26. Definition, Features and Kinds of debentures, Charge

27. Majority Powers and Minority Rights

28. Rule in Foss v. Harbottle and exceptions

29. Prevention of Oppression and Mismanagement

30. Investigations

31. Kinds of Company

32. Reconstruction and Amalgamation

33. Defunct Companies

34. Winding up

35. Types of winding up, Consequences of winding up, Powers of Liquidator

36. Conduct of Winding up

**BOOKS RECOMMENDED**

Indian Company Law : Avtar Singh Law Guide to Companies Act: Rammiaya Company Law : Palmer

Gower: Principles of Modern Company Law

**LEGISLATIVE DRAFTING**

**I. Meaning, Nature and Types of Legislative Drafting**

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**

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**

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**

1. Language and Content

2. Policy of Legislation

3. Common Flaws in Drafting

**V. Select Model Bills**

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. Chakrabarthi, NirmalKanti:Principles of Legislation and Legislative Drafting

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

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

**BANKING LAW**

1. Introduction :

Emergence of banking institutions

2.Bank and Customer :

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

Kinds of accounts

4.Over drafting

5.Special types of customers

6.Safe custody deposit

7.Pass book

8.Letters of credit

9.Purchase and discount of bills

10.Nationalisation of Banks

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

12.Reserve Bank of India Act, 1934

13.BankIng Regulation Act, 1949

**RECOMMENDED BOOKS**

Tandon : Law of Banking

Dr.Subramanyam : Law of Banking

**COMPETITION LAW (OPTIONAL)**

**I. Introduction and Evolution of Competition Law**

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**

a. Rationale for Prohibition

b. Horizontal and Vertical Agreements c. *Per se* illegal Practices

d. Exemptions

**III. Abuse of Dominant Position & Merger**

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 andConcentration, Coordinated and non

Coordinated Effects andMarket Entry.

**IV. Intellectual Property and Competition Law**

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**

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**

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

**Reference Books**

1) Roy, Abir and *Kumar, Jayant,* Competition Law In India Publishedby Eastern Law House, Kolkata,

2008.

2) Mittal, D.P., *Taxman's* Competition Law and Practice, Taxman, NewDelhi, 2008.

3} S.M. Dugar's MRTP Law, Competition Law and Consumer Protection4th 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.

**PENOLOGY AND VICTIMOLOGY**

**Criminology, Penology & Victimology-1**

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*

12. School of Criminology

13. The Constitutional School of Criminology, Lombroso and others, Hereditary and metal

14. retardation as causes of Crime, Sociological theories Anomies, Modem Sociological Theories:

15. Sutherland's differential Association theory, Reckless's Social vulnerable theory. Multiple

16. Causation Theories

*III*

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*

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

**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**

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**

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**

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**

Nature of patent rights

Limitation of the patentees’ rights

Obligation of patentee

**Transfer of Patent Rights – concept of Exhaustion of Rights**

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