

IX SEMESTER:

COURSE-I: CIVIL PROCEDURE CODE AND LIMITATION ACT

Objectives:

Study of procedural law is important for a Law student. This course is designed to acquaint the students with the various stages through which a civil case passes through, and the connected matters. The course also includes law of limitation. The course teacher shall endeavour to familiarise the students with the case papers (like plaints, written statements, Interlocutory applications, etc.) involved in civil cases and touch upon the provisions of Evidence Act wherever necessary.

Course contents:

UNIT – I

Civil Procedure Code

Introduction; Distinction between procedural law and substantive law- History of the code, extent and its application, definition; Suits: Jurisdiction of the civil courts- Kinds of jurisdiction-Bar on suits- Suits of civil nature (Sec.9); Doctrine of *Res sub judice* and *Res judicata* (Sec. 10, 11 and 12); Foreign Judgment (Sec. 13, 14); Place of Suits (Ss. 15 to 20); Transfer of Cases (Ss. 22 to 25).

UNIT – II

Institution of suits and summons: (Sec. 26, 0.4 and Sec. 27, 28, 31 and O.5); Interest and Costs (Sec. 34, 35, 35A, B); Pleading: Fundamental rules of pleadings- Plaint and Written Statement- Return and rejection of plaint- Defences- Set off- Counter claim; Parties to the suit (O. 1): Joinder, misjoinder and non-joinder of parties- Misjoinder of causes of action- Multifariousness.

UNIT – III

Appearance and examination of parties (O.9, O.18) - Discovery, inspection and production of documents (O.11 & O.13) - First hearing and framing of issues (O.10 and O.14) - Admission and affidavit (O.12 and O.19) - Adjournment (O.17) - Death, marriage-Insolvency of the parties (O.22) - Withdrawal and compromise of suits (O.23) - Judgment and Decree (O.20); Execution (Sec. 30 to 74, O.21): General principal of execution- Power of executing court- Transfer of decrees for execution- Mode of execution- a) Arrest and detention, b) Attachment, c) Sale.

UNIT – IV

Suits in particular cases; Suits by or against Governments (Sec. 79 to 82, O.27); Suits by aliens and by or against foreign rulers, ambassadors (Sec. 85 to 87); Suits relating to public matters (Sec. 91 to 93); Suits by or against firms (O.30); Suits by or against minors and unsound persons (O.32); Suits by indigent persons (O.33); Inter-pleader suits (Sec. 88, O.35); Interim Orders; Commissions (Sec. 75, O.26); Arrest before judgment and

attachments before judgment (O.38); Temporary injunctions (O.39); Appointment of receivers (O.40); Appeals (Ss. 90 to 109, O.41, 42, 43, 45); Reference- Review and Revision (Ss. 113, 114, 115, O.46, O.46); Caveat (Sec. 144.A)- Inherent powers of the court (Ss. 148, 149, 151).

UNIT –V

Limitation Act.

Prescribed Books:

Mulla - Civil Procedure Code.

Sanjiwa Rao - Civil Procedure Code.

Karnataka Civil Rules of Practice – Bare Act.

Reference Books:

P. M. Bakshi - Civil Procedure Code.

C. K. Takwani - Civil Procedure Code.

COURSE-II OPTIONAL-III: INTELLECTUAL PROPERTY RIGHTS-I / PENOLOGY & VICTIMOLOGY

Objectives:

Intellectual Property Law has assumed a great importance in recent times as a result of the recognition that “knowledge is property”. The creations of the human brain as IP are required to be understood and protected. The syllabi encompassing all relevant IP legislations in India with a view to understand and adjust with changing needs of the society because creative work is useful to society and law relating to innovation/creativity i.e. Intellectual Property is one of the fastest growing subjects all over the globe because of its significance and importance in the present era. Disseminate information on national and international IPR issues. The course is designed with a view to create IPR consciousness; and familiarize the learners about the documentation and administrative procedures relating to IPR in India. The subject Intellectual Property Law divided into two Papers namely Paper – I and Paper - II of 100 marks each.

Course contents:

UNIT I

Introductory Aspects: Overview of the concept of property; Industrial property and non-industrial property; Historical background of IPR; Importance of human creativity in present scenario; Different forms of IP and its conceptual analysis.

Patents: Introduction and overview of patent protection; History of Patent protections; What is patent and definition of patent; Object of patent; Scope and salient features of patent; How to obtain patent; Product patent and Process patent; Specification – Provisional and complete specification; Procedure for patent applications; Register of

patents and Patent Office; Rights and obligations of patentee; Transfer of Patent Rights; Government use of inventions; Biotech patents and patentability of life forms; Infringement of Patents; Offences and Penalties.

UNIT II

Trade Marks: Introduction and overview of trade mark; Evolution of trade mark law; Object of trade mark; Features of good trade mark; Different forms of trade mark; Trade mark registry and register of trade marks; Property in a trade mark; Registrable and non-registrable marks; Basic principles of registration of trade mark; Deceptive similarity; Assignment and transmission; Rectification of register; Infringement of trade mark; Passing off; Domain name protection and registration; Offences and penalties.

UNIT III

Introduction and overview of Cyber Intellectual Property; Intellectual property and cyberspace; Emergence of cyber crime ; Grant in software patent and Copyright in software; Software piracy; Trade marks issues related to Internet (Domain name); Data protection in cyberspace; E-commerce and E-contract; Salient features of Information Technology Act; IPR provisions in IT Act; Internet policy of Government of India.

UNIT IV

Geographical Indications: Introduction and overview of geographical indications; Meaning and scope of geographical indications; Important geographical indications of India and their features; Salient features of the Protection of Geographical Indications Act; Protection of geographical indications; Misleading use of geographical indications; Registration of geographical indications; Right to use geographical indications; Infringement; Remedies against infringement; Role and functions of Registrar of Geographical indication; Conflict between Trade mark and geographical indications.

UNIT V

International Convention and Treaties: Paris Convention: Background; Salient features of Paris Convention; Governing rules of Paris Convention; Patent Cooperation Treaty: Background; Objectives of PCT; Salient features of PCT; Madrid Convention: Salient features; International registration of marks; World Intellectual Property Organisation: Background; Salient features WIPO; Organisation of WIPO.

Prescribed Books:

1. P. Narayanan – Intellectual Property Law.
2. Cornish William – Intellectual Property.

Reference Books:

1. Ganguli – Intellectual Property Rights: Unleashed the knowledge economy.
2. Copinger & Skine James – Copyright.
3. Pal P. – Intellectual Property Rights in India.
4. Unni – Trade Mark, Design and Cyber Property Rights.

5. Rodney Ryder – Intellectual Property and the Internet.
6. Rahul Matthan – The law relating to Computers and the Internet.
7. Elizabeth Verkey – Law of Plant Varieties Protection.
8. Pavan Duggal – Cyber Law: the Indian Perspective.
9. D. P. Mittal - Law of Information Technology.

OPTIONAL-III: PENOLOGY & VICTIMOLOGY

Objectives:

This course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications and the problem of exercise of discretion in sentencing. In addition the course introduces students to the discipline of victimology which will shift the study from accused centric approach to much needed victim centric approach.

Course contents:

UNIT – I

Introduction: Notion of punishment in law; Difference between crime prevention and control; Theories of punishments.

UNIT - II

Kinds of punishment; Sentencing policies and processes; the riddle of capital punishment.

UNIT - III

Prison reforms; Alternatives to imprisonment; Victimology- Introduction, history and philosophy.

UNIT – IV

Victimology- European experience; American experience; Victim witness assistance programmes; Restitution.

UNIT – V

Victimology - Indian experience; Legal framework; Role of Courts; Role of NHRC.

Prescribed Books:

- Edwin H. Sutherland- Criminology.
Ahmad Siddique- Criminology.
V.N.Rajan- Victimology in India.

Reference Books:

- H.L.A. Hart- Punishment and Responsibility.
S. Chabra- Quantum of Punishment in Criminal Law.
Herbert L. Packer- the Limits of Criminal sanctions.

**COURSE-III OPTIONAL-IV: INTERPRETATION OF STATUTES &
PRINCIPLES OF LEGISLATION/
COMPETITION LAW**

Objectives:

Enacted laws, i.e. Acts and Rules are drafted by legal experts. Language used will leave little or no room for interpretation or construction. But the experience of all those who have to bear and share the task of application of the law has been different. Courts and lawyers are busy in unfolding the meaning of ambiguous words and phrases and resolving inconsistencies. The statute is to be construed according 'to the intent of them that make it.' To ascertain the true meaning, intent of the maker, numerous rules of interpretation were formulated by courts and jurists. The objective of this course is to make the student familiar with various rules of interpretation.

Course contents:

UNIT-I

Basic Principles; Guiding rules; Internal aids to construction.

UNIT-II

External aids to construction.

UNIT-III

Subsidiary rules; Operation of statutes; Expiry and repeal of statutes.

UNIT-IV

Statutes affecting the state; Statutes affecting the jurisdiction of courts.

Construction of taxing statutes and evasion of statutes; Remedial and penal statutes.

UNIT-V

Principles of Legislation.

Prescribed Book:

G. P. Singh – Principles of Statutory Interpretation.

Upendra Baxi- Bentham's theory of Legislation.

Reference Books:

Maxwell on the Interpretation of Statutes.

V. P. Sarathi – Interpretation of Statute – General Clauses Act 1897.

Bindra- Interpretation of Statutes.

OPTIONAL-IV: COMPETITION LAW

Objectives:

It is necessary to introduce students to the laws that are designed from time to time in keeping with the policy of the government to prevent unfair trade competition and protection of consumers. These laws have changed over a period of time in accordance with the demands of changing times. The laws are to be geared up to pass on the benefit of competition to consumers. These laws are to be reviewed and appreciated in this course.

Course contents:

UNIT-I

Constitutional provisions regulating trade; Salient features of MRTP Act, 1986; Salient features of Consumer Protection Act, 1986.

UNIT-II

Sherman Antitrust Act, 1890; Relevant provisions of Clayton Act, 1914; Relevant provisions of the Federal Trade Commission Act; Salient features of U.K. Competition Act, 1998.

UNIT-III

The Competition Act, 2002; Preliminary; Prohibition of certain agreements, abuse of dominant position and regulation of combinations.

UNIT-III

Competition Commission of India; Duties, powers and functions.

UNIT-III

Duties of Director general; Penalties; Competition advocacy; Important judgments of the Supreme Court.

Prescribed books:

Adi P.Talati & Nahar S.Mahala- Competition Act, 2002: Law, Practice and Procedure.

Reference books:

COURSE-IV: CLINICAL COURSE-III: DRAFTING, PLEADING AND CONVEYANCE

Objectives:

Translation of thoughts into words- spoken and written is an essential ingredient of an effective lawyer. The students should be trained in drafting of pleadings and conveyances

and other essential documents. The skill of drafting can be acquired and sharpened by undertaking the exercises under the supervision of an expert in the field. The course aims at equipping the students with drafting skills.

Course contents:

1. General principles of drafting and relevant substantive rules.
2. Pleadings- Civil: plaint, written statement, interlocutory application, original petition, affidavit, execution petition, memorandum of appeal and revision, petition under Art.226 and Art.32 of the Constitution of India.
3. Pleadings- Criminal: complaint, criminal miscellaneous petition, bail application, memorandum of appeal and revision.
4. Conveyance: sale deed, mortgage deed, lease deed, gift deed, promissory note, power of attorney, will, trust deed, partition deed, etc.
5. Drafting of writ petition and Public Interest Litigation petition.

This course shall be taught through class room instructions and simulation exercises preferably with the assistance of practicing lawyers or retired judges.

Examination and allocation of marks:

- 1 Each Student shall undertake 15 practical exercises in drafting of Pleadings carrying 45 marks (3 marks for each exercise).
- 2 Each student shall undertake 15 practical exercises in Conveyancing, which carries 45 marks (3 marks each).
- 3 The above-mentioned drafting of Pleadings and Conveyancing exercises shall be in the handwriting of the students on one side of the bond size papers. The papers shall be bound accompanied by a certificate signed by the course teacher and the principal to the effect that it is the bonafide work of the concerned candidate.
- 4 The cover shall indicate the name of the examination, subject, seat number, and the center code number.
- 5 There shall be a contents page.

At the end of the semester, the student shall appear for a viva voce, which shall carry 10 marks. Viva- to be conducted by the Principal and the course teacher.

