**4th YEAR B.A.LL.B. Semester - VIII**

**CIVIL PROCEDURE CODE**

**Civil Procedure Code and Limitation Act**

1. Definitions

2. decree, Order, Mesne profits, Foreign Judgment, etc.

3. Suits in general

4. Jurisdiction of courts, Res Judicata, Place of suing, Institution of Suits, Summons and discovery, Judgment and Decree, Interest, Costs.

5. Execution(sections and 0. 21)

6. Court by which a Decrees may be executed, Transferees and Legal Representative, procedure in execution, Arrest and detention, attachment, Sale, Distribution of Assets.

7. Commissions.

8. Suits in particular cases

9. by or against Government or Public Offices, by alien and by or against Foreign Rulers or

 Ambassadors, interpleader.

10. Special proceedings

11. Arbitration, Special Case, Public nuisance.

12. Supplemental proceedings

13. Appeals

14. from Original Decree, from Appellate Decree, from Orders, appeal to Supreme Court.

15. Reference, Review, Revision.

16. Special provisions relating to the High Court.

17. Rules

18. Miscellaneous -Caveat, Inherent powers etc

19. Party to suits

20. Frame of suits

21. Recognized agents and pleaders.

22. Institutions of suits.

23. Issue and service of summons.

24. Pleadings generally.

25. Plaint.

26. Written statement, Set off and Counter Claim.

27. Appearance of parties and consequence at non-appearance.

28. Examination of parties by the court.

29. Discovery and inspection

30. Admissions

31. Production, impounding and return of documents

32. Settlement of issues and determination of suits on issues of law

33. Disposal of suits at the first hearing.

34. Summoning and attendance of witnesses.

35. Attendance of witnesses

36. Adjournments.

37. Hearing of the suit and examination of witnesses.

38. Affidavits

39. Judgment and Decree.

40. Death, Marriage and insolvency of parties.

41. Withdrawal and Adjustment of suits.

42. Payment into Court.

43. Security for costs.

44. Commissions.

45. Suits by or against Minors and persons of unsound mind etc.

46. Suits by or against Minors and persons of unsound mind etc.

47. Interpleader Suit

48. Special case.

49. Summary procedure.

50. Arrest and attachment before judgment

51. Temporary Injunction and interlocutory order

52. Appointment of Receivers.

**Indian Limitation Act**

Definitions.

Limitation of suits appeals and application Computation of period of limitation Acquisition of ownership by possession Miscellaneous

**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

**CRMINAL PROCEDURE CODE**

1. Definitions- Bail able and Non-Bail able offences, Cognizable and Non-Cognizable, Summons and Warrant case, etc.

2. Constitution of criminal courts and offices

3. Powers of court

4. Powers of superior officers of police

5. Aid to the magistrates and the police

6. Arrest of persons

7. Process to compel appearance

8. Process to compel production of things.

9. Procedure for attachment and forfeiture

10. Security for keeping the peace and for good behaviour.

11. Order for maintenance of wives, children and parents.

12. Maintenance of public order and tranquility.

13. Preventive action of police.

14. Information to police and their powers to investigate.

15. Jurisdiction of criminal courts and enquiry and trial.

16. Conditions requisite for initiation of proceedings.

17. Complaints to magistrates.

18. Commencement of proceedings before magistrates.

19. The Charge.

20. Trial before Court of Session.

21. Trial of warrant cases and summons cases by magistrate.

22. Summary trail.

23. Attendance of persons confined or detained in prison.

24. Evidence and inquires and trails

25. General provision as to enquiry and trial.

26. Provisions as to accused persons of unsound mind

27. Provisions as to affecting the administration of justice.

28. The judgment.

29. Submission of death sentence for confirmation.

30. Appeals, Reference, Revision and transfer of cases

31. Execution Suspension, Remission and commutation of sentences.

32. Provisions as to bail and bond.

33. Disposal of properties.

34. Irregular proceedings.

35. Limitations for taking cognizance of certain offences.

36. Miscellaneous.

**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** |  |
| **2.** | **Basic Principles of International Law** |  |

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**

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**a. Theories |  |
|  | b. State practice with special reference to India and United Kingdom |  |
| **5.** | **Subjects of International Law** |  |
|  | a. Stateb. International organizations c. Individuals/ Peoplesd. MNCs and other Private Entities |  |
| **6.** | **The Law of Recognition** |  |
|  | a. Recognition of Statesb. Recognition of Governmentsc. Recognition Dejure and Defacto d. Legal effects of Recognitione. Stimson’s doctrine of non-recognition |  |
| **7.** | **Jurisdiction of States** |  |

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**

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 Erga Omnes

g. Abuse of rights

**9. State Succession**

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**

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)**

**12. Law of Treaties**

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**

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

**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**

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]

**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**

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**

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**

Admissibility of Electronic Records

Digital Signature as Evidence Cyber Crime Investigation Cyber Appellate Tribunal Jurisdiction Issues

Bailable Offences

Liability of Network Service Provides

Liability of Companies

Applicability of the Indian Evidence Act on Electronic Record

**4 New Trends in Information Technology Law**

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

**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.PawanDuggal , Cyber Law-The Indian Perspective

**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

**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, Nirmal Kanti: 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.

**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 and Concentration, Coordinated and non Coordinated Effects and Market 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 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 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.