

## **FOURTH SEMESTER**

### **LAW OF EVIDENCE**

1. Introduction: UNITS: 05

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

2. Presumptions: kinds of Presumptions UNITS: 15

3. Relevancy of Facts: UNITS: 30

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 of third persons when relevant, Character when relevant.

4. Proof: UNITS: 03

Facts which need not be proved.

5. Modes of proof UNITS: 03

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

6. Documentary Evidence: UNITS: 05

presumption of documents

7. Exclusion of oral by documentary evidence UNITS: 04

8. Ambiguous documents UNITS: 01

9. Burden of Proof UNITS: 02

10. Estoppel UNITS: 02

11. Witness UNITS: 01

12. Privileged Communications UNITS: 02

13. Examination of witness UNITS: 01

14. Improper admission or rejection of evidence UNITS: 01

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

### **BOOKS RECOMMENDED**

- |                            |                                 |
|----------------------------|---------------------------------|
| 1. Ratan Lal & Dheeraj Lal | : 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	UNITS: 02
2. Environment—meaning and contents	UNITS: 02
3. Pollution—meaning, kinds and effects of pollution	UNITS: 04
4. Legal control and historical perspective	UNITS: 03
5. Environmental jurisprudence	UNITS: 02
6. Criminal law and environment	UNITS: 04
7. Common law and environmet	UNITS: 04
8. Constitutional perspectives	UNITS: 07
9. Fundamental rights—directive principles—fundamental duty—judicial approach— public interest litigation—right to information—doctrines of environmental pollution	UNITS: 04
10. Water and Air pollution	UNITS: 05
11. Meaning and standards, offences and penalties, judicial approach	UNITS: 02
12. Authorities under the enactments their powers and functions	UNITS: 02
13. Remedies in case of water and air pollution	UNITS: 03
14. Noise pollution	UNITS: 02
15. Legal control-judicial approach	UNITS: 02
16. Environmental protection	UNITS: 02
17. EP Act, 986—objectives, loopholes, judicial approach	UNITS: 04
18. Environmental Impact assessment	UNITS: 03
19. Bio-medical waste and hazardous waste	UNITS: 01
20. Coastal Regulation zone, 1991	UNITS: 03
21. Guidelines for beach resorts —role of judiciary	UNITS: 02
22. Forest and greenery	UNITS: 02
23. Greenery conservation laws—role of judiciary-authorities	UNITS: 02

24. Protection of wild life

UNITS: 02

25. Role of judiciary-offences-authorities

UNITS: 02

International regime

UNITS: 04 Stockholm

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

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

### **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	UNITS: 01
2. Definition, Nature, Advantages and Disadvantages of a company.	UNITS: 02
3. Registration and Incorporation	UNITS: 02
4. Memorandum of Association	UNITS: 02
5. Various clauses of Memorandum of Association	UNITS: 03
6. Articles of Association	UNITS: 03
7. Constructive Notice and Doctrine of Indoor Management and Limitations	UNITS: 02
8. Prospectus	UNITS: 01
9. Definition, Contents of Prospectus, Remedies for Misrepresentation	UNITS: 03
10. Promoters	UNITS: 02
11. Definition, Duties, Liability and Position	UNITS: 02
12. Shares	UNITS: 02
13. Allotment, Statutory Restrictions, General Principles, Transfer of Shares	UNITS: 02
14. Shareholders and Members	UNITS: 04
15. Definition, How to become a member, who may be a member, calls on shares	UNITS: 02
16. Share Capital	UNITS: 02
17. Kinds of share capital, Share Warrants	UNITS: 03
18. Directors	UNITS: 01
19. Position, Appointment of Directors, Qualifications of Directors, Powers of Directors, Duties of Directors, Meetings of Directors	UNITS: 03
20. Other Managerial Personnel	UNITS: 01
21. Meetings	UNITS: 02
22. Kinds of Meetings, Voting	UNITS: 02
23. Dividends, Audit and Accounts	UNITS: 02
24. Borrowing, Lending, Investments and Contracts	UNITS: 02

25. Debentures	UNITS: 02
26. Definition, Features and Kinds of debentures, Charge	UNITS: 02
27. Majority Powers and Minority Rights	UNITS: 02
28. Rule in Foss v. Harbottle and exceptions	UNITS: 02
29. Prevention of Oppression and Mismanagement	UNITS: 02
30. Investigations	UNITS: 01
31. Kinds of Company	UNITS: 03
32. Reconstruction and Amalgamation	UNITS: 02
33. Defunct Companies	UNITS: 02
34. Winding up	UNITS: 02
35. Types of winding up, Consequences of winding up, Powers of Liquidator	UNITS: 02
36. Conduct of Winding up	UNITS: 02

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

### **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**

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.

## **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

## **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.

## 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 Castes.

#### *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 (4<sup>th</sup> ed., 2006)
7. V K Ahuja, Intellectual Property Rights
8. GB Reddy, Intellectual Property Law