

LL.B (3YD)

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M.A. M.Sc. Exam May/June-2013

Sixth Second/Fourth Semester

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LL.B (3YDC) VIth Semester

**Paper – Ist Public International Law and Human Rights**

- Definition and concept of international Law
- Source of International Law
- Historical development of International Law
- Relationship of International Law and Municipal Laws
- Subject of International Law, place of individuals in International Law
- States, recognition
- States, succession
- Acquisition and loss of state territory
- Responsibilities of state CBBT
- Nationality aliens, Asylum extradition, diplomatic agents treaties
- International organizations – U.N.O., including in its organs and International criminal court
- Settlement of Disputes
- International terrorism, disarmament

**Books recommended**

S.K. Kapoor	International Law
R.P. Anand	Salient Documents in International Law
S.C.H. Warzenberger	A Manual of International Law
J.G. Starke	Introduction to International Law
Gurdeep Singh	International Law
D.W. Bowett	International Institutions
Oppenheim	International Law
Breirly	Law of Nations

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LL.B (3YDC) VIth Semester

Paper – IIInd Interpretation of statutes

**UNIT – I**

**Interpretation of Statues**

1. Meaning of the term 'statues'
2. Commencement, operation and repeal of statues
3. Purpose of interpretation of statues

**UNIT – II**

**Aids to Interpretation**

**1. Internal aids**

1. Titles
2. Preamble
3. Heading and marginal notes
4. Sections and sub-sections
5. Punctuation marks
6. Illustrative, exceptions, provisos and saving clauses
7. Schedules
8. Non obstante clause

**2. External aids**

1. Dictionaries
2. Translations
3. Travaux preparatoires
4. Statues in pari material
5. Contemporanea Exposito
6. Debates, inquiry commission reports and Law commission reports

**UNIT – III**

**Rules of Statutory Interpretation**

1. Primary rules
2. Literal rule
3. Golden rule
4. Mischief rule (rule in the Heydon's case)

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**UNIT -IV**

1. Rule of harmonious construction
2. Noscitur a sociis
3. Ejusdem generis
4. Reddendo singula singulis

**UNIT -V**

**Interpretation with reference to the subject matter and purpose**

1. Restrictive and beneficial construction
2. Taxing statutes
3. Penal statutes
4. Welfare legislation

**UNIT - VI**

**Principal of Constitutional Interpretation**

1. Harmonious constructions
2. Doctrine of pith and substance
3. Colourable legislation
4. Ancillary powers
5. Residuary power
6. "Occupied field"
7. Doctrine of repugnancy

**Selected Bibliography**

1. G.P. Singh, Principal of Statutory Interpretation, (7<sup>th</sup> ed.) 1999, Wadhwa Nagpur
2. P.St. Langan (ed.) Maxwell on The Interpretation of Statues (19760, N.M. Tripathi. Bombay
3. K. Shanmukham, N.S. Bindra's Interpretation of Statues (1997) The Law Book Co.
4. V. Sarathi, Interpretation of Statues, (19894), Easern & co.
5. M.P. Jain, Constitutional Law of India, (1994) Wadhwa & co.
6. M.P. Singh, (ed.) V.N. Shukla's Constitution of India (1994) Eastern Luchnow
7. U. Baxi, INtroduction to Justice K.K.Mathews, Democracy Equality and Freedom (19780 Eastern Lucknow

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**Jiwaji University, Gwalior**  
**LL.B (3YDC) Vith Semester**  
**Paper – IIIrd Taxation Laws**

**UNIT- I**

**Income Tax Act**

Basic concepts- basic of charges of tax: Definitions: residential status of assesses – its impact on tax liability

**UNIT- II**

Heads of income – general concepts – chargeability to tax – admissible & inadmissible deductions, exclusions and deductions from income, set off and carry forward of losses

**UNIT- III**

Income tax authorities- powers & functions, assessment allotment of permanent account number, economic criteria scheme

**UNIT- IV**

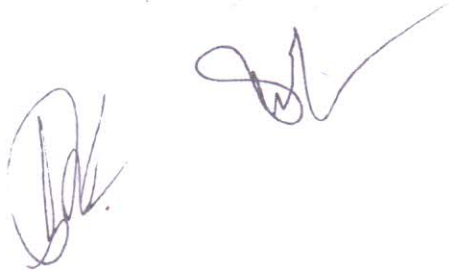
Rectification, revision, appeal, reference

**UNIT- V**

Penalties and prosecutions under income tax act, 1961 for non- compliance, contravention, avoidance and evasion of tax

**Books Recommended:-**

- Principles of taxation – Atal Kumar
- Principles of taxation – Kailash Rai
- Principles of taxation – S.R. myncni
- Principles of taxation - U.P.D. Kasali



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LL.B (3YDC) VIth Semester

Paper – IVth Intellectual Property Law

INTELLECTUAL PROPERTY LAW,

Syllabus

**1. Introductory**

The meaning of intellectual property

- 1.2 Competing rationales of the legal regimes for the protection of intellectual property
- 1.3 The main forms of intellectual property : copyright trademarks, patents, designs
- 1.4 The competing rationales for protection of rights in
  - 1.4.1 Copyright
  - 1.4.2 Trade marks
  - 1.4.3 Patents
  - 1.4.4 Designs
  - 1.4.5 Trade secrets
  - 1.4.6 Other new forms such as plant varieties and geographical Indians
- 1.5 Introduction to the leading international instruments concerning intellectual property rights : the Berne Convention, Universal Copyright Convention, the Paris Union TRIPS the World Intellectual Property Rights Organisation (WIPO) and the UNESCO.

**2 Select aspects of the law of copyright in India**

- 2.1 Historical evolution of the law
- 2.2 Meaning of copyright
- 2.3 Copyright in literary, dramatic and musical works
- 2.4 Copyright in sound records and cinematograph films
- 2.5 Copyright in computer programme
- 2.6 Ownership of copyright
- 2.7 Assignment of copyright
- 2.8 Author's special rights
- 2.9 Notion of infringement
- 2.10 Criteria of infringement
- 2.11 Infringement of copyright by films of literary and dramatic works.
- 2.12 Importation and infringement
- 2.13 Fair use provisions
- 2.14 Piracy in internet
- 2.15 Aspects of copyright justice
- 2.16 Remedies, especially, the possibility of Anton pillar injunctive relief in India.

**3 Intellectual Property in Trademarks**

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- 3.1 The rationale of Protection of trademarks as (a) an aspect of commercial and (b) of consumer rights.
- 3.2 Definition and concept of trademarks
- 3.3 Registration
- 3.4 Distinction between trademark and property mark
- 3.5 The doctrine of honest Current User
- 3.6 Protection of well-known marks
- 3.7 The doctrine of deceptive similarity
- 3.8 Passing off and infringement
- 3.9 Criteria of infringement
- 3.10 Standards of proof in passing off action
- 3.11 Remedies

#### 4 The law of Intellectual property : Patents

- 4.1 Concept of Patent
- 4.2 Historical view of the patents law in India
- 4.3 Patentable inventions with special reference to biotechnology products entailing creation of new forms of life.
- 4.4 Patent protection for computer programme
- 4.5 Process of obtaining a patent : application, examination, opposition and sealing of patents : general introduction
- 4.6 Procedure for filing patents. Patent co-operation treaty
- 4.7 Some grounds for opposition
  - 4.7.1 The problem of limited locus standi to oppose, specially in relation to inventions having potential of ecological and mss disasters
  - 4.7.2 Wrongfully obtaining the invention
  - 4.7.3 Prior publication or anticipation
  - 4.7.4 Obviousness and the lack of inventive step
  - 4.7.5 Insufficient description
- 4.8 Rights and obligations of a patentee
  - 4.8.1 Patents as chose in action
  - 4.8.2 Duration of patents : law and policy considerations
  - 4.8.3 Use and exercise rights
  - 4.8.4 Right to secrecy
  - 4.8.5 The notion of "abuse" of patent rights
  - 4.8.6 Compulsory licenses
- 4.9 Special Categories

#### Books Recommended & Select Bibliography

- Intellectual Property Right : the Emerging Issues – Prof. Siddharth Shastri
- Intellectual Property Right : the Emerging Issues – N.S. Sranivasule
- Intellectual Property Right : the Emerging Issues - J.P.Mishra
- Intellectual Property Right : the Emerging Issues – M.K. Bhandani
- Intellectual Property Right : the Emerging Issues – S.K.Singh

