

- 7.5.5 The notion of abuse of patent rights
- 7.6 Special categories
 - 7.6.1 Employee invention: law and policy consideration
 - 7.6.2 Combination and selection patents
 - 7.6.3 International patents, transfer of technology, know how and problems of self reliant development
 - 7.6.4 Biotechnology Patents
 - 7.6.5 Patents in nuclear power –new varieties of plant breeds and medicinal plants
 - 7.6.6 Compulsory licenses
- 7.7 Infringement
 - 7.7.1 Criterial of infringement
 - 7.7.2 Onus of proof
 - 7.7.3 Modes of infringement: the doctrine of colorable Variation
 - 7.7.4 Defense in suits of infringement
- Unit 8: Remedies
- Unit 9:** Intellectual property and remedies under Criminal Law Consideration of some aspects of reform in the law of intellectual property
- Unit 10:**
 - 10.1 Information Technology and exclusive marketing rights

Paper – XX –
LAND LAWS INCLUDING TENURE AND TENANCY SYSTEM

- Unit 1:** Ownership of land doctrine of eminent domain
- Unit 2:** Doctrine of Escheat
- Unit 3 : Movement of land reforms
 - 3.1 Pre – independence position zamindari settlements, ryotwari settlement, mahalwari system, intermediaries, absentee landlordism, large holdings
 - 3.2 Post independence reforms
 - 3.2.1 Abolition of Zamindaries
 - 3.2.2 Laws relation to abolition of intermediaries
- Unit 4:** Laws relating to acquisition of property and government control and use of land, Land Acquisition Act. 1894
- Unit 5:** Laws relating to ceiling on land holding
- Unit 6: Urban land ceiling
 - 6.2 Agricultural land ceiling
- Unit 7:** Laws relating to tenancy reforms
 - 7.1 Land to the tiller
 - 7.2 Rent control and protection against eviction
- Unit 8:** Laws relating alienation/ assignment in scheduled areas
- Unit 9:** Laws relating to grabbing
- Unit 10:** Forest laws: Conservation of Forest Act

SEMESTER-V
Paper – XXI
CIVIL PROCEDURE CODE AND LIMITATION ACT

- Unit 1: INTRODUCTORY**
 - 1.1 Concepts of Civil Procedure in India before the advent of the British Rule
 - 1.2 Evolution of Civil Procedure from 1712 to 1901
 - 1.3 Principle features of the Civil Procedure code
 - 1.4 Importance of State Amendments
 - 1.5 Types of procedures – inquisitorial and adversary importance of observance of procedure
- Unit 2: SUITS**
 - 2.1 Concept of laws suit
 - 2.2 Order I, Parties to suit
 - 2.3 Order II, Frame of suit

- 2.4 Order IV, Institution of suit
- 2.5 Bars and suit; Doctrines of Sub Judice and Res judicata
- 2.6 Place of suing (Sec. 15,20) Territorial jurisdiction
- 2.7 'Cause of Action' and Jurisdictional bars
- 2.8 Summons (Sections 27,28,31 Orders IV, VI, IX)
- 2.9 Service of foreign summons (sec. 29)
- 2.10 Power for order (sec. 30, order XI)

Unit 3: PLEADINGS: (ORDER VI)

- 3.1 Material Facts
- 3.2 Forms of pleading
- 3.3 Condition precedent
- 3.4 Presumptions of law
- 3.5 Striking out/amendment

UNIT 4: PLAINT: ORDER VII

- 4.1 Particulars (esp. in money suits/suits for immovable property)
- 4.2 Showing defendants interest and liability
- 4.3 Ground of Limitation
- 4.4 Return of plaint
- 4.5 Rejection of plaint
- 4.6 Production and listing of documents
- 4.7 Written Statement
- 4.8 Counter claim
- 4.9 Set off
- 4.10 Framing of issues

UNIT 5: APPEARANCE AND EXAMINATION

- 5.1 Appearance
- 5.2 Ex parte procedure
- 5.3 Default of portion
- 5.4 Summoning and attendance of witnesses
- 5.5 Examination
- 5.6 Admissions
- 5.7 Production, Importing, Return of Documents
- 5.8 Hearing
- 5.9 Affidavit
- 5.10 Order XVII
- 5.11 Adjournments, judicial discretion and problems arrears

UNIT 6 : JUDGMENT AND DECREE

- 6.1 Concepts of judgment decree and interim Orders and stay
- 6.2 Injunctions
- 6.3 Appointment of Commissions, Receivers
- 6.4 Costs

UNIT 7: EXECUTION (ORDER XXI)

- 7.1 Concept of 'Execution'
- 7.2 General Principles of Execution
- 7.3 Power for Execution of Decrees (sec.38-46)
- 7.4 Procedure for Execution (sec51-54)
- 7.5 Enforcement: Arrest and Detention (sec 55-59)
- 7.6 Attachment (sec 60-64)
- 7.7 Sale (sec 65-67)

UNIT 8: SUITS IN PARTICULAR CASES:

- 8.1 Suits by or against Government (sec 79-82)
- 8.2 Suits by aliens and by or against foreign Rulers Ambassadors (Sec 83,87(a))
- 8.3 Suits relating to public matters (sec 91,93)
- 8.4 Incidental and supplementary proceedings (sec75-78, 94-95)
- 8.5 Suits by or against minors, persons with unsound mind, indigent persons etc.
- 8.6 Inter pleader suits

UNIT 9: APPEALS AND COMMISSION

- 9.1 Appeals from Original Decrees (sec. 96-99A) and Order XLI
- 9.2 Appeals from Appellate Decrees (Sec 100-103)
- 9.3 Appeals from Orders (sec 101-106) (Order XLIII)
- 9.4 General Provisions Relating to Appeals (sec 107-108)
- 9.5 Appeals to the Supreme Courts (sec109)
- 9.1 The rationale of Commissions
- 9.2 Order XXVI
- 9.3 Social-legal Commissions of inquiry in : Social Action or 'Public' Interest Litigation

UNIT 10: LIMITATION

- 10.1 Concept of limitation-why limitation?
- 10.2 General principles of Limitation.
- 10.3 Extension-Sufficient cause-acknowledgement
- 10.4 Legal Disability-condo nation-when comes to an end?
- 10.5 Limitation Act of 1963 (excluding Schedules)

PAPER-XXII LAW OF CRIMES – II (Criminal Procedure Code)

UNIT 1: INTRODUCTORY

- 1.1 The rationale of Criminal Procedure: The importance of Fair Trial
- 1.2 Constitutional perspectives: Articles 14,20 and 21
- 1.3 The variety of Criminal procedures
- 1.4 The organization of Police, prosecutor, Defense, Counsel and Prison Authorities and their duties, functions and powers
- 1.5 Types of procedures-inquisitorial and Advisory-importance of observance of procedure

UNIT 2: PRE-TRIAL PROCESS ARREST : SEARCH AND SEIZURE

- 2.1 The distinction between cognizable and non-cognizable offences: relevance and adequacy problems
- 2.2 Steps to ensure accused's presence at trial: Warrant and summons cases
- 2.3 Arrest with and without warrant (sec 70-73 and 41)
- 2.4 The absconder's status (sec82-85)
- 2.5 Rights to arrest
 - 2.5.1 Rights to be informed of the grounds of arrest (sec.55,60(1),75)
- 2.6 Rights to be taken to the Magistrate without delay (sec56-57)
- 2.7 Rights of not being detained for more than 24 Hours (sec 57 Article 22(2) of the Constitution of India)
- 2.8 Rights to consult legal practitioner and legal aid
- 2.9 Rights to be examined by a medical practitioner (sec54)
- 2.10 Search warrant (sec.83,94,97,98)and Searches without warrant (sec.103)
- 2.11 Police search during investigation (sec, 153, 165,166)
- 2.12 General Principles of search (sec.100)
- 2.13 Seizure (sec.102)
- 2.14 Constitutional aspects of validity of search and seizure proceedings

Unit 3: PRE - TRIAL PROCESS: FIR

- 3.1 FIR (sec.154)
- 3.2 Evidentiary value of FIR (sec. 145,157 of Indian Evidence Act)
- 3.3 Pre - trial process: Magisterial power to take cognizance (sec.195-199 Cr.P.C.)

Unit 4: TRIAL PROCESS AND FAIR TRIAL

- 4.1 Commencement of proceedings (sec.200, 201,202)
- 4.2 Dismissal of complaint (sec. 203,204)
- 4.3 Bail
 - 4.3.1 Bailable and non – bailable offences (sec.436,437,439)
 - 4.3.2 Cancellation of bails (sec.437(5))
 - 4.3.3 Anticipatory Bail (sec.438)
 - 4.3.4 Appellate Bail powers – suspension of sentence (sec.389(1),395(1), 437(5))
 - 4.3.5 General Principles concerning bond (sec.441-450)
 - 4.3.6 Constitutional principles regarding bail
- 4.4 Conception of fair trial
- 4.5 Presumption of innocence
- 4.6 Venue of trial (sec.177-189) jurisdiction of criminal courts
- 4.7 Right of accused to know the accusation (sec.221-224)
- 4.8 The trial must generally be held in accused's presence (sec.205, 273, 317)
- 4.9 Right of cross examination and to offer evidence in defense
- 4.10 Constitutional interpretation of Article 21 as a right to speedy trial

Unit 5: CHARGE

- 5.1 Form and content of charge (sec.211, 212, 216)
- 5.2 Separate charges for distinct – offences (sec.218, 219, 220, 221, 223)

Unit 6: PRELIMINARY PLEAS TO BAR THE TRIAL:

- 6.1 Jurisdiction (Sec.26, 177-188, 461, 462, 479)

- 6.2 Time limitations – Rationale and scope (sec.468, 473)
- 6.3 Pleas of autrefois acquit and autrefois convict (sec.300, 22(d))
- 6.4 Issues – estoppel

Unit 7: TRIAL BEFORE A COURT OF SESSION

(Procedural steps and substantive rights under sec.226- 236)

Unit 8: JUDGEMENT

- 8.1 Form and content (sec.354)
- 8.2 Summary trial (sec. 260-265)
- 8.3 Post conviction orders in lieu of punishments; emerging panel policy(ss.360, 361, 31)
- 8.4 Compensation and cost (sec.357, 358)
- 8.5 Modes of providing judgment (sec.353, 362, 363)

Unit 9: APPEALS AND REVISION

- 9.1 No appeal in certain cases (sec.372, 375, 376)
- 9.2 The rationale of appeals, review, revisions
- 9.3 The multiple range of appellate remedies
- 9.3.1 Supreme Court of India (sec. 374, 379, Articles 132, 134)
- 9.3.2 High Court (sec.374)
- 9.3.3 Sessions Court (sec.374)
- 9.3.4. Special right to appeals (Sec. 380)
- 9.3.5 Governmental appeal against sentencing (sec.377, 378)
- 9.3.6 Judicial power in disposal of appeals (sec.168)
- 9.3.7 Legal aid in appeals

Unit 10: PROBATION AND PAROLE AND PROCEDURE UNDER PROBATION OF OFFENDERS ACT AND SPECIAL PROCEDURES IN CRIMINAL MATTERS

- 10.1 Problems and principles
- 10.2 Suspension of sentence
- 10.3 Meaning of Parole
- 10.4 Authority granting parole
- 10.5 Supervision
- 10.6 Conditional release
- 10.7 Procedure under Juvenile Justice Act.
- 10.8 Juvenile Justice system
- 10.9 Treatment and rehabilitation of juveniles
- 10.10 Juvenile – adult crimes
- 10.11 Protection juvenile offenders, legislative and judicial role
- 10.12 Concept of juvenile delinquency

Paper – XXIII **LAW OF EVIDENCE**

Unit 1: INTRODUCTORY

- 1.1 Conceptions of evidence in classical Hindu and Islamic Jurisprudence
- 1.2 Evidence in Customary Law Systems (Non – state law)
- 1.3 The introduction of the British ‘Principles’ of evidence
- 1.4 The main features of the Indian Evidence Act.
- 1.5 Other Acts. Which deal with evidence (special reference to CPC, Cr.P.C., Central Act. Such as Banker’s Book Evidence Act., Fiscal and Revenue Laws etc.,
- 1.6 Problem of Applicability of Evidence Act.
- 1.6.1 Administrative Areas
- 1.6.2 Administrative Tribunals
- 1.6.3 Industrial Tribunals
- 1.6.4 Commissions of Enquiry
- 1.6.5 Court – martial
- 1.6.6 Need for industrial Tribunals, Commissions of Enquiry, Court Martial, Unfair means of examination, Arbitration, Disciplinary proceedings

Unit 2: CENTRAL CONCEPTIONS IN LAW OF EVIDENCE

- 2.1 Facts: Sec. 3; Definition, distinction (relevant facts/ facts in issue)
- 2.2 Evidence: Oral and documentary (is ‘real’ or ‘material’ evidence Covered by this) – Primary and Secondary evidence
- 2.3 Circumstantial Evidence, Direct Evidence and Hearsay evidence
- 2.4 Presumption (sec.4)
- 2.5 ‘Proved’ ,‘Disproved’ and Not Proved.
- 2.6 Witness
- 2.7 Appreciation of Evidence

Unit 3: FACTS: RELEVANCY

- 3.1 The Doctrine of Res Gestae (sec.6,7,8,9)
- 3.2 Evidence of Common Intention (sec.10)
- 3.3 The problems of relevancy of 'Otherwise' Irrelevant become Relevant Facts (sec.11)
- 3.4 Relevant facts for proof of custom (sec. 13)
- 3.5 Facts concerning bodies and mental state (sec.14 & 15)

Unit 4: ADMISSIONS AND CONFESSIONS

- 4.1 General principles concerning Admissions
- 4.2 (sec. 17-23)
- 4.3 Differences between 'Admission' and 'Confession' The problems of non – admissibility of confessions
- 4.4 Caused by inducement, threat or promise (sec. 24) Inadmissibility of Confession made before a
- 4.5 Police Officer (sec.25)
- 4.6 Admissibility of 'Custodial' Confessions (sec 26) Admissibility of 'information' received from an accused Person in custody; with special reference to the problem of discovery based on 'Joint statement' (sec. 27)
- 4.7 Confession by Co – accused (sec. 30)
- 4.8 The problems with the judicial action based on a 'Retracted Confession'

Unit 5: DYING DECLARATION OTHER STATEMENTS BY PERSONS WHO CAN NOT BE CALLED AS WITNESSES

- 5.1 The justification for relevance on dying declaration (sec. 32)
- 5.2 The judicial standards for appreciation of evidentiary value of dying declarations
- 5.3 Section 33(2) to (8); General Principles
- 5.4 Special problems concerning violation of women's rights In marriage in the Law of Evidence (sec. 32 (6))

Unit 6: RELEVANCE OF JUDGMENTS

- 6.1 General principles (sec. 40 – 44)
- 6.2 Admissibility of Judgments in civil and criminal matters (sec. 43)
- 6.3 'Fraud and "Collusion" (sec.44)

Unit 7: EXPERT TESTIMONY

- 7.1 General Principles (sec. 45- 50)
- 7.2 Who is an Expert? Types of Expert Evidence
- 7.3 Opinion on Relationship especially proof of marriage (sec. 50)
- 7.4 The Problems of Judicial defense to expert testimony

Unit 8: ORAL AND DOCUMENTARY EVIDENCE

- 8.1 General Principles concerning oral evidence (sec. 59 -60)
- 8.2 General principles concerning documentary Evidence (sec. 67 – 90)
- 8.3 General Principles Regarding Exclusion of oral by Documentary Evidence
- 8.4 Special problems regarding Hearsay Evidence
- 8.5 Estoppel in relation to oral and Documentary Evidence

Unit 9: WITNESSES, EXAMINATION AND CROSS EXAMINATION

- 9.1 Competency to Testify (sec. 118)
- 9.2 State Privilege (sec. 123)
- 9.3 Professional Privilege (sec. 126,127, 128)
- 9.4 Approver Testimony (sec.133)
- 9.5 General Principles of Examination (sec. 135 – 166)
- 9.6 Leading Questions (sec. 141- 143)
- 9.7 Lawful Questions in Cross Examination (sec. 146)
- 9.8 Compulsion to answer questions put to witness (sec. 147, 153)
- 9.9 Hostile Witness (sec. 154)
- 9.10 Impeaching of the standing or credit of witness (sec. 155)

Unit 10: BURDEN OF PROOF AND ESTOPPEL

- 10.1 The General and Special Exceptions to Probandi (sec. 101)
- 10.2 General and Special Exceptions to Onus Probandi
- 10.3 The justification of presumptions of the Doctrine of Judicial Notice
- 10.4 Justification as to presumption as to certain offences (sec. 113- A)
- 10.5 Presumptions as to Dowry Death (sec. 113 – B)
- 10.6 The Scope of the Doctrine of Judicial Notice (sec. 114)
- 10.1 Why Estoppel? Introduction as to the Rationale (sec. 115)
- 10.2 Estoppel, Resjudicata and Waiver: and Presumption
- 10.3 Estoppel as a matter of
- 10.4 Estoppel by Deed
- 10.5 Estoppel in fact
- 10.6 Equitable and promissory Estoppel
- 10.7 Questions of corroboration (sec. 156, 157); Accomplice
- 10.8 Improper admission and of witness in civil and criminal cases - Arising out of discussion of these areas the class should take Up issues of law reform. The Sixty Ninth Report on the Indian Evidence Act by

the Law Commission of India proposes many Changes. Some of these must by promotion of Human Rights in the administration of justice

Paper -XXIV
LAW OF BANKING
(Optional Paper - IV)

Unit 1: The Nature and Development of Banking

- 1.1 History of Banking in India – Evolution
- 1.2 Constitutional perspectives – Union list entries 36,37, 38,43,44,45 And 46 State list, entry 30 of List – II

Unit 2: RELATIONSHIP OF BANKER AND CUSTOMER

- 2.1 Banker, banking business, meaning of customer, types of accounts
- 2.2 Contract between banker and Customer, general relation, legal relation, their rights and duties
- 2.3 Banker's Lien
- 2.4 Banking instruments, bank notes, bankers drafts, deposit receipts, Letter of credit, indemnities, traveler's cheques, postal order, Dividend warrants, bonds

Unit 3: LAW RELATING TO BANKING COMPANIES IN INDIA

- 3.1 The Banking Companies Act. 1949, Extent and application, business of Banking companies, control and management by reserve bank, suspension of business and winding up of banking companies, special provisions for speedy disposal of winding up of proceedings

Unit 4: The Banking Regulation Act. 1948, extent and application business of Banking companies, provisions for winding up

Unit 5: Reserve Bank of India Act. 1934 characteristics, and functions, objectives legal status and organizational structure, functions such as; banking, Currency, banker to government, exchange control over non banking companies and supervision of other banks (see sections 17,18 and 42)

- 5.4 Co - operative banking law: Banking Regulation (Co- operative Societies) Rules, 1966 - Co - operative Credit Society Act. 1904 and 1970

Unit 6: NATIONALISATION OF BANKS:

- 6.1 Banking Companies (Acquisition and Transfer of undertaking) Act. 1969 and 1970
- 6.2 Legislative competence for nationalization: Entries 43, 44 and 45 of List – I Entry 42 of List – III, Entry 7 and 52 of List – I, Entries 24, 26, 27 of List – II, 33 of List – III: Entries 54, 56 of List – I: Articles 19(1) (f), 19(5), 31, 31 (1)
- 6.3 Banks before and after nationalization: growth, assets and liabilities, efficiency and profitability, recovery frauds in banks, bank robberies

Unit 7: FOREIGN EXCHANGE CONTROL AND BANKING FOR NON- RESIDENTIAL INDIANS

- 7.1 FERA , 1974, authorized dealers in foreign exchange, restrictions on dealing on payment (Sections 3 to 10, 13 to 17, 19 22 to 27 only)

Unit 8: Law relating to negotiable instruments: Negotiable Instruments Act. 1881

- 8.1 Meaning, Kinds of negotiable instruments, promissory notes
- 8.2 Bills of exchange, holder, holder in due course, parties
- 8.3 Negotiation, presentment, discharge from liability
- 8.4 Dishonour, noting and payment for honour cheques, crossing of cheques, pledge and II stocks, shares, life policies, documents of title to goods, guarantee and hypothecation

Unit 9: Reforms in Indian Banking Law: The Indian banking commission and banking laws, committee of Government of India, A review of their Recommendations

BOOKS RECOMMENDED FOR STUDY

- 1 Sheldon, Law of Banking
- 2 Tunner, Law of Banking
- 3 Gulati, Banking Companies Act.
- 4 Maheswari, Banking Law and Practice
- 5 Ravi. R Mehta, Fundamentals of Banking
- 6 Promod Kumar Mukherjee, Modern Banking Theory
- 7 S.G.Panandikar, Banking in India

PAPER – XXV
MEDIA LAW

(With Right to Information Act)

(OPTIONAL PAPER - V)

- Unit – 1:** Mass media – Types of – Press Films, Radio Television. Ownership patterns – Press – Private – Public, Ownership patterns – Films – Private, Ownership Patterns – Radio & Television, Public, Difference between visual and non – visual media – impact on peoples minds.
- Unit – 2:** Press – Freedom of speech and Expression – Articles 129 (1) (a): Includes Freedom of the press, Laws of defamation, obscenity, blasphemy and sedition, Law relating to employees wages and service conditions, Price and page Schedule Regulation, Newsprint and Control Order, Advertisement – is it included with in freedom of speech and expression? Press and the Monopolies and Restrictive Trade Practices Act
- Unit – 3:** Films -How far included in freedom of speech and expression? Censorship of films – Constitutionally, The Abbas Case, Difference between films and press – Why Pre censorship valid for films but not for the press? Censorship under the cinematography Act.
- Unit-4:** Radio and Television – Government Monopoly; Why Government department? Should there be an autonomous corporation? Effect of television on people. Report of the Chanda Committee, Government Policy, Commercial advertisement, internal security of serials, etc. judicial Review of Doordarshan decisions: Freedom to telecast.
- Unit – 5:** Constitutional Restrictions; Radio and television subject to law of defamation and obscenity, Power to legislate – Article 246 read with the seventh schedule, Power to impose tax – licensing and license fee.
- Unit – 6:** Right to Information: Development of RTI in India
- Unit – 7:** Right to Information Act , 2005; its implementation
- Unit – 8:** Right to Information Decisions; Decisions of Judiciary
- Unit – 9:** RTI and Decisions of Chief Central Information commissions and State Information Commission under the RTI Act, 2005.

Unit – 10: Law Reforms in India

Books Recommended :

M.P.Jain, Constitutional Law of India (1994) Wadhwa.
H.M. Seervai, Constitutional Law of India Vol.1. (199)Tripathi, Bombay.
Rajeev Dhavan “On the law of the Press in India” 26Jl.L/288(1984).
Rajeev Dhavan, “Ligitimating Government Rehtoric: Reflections on some Aspects of the Second Press commission “ 26 J. L /391 (1984)
Soil Sorabjee, Law of person Censorship in India (1976).
Justice E.S. Venkatramaiah, Freedom of Press: some Recent Trends (1984)
D.D. Basu, The Law of Press of India (1980)
Right to Information Act, 2005, SP Sathe, 2006.
Right to Information in India, Solu Nigam

SEMESTER - VI

Paper – XXVI

PRACTICAL TRAINING - I

DRAFTING, PLEADING AND CONVEYANCING

- A DRAFTING:
General Principles of drafting and relevant substantive rules shall be taught.
- B PLEADINGS:
- 1 CIVIL
- 1 Complaint
 - 2 Written statement
 - 3 Interlocutory Application
 - 4 Original Petition
 - 5 Affidavit
 - 6 Execution Petition
 - 7 Memorandum Petition
 - 8 Petition under Articles 226 and 32 of the Constitution of India
- 2 CRIMINAL
- 1 Complaints
 - 2 Criminal Miscellaneous Petition
 - 3 Bail Application and
 - 4 Memorandum of appeal and revision
- C CONVEYANCING: