

X SEMESTER:

COURSE-I: LAW OF EVIDENCE

Objectives:

The law of Evidence has its own significance amongst Procedural Laws. The knowledge of law of Evidence is indispensable for a lawyer. The course is designed to acquaint the students with the rules of evidence in relation to relevancy of facts and proof. In addition they are introduced to law relating to production of evidence. The course teacher shall familiarize the students with appreciation of evidence and use innovative techniques like simulation exercises wherever necessary.

Course contents:

UNIT-I

Introduction: Distinction between substantive and procedural law- Conceptions of evidence in classical Hindu and Islamic Jurisprudence- Evidence in customary law systems (Non-state law)- Introduction to the British 'Principles of Evidence'- Legislations dealing with evidence (other than Indian Evidence Act) with special reference to CPC, Cr.P.C., Bankers Book Evidence Act, Commercial Document Evidence Act, Fiscal and revenue Laws- Salient features of the Indian Evidence Act, 1861, Applicability of the Indian Evidence Act. Central Conceptions in Law of Evidence – Facts - Facts in issue and relevant facts- Evidence- Circumstantial and direct evidence- Presumptions, proved, disproved, not proved- Witness- Appreciation of evidence. Relevancy of Facts- Facts connected with facts in issue-Doctrine of *Res gestae*; Sections 6, 7, 8 and 9 of Evidence Act- Evidence of Common Intention-Section10, Relevancy or otherwise irrelevant facts- Facts to prove right or custom (Section13)-Facts concerning state of mind/state of body or bodily feelings (Sections 14 and 15) - Relevancy and admissibility of admissions, privileged admissions- evidentiary value of admissions (Sections 17 to 23).

UNIT-II

Relevancy and admissibility of confessions- Admissibility of information received from an accused person in custody- Confession of co-accused (Sections 24 to 30) - Admitted facts need not be proved (Section 58); Dying declaration- Justification for relevance- Judicial standards for appreciation of evidentiary value-Section 32 (1) with reference to English Law -Other statements by persons who cannot be called as witnesses- (Sections 32(2) to (8), 33)- Statement under special, circumstances (Sections 34 to 39); Relevance of judgments- General principles – Fraud and collusion (Sections 40 to Sec. 44); Expert testimony: General principles (Sections 45-50) - Who is an expert- Types of expert evidence – Problems of judicial defence to expert testimony.

UNIT-III

Character evidence- Meaning – Evidence in Civil Criminal cases; English Law (Sections 52-55)- Oral and documentary Evidence -Introduction on Proof of facts- General principles concerning oral; Evidence (Sections 59-60)- General principles concerning documentary; Evidence (Sections 61-90)- General principles regarding exclusion by evidence (Sections 91-100).

UNIT-IV

Burden of Proof- The general conception of *onus probandi* (Section 101)- General and special exception to *onus probandi* (Sections 102-106)- The justification of presumption and burden of proof (Sections 107 to 114) with special reference to presumption to legitimacy of child and presumption as to dowry death- Doctrine of judicial notice and presumptions.

Estoppel: Scope of Estoppel - Introduction as to its rationale (Section 115)- Estoppel distinguished from *Res judicata* - Waiver and Presumption- Kinds of Estoppel- Equitable and Promissory Estoppel- Tenancy Estoppel (Section 116).

UNIT-V

Witness, Examination and Cross Examination:

Competence to testify (Sections 118 to 120)-Privileged communications (Sections 121 to 128)- General principles of examination and cross examination (Sections 135 to 166)- Leading questions (Sections 141- 145)- Approver's testimony (Section 133)- Hostile witnesses (Section 154)- Compulsion to answer questions (Sections 147, 153)- Questions of corroboration(Sections 156-157)- Improper admission of evidence.

Prescribed Book:

Ratanlal and Dhirajlal - Law of Evidence.

Reference Books:

Best - Law of Evidence.

Sarkar - Law of Evidence.

M. Rama Jois - Legal and Constitutional History of India.

Batuklal - Law of Evidence.

COURSE-II: TAXATION

Objectives:

The direct taxation is a powerful incentive or disincentive to economic growth, a lever which can rise or depress savings and capital formation, and instrument of reducing income disparities. A student of taxation will have to make a detailed study of tax policy and tax in India. Our tax laws are said to be the most complicated ones in the world. An analysis of this aspect will have to be made so that the reasons for such complications can

be known. The following course content has been designed to provide a comprehensive picture of taxation in India.

Course contents:

UNIT – I

Concept of Tax- Nature and characteristics of taxes- Distinction between tax and fee, tax and cess- Direct and Indirect taxes- Tax evasion and tax avoidance- Scope of taxing powers of Parliament, State Legislatures and Local bodies.

The Income Tax Act: Basis of taxation of Income- Incomes exempted from tax- Income from salaries- Income from house property- Income from business or profession and vocation- Income from other sources- Taxation of individuals, HUF, firms, association of persons, Co-operative Societies and Non- Residents.

UNIT- II

Income Tax Authorities- Their appointment- Jurisdiction- Powers and functions- Provisions relating to collection and recovery of tax- Refund of tax, appeal and revision provisions, offences and penalties.

Wealth Tax: Charge of Wealth tax, assets, deemed assets, and assets exempted from tax- Wealth tax Authorities- Offences and penalties.

UNIT- III

Central Excise Laws: Nature, scope and basis of levy of Central Excise duty- Meaning of goods- Manufacture and manufacturer- Classification and valuation of goods- Duty payment and exemption provisions- Provisions and procedure dealing with registration and clearance of goods- An overview of set-off of duty scheme.

UNIT- IV

Customs Laws: Legislative background of the levy- Appointment of Customs officers- Ports- warehouses- Nature and restrictions on exports and imports- Levy, exemption and collection of customs duties, and overview of law and procedure - Clearance of goods from the port, including baggage- Goods imported or exported by post, and stores and goods in transit- Duty drawback provisions.

UNIT V

Central Sales Tax Laws: Evolution and scope of levy of Central Sales tax- Inter- State sale outside a State and sale in the course of import and export- Basic principles- Registration of dealers and determination of taxable turnover; Service Tax – Main features of Service Tax; VAT- Introduction to Value Added Tax.

Prescribed Books:

1. Dr. V. K Singhanian - Students Guide to Income Tax.
2. V. S. Datey - Indirect taxes- Law and Practice.

Reference Books:

1. Girish Ahuja and Ravi Gupta- Systematic Approach to Income – Tax and Sales –tax.
2. T. N. Manoharan- Students Handbook on Income Tax Law.
3. B. B. Lal – Direct Taxes- Practice and Planning.
4. Dr. H. C Malhotra and Dr. S. P. Goyal- Direct Taxes.
5. Sharad Bhargava- Income Tax for Students.
6. V. Balachandran- Indirect Taxes.
7. J. K. Jain and Anand Jain- Law of Central Sales Tax in India.
8. P. L. Malik- Commentaries of Customs Act.
9. G. Sarangi- Introduction to Indian Tax System and Central Excise Law and Procedure.

COURSE-III OPTIONAL – V: INTELLECTUAL PROPERTY RIGHTS-II / WHIT COLLAR CRIMES

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 works 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

Indian Copyright Law: Introduction and overview of copyright: History of the concept of copyright and related rights; Nature of copyright: Salient features of Copyright Act; Subject matter of copyright; Literary work; Dramatic work; Musical works; Artistic works; Cinematographic films; Sound recordings; Term of copyright; Computer software

and copyright protection; Author and ownership of copyright; Rights conferred by copyright; Assignment, transmission and relinquishment of copyright; Infringement of copyright; Remedies against infringement of copyright

UNIT II

Biological Diversity Law: Introduction and overview of Biological Diversity; Meaning and scope of Biological Diversity; Biological resources and traditional knowledge; Salient features of Biological Diversity Act; Biological Diversity concerns and issues; Bio piracy; Regulation of access to Biological Diversity; National Biodiversity Authority; Functions and powers of Biodiversity Authority; State Biodiversity Board; Biodiversity Management Committee and its functions.

UNIT III

Protection of Plant Varieties and Farmers Rights Law: Legal concepts relating to the protection of plant varieties rights; Legal concepts relating to the protection of plant breeders rights; IPR in new plant varieties; Policy and objectives of protection of plant varieties and farmers rights act; Plant varieties and Farmers rights protection authority; National register of plant varieties; Procedure for registration; Rights and privileges; Benefit sharing; Compensation to communities; Compulsory licence; Relief against infringement; National Gene Fund.

UNIT IV

Designs Law: Introduction and overview of Designs Law; Salient features of Designs Law; Procedure for registration; Rights conferred by registration; Copyright in registered designs; Infringement ; Powers and duties and Controller; Distinction between design, trade mark, copyright & patent.

UNIT V

International Treaties / Conventions on IPR: TRIPS Agreement: Background; Salient Features of TRIPS; TRIPS and Indian IPR; Berne Convention: Background; Salient features of Paris Convention; Convention of Bio-Diversity: Objectives of CBD; Salient features of CBD; International IPR agreements affecting protection of plant varieties: The WTO Doha round of trade negotiations; International Treaty on Plant Genetic Resources (“ITPGR”).

Prescribed Books:

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

Reference Books:

1. Justice P. S. Narayana – Intellectual Property Law in India.
2. N. K. Acharya – Intellectual Property Rights.
3. Das J. K. - Intellectual Property Rights.

4. Ganguli – Intellectual Property Rights: Unleashed the knowledge economy.
5. Copinger & Skine James – Copyright .
6. Pal P. – Intellectual Property Rights in India.
7. Unni – Trade Mark, Design and Cyber Property Rights.
8. Elizabeth Verkey – Law of Plant Varieties Protection.

OPTIONAL – V: WHITE COLLAR CRIMES (PRIVILEGED CLASS DEVIANCE)

Objectives:

This course focuses on the criminality of the privileged classes – the wielders of all forms of state and social power. The course focuses on the relation between privilege, power and deviant behaviour. The traditional approaches which highlight white collar offences, socio-economic offences or crimes of powerful deal mainly deal with the deviance of the economically resourceful. The dimension of deviance associated with the bureaucracy, the new rich, religious leaders and organisations, professional classes are to be addressed. In teaching this course, current developments in deviants reflected in press and media, law reports and legislative proceedings are to be focussed.

Course contents:

UNIT – I

Introduction - Concept of white collar crime – Indian approaches to socio-economic offences- forms of privileged class deviance – official deviance (Legislators, judges and bureaucrats), professional deviance, trade union deviants, land law deviance, upper class deviance, police deviance, gender based deviance, deviance by religious leaders and organisations.

UNIT - II

Official deviance; Prevention of Corruption Act, 1988.

UNIT - III

Police and politicians' deviance; N.N.Vorha Committee Report; Lokpal and Lokayukta institutions.

UNIT – IV

Professional deviance; Medical profession - The Lentin Commission Report; Legal profession – Opinions of Disciplinary Committee of Bar Council of India.

UNIT – V

Gender based deviance – sexual harassment; Offences against scheduled castes and scheduled tribes

Prescribed Books:

Edwin H. Sutherland- Criminology.

Ahmad Siddique. Criminology.

Reference Books:

Upendra Baxi- The Crisis of Indian Legal system.

Upendra Baxi- Law and Poverty.

Upendra Baxi- Liberty and Corruption.

A.R.Desai- Violation of Democratic Rights in India.

COURSE-IV OPTIONAL – VI: WOMEN AND CRIMINAL LAW & LAW RELATING TO CHILD / LAW RELATING TO INTERNATIONAL TRADE

Objectives:

It is now for centuries that the women in India have suffered in the society. Even after 50 years of Adoption of the Constitution, for women, equality with man appears to be a distant mirage to be reached. Effective political representation of women in Legislature and other forums too has become a difficult proposition to be acceptable. Breach of her personality, through various forms of violence, too has not subsided. The course will Study, what are the legal provisions enacted to ameliorate these situations with special emphasis on Indian Municipal Law and what is the scope and shortcomings in the existing legal regime in this regard.

Course contents:

UNIT-I

Women in Pre-Constitution Period: Social and Legal Inequality; Social Reform Movement in India; Legislative response in India.

Women & children in Post-Constitution Period.

Provisions of Constitution of India

Preamble, Art.14, 15, 23, and Part IV

Legal Measures in relating to Child Labour

Women and Political Representation.

UNIT-II

Different Personal Laws- Unequal Position of Indian Women-Uniform Civil Code; Sex Inequality in Inheritance Rights: Right of Inheritance by birth for Sons and not for Daughters; Inheritance under Christian Law; Inheritance under Muslim Law; Matrimonial Property Law; Right of Women to be Guardian of her minor sons and daughters.

UNIT-III

Law of Divorce - Christian Law-Discriminatory Provision; Muslim Law- Inheritance divorce. Women and Social Legislation: Dowry Prohibition Law; Sex Determination Test, Law relating to Prevention of Immoral Trafficking in Women Act.

UNIT-IV

Women and Criminal Law: Adultery; Rape; Outraging the Modesty of Women; Kidnapping; Sati Prohibition Law; Law relating to Domestic Violence; Law relating Eve-Teasing; Indecent Representation of Women Act.

UNIT-V

Women and Employment: Factories Act- Provisions relating to women; Maternity Benefit Act; Equal Remuneration Act; Law Relating to Sexual Harassment at Working Place; N.C.W-Aims, Functions and Performance.

Prescribed Books:

1. Indu Prakash Singh- Women, Law and Social Change in India.
2. Paras Dewan- Dowry and Protection to Married Women.
3. S.P.Sathe- Towards Gender Justice.
4. Dwarka Nath Mitter- Position of Women in Hindu Law.
5. Shaukat Nasir- Muslim Women and their Rights.

Reference material:

1. Relevant Provisions of Constitution of India.
2. Relevant Provisions of Indian Penal Code.
3. S.125, Criminal Procedure Code.
4. National Commission on Women Act, 1990.
5. Matrimonial Property- Private Members Bill Introduced in Parliament.
6. Towards Equality- Report of Committee on the Status of Women (Govt. of India) Chapter IV and Section IV. General Conclusions and Recommendations.

OPTIONAL – VI: LAW RELATING TO INTERNATIONAL TRADE

Objectives:

International trade has assumed great importance in 21st century and its regulation under law has become a necessity to prevent exploitation of the weaker people. A new legal regime to regulate international trade is emerging. Students of law should have

understanding of these developments. This course is worked out to provide the future lawyers basic inputs in the area of international trade law.

Course contents:

UNIT I

Historical perspectives of International Trade, Institutions – UNCTAD, UNCITRAL, GATT (1947-1994); World Trade Organization-Objectives, Structure, Power; Most Favored Nation Treatment and National Treatment; Tariffs and Safeguard measures.

UNIT II

Technical Barriers to Trade; Sanitary and Phyto- sanitary measures; Trade Related Investment Measures(TRIMs); Anti- Dumping, Subsidies and Countervailing Measures; Dispute Settlement Process.

UNIT III

International Sales of Goods Formation and Performance of International Contracts, Various Forms and Standardization of Terms; Acceptance and Rejection of Goods, Frustration of Contract, Invoices and packing, Product liability.

UNIT IV

Exports – Insurance of Goods in Transit; Marine Insurance and kinds; Law on Carriage of goods by sea, land and air, Container transport, Pre-Shipment Inspection; Licensing of Export and Imports.

UNIT V

Laws Governing Finance and Investments; Foreign Collaboration and Investment Policy; Foreign Direct Investment in Industries and Governing Policies; Foreign Institutional Investors (FIIs): Investment by Non-resident Indians (NRIs) and Overseas Corporate Bodies (OCBs); Foreign Collaboration Agreement- Foreign Technology Agreement; Foreign Companies and Foreign Nationals in India.

Prescribed Books:

1. Indira Carr- Peter Stone - International Trade Law.
2. Myneni S.R. - The World Trade Organization.
3. Clive M Schmihoff- Export Trade: The Law and Practice of International Trade.
4. Rajiv Jain- Guide on Foreign Collaboration: Policies and Procedures.
5. C. Singhanian- Foreign Collaborations and Investment in India: Law and Procedures.
6. Jayanta Bagachi – World Trade Organisation: An Indian Perspective, Eastern Law House

Note: The course teacher should down load the latest materials from the net and impart the information to the students.

COURSE-V: CLINICAL COURSE-IV: MOOT COURT EXERCISE AND INTERNSHIP

Objectives:

This course is designed to hone advocacy skills in the students. Moot Courts are simulation exercises geared up to endow students with facility in preparation of written submissions and planning, organising and marshalling arguments in the given time so as to convince the presiding officer.

The students should familiarize themselves with the various stages of trial in civil and criminal cases. They should be exposed to real court experience. Further they should imbibe the skills of client interviewing. This component may be planned to be part of the internship. Each student enrolled in 3 year course shall undergo an internship for minimum 12 weeks (20 weeks for 5 year LL.B. course) during the entire course under NGO, trial and appellate advocates, legal regulatory authorities, legislatures and parliament, other legal functionaries, market institutions, law firms, companies, local self government and other such bodies as the university may stipulate. However, the internship shall not be for a period of more than four weeks continuously in an academic year.

Course contents:

Moot Court (30 marks)

- 1.1 Each student shall participate in at least 3 moot courts. Each Moot court exercise shall carry
10 marks, which shall be divided as under:
 - for oral advocacy: 5 marks, and
 - Written submission: 5 marks.
- 1.2 The student shall make written submission on behalf of the party for whom he makes oral advocacy as assigned by the course teacher.
- 1.3 The written submissions for the three moot courts shall be neatly written on one side of the bond size papers and bound together with a certificate signed by the course teacher and the principal to the effect that it is the bonafide work of the concerned student.
- 1.4 The cover shall indicate the name of the examination, subject, seat number and the center code number.

Observation of Trial (30 marks)

- 1.1 Each student shall attend trial in two cases one civil and one criminal in the course of last to or three years.
- 1.2 The student shall maintain a record and enter the various steps observed during their attendance on different days in the court.
- 1.3 The record shall be neatly written on one side of the bond size paper and bound. It will carry a certificate by the course teacher and principal to the effect that it is the bonafide work of the concerned student.

1.4 The record shall be valued for 30 marks.

1.5 The cover page shall indicate the name of the examination, subject, seat number and the center code number.

Client Interviewing (30 marks)

Each student shall observe two session of client interviewing at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary, which shall carry 15 marks.

Each student shall further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This shall be recorded in a diary, which shall carry 15 marks.

The Diaries shall be neatly written on one side of bond size papers and bound with a certificate signed by the course teacher and the Principal to the effect that it is the bonafide work of the concerned student.

The cover page of thee diary shall indicate the name of the examination, subject, seat number, and the center code number.

Viva (10 marks)

At the end of the semester, the student shall appear for a viva voce, which shall carry 10 marks.

Method of assessment: The submissions of Moot courts shall be valued by the course teacher. The diaries relating to trial observation and client interviewing and pre-trial preparations shall be valued by the professional under whose supervision the student has completed internship and the course teacher if it is so planned. If internship is with an Authority wherein trial observation and client interviewing is not possible, the student shall undertake these exercises separately and it shall be evaluated by the course teacher. The viva shall be conducted by the Principal of the college and the course teacher.

