

SESSION 2012-2013

Paper – I

VIII Semester

LAW OF EVIDENCE

**UNIT-I**

**Introductory**

1. The main features of the Indian Evidence Act 1861
2. CPC, CrPC deal with evidence
3. Problem of applicability of Evidence Act
4. Administrative Tribunals
5. Industrial Tribunals
6. Commissions of enquiry
7. Court- material

**Central Conceptions in Law of Evidence**

1. Facts: section 3 definition: distinction – relevant facts /facts in issue
2. Evidence: oral and documentary
3. Circumstantial evidence and direct evidence
4. Presumption (Section 4)
5. "Proving" "not proving" and disproving"
6. Witness
7. Appreciation of evidence

**UNIT – II**

**Facts: relevancy**

1. The Doctrine of res gestae (section 6,7,8,10)
2. The problems of relevancy of "otherwise" irrelevant facts (section 11)
3. Facts concerning bodies and mental state (section 14,15)

**Admission and Confessions**

1. General principles concerning admission (section 17, 23)
2. Differences between "admission" and "confession"

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3. The problems of non – admissibility of confessions caused by “any inducement, threat or promise” (section 24)
4. Inadmissibility of confession made before a police officer (section 25)
5. Admissibility of custodial confessions (section 26)
6. Admissibility of “information” received from accused person in custody; with special reference to the problem of discovery based on “joint statement” (section 27)
7. Confession by co-accused (section 30)
8. The problems with the judicial action based on a “retracted confession”

### UNIT – III

#### Dying Declarations

1. The justification for relevance on dying decelerations (section 32)
2. The judicial standards for appreciation of evidentiary value of dying declarations

#### Relevance of judgments

1. Admissibility of judgments in civil and criminal matters (section 43)
2. “Fraud” and “Collusion” (section 44)

#### Expert Testimony

1. Who is an expert? : types of expert evidence
2. Opinion on relationship especially proof of marriage (section 50)
3. The problem of judicial defence to expert testimony

### UNIT IV

#### Oral Documentary Evidence

1. General principles concerning oral evidence (sections 59- 60)
2. General principles concerning documentary evidence (section 67-90)
3. General principles regarding exclusion of oral by documentary evidence
4. Special problems: re-hearing evidence
5. Issue estoppel
6. Tenancy estoppel (section 116)

#### Witness Examination and cross Examinations

1. Competency to testify (section 118)
2. State privilege (section 123)
3. Professional privilege (section 126, 127,128)
4. Approval testimony (section 133)
5. General principles of examination and cross examination (section 135- 166)
6. Leading questions (section 141- 143)

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7. Lawful questions in cross – examination (section 146)
8. Compulsion to answer questions put to witness
9. Hostile witness (section 154)
10. Impeaching of the standing or credit of witness (section 155)

## UNIT V

### Burden of Proof

1. General principles conception of onus probandi (section 101)
2. General and special exceptions to onus probandi
3. The justification of presumption and of the doctrine of judicial notice
4. Justification as to presumption as to certain offences (section 111A)
5. Presumption as to dowry (section 115)
6. The scope of the doctrine of judicial notice (section 114)

### Estoppel

1. Why estoppel? The rationale (section 115)
2. Estoppel, res-judicial and waiver and presumption
3. Question of corroboration (section 156-157)
4. Improper admission and of witness in civil and criminal cases

### Selected Bibliography

1. Sarkar and Manohar, Sarkar on evidence (1999), Wadhwa & Co. Nagpur
2. Indian Evidence Act, (Amendment up to date)
3. Ratanlal, Dhirajlal: Law of Evidence (1994), Wadhwa Nagpur
4. Polein Murphy, Evidence (5<sup>th</sup> Reprint 2000), Universal Delhi
5. Albert S. Osborn, The Problem Proof (First Indian Reprint 1998), Universal Delhi
6. Avtar Singh, Principles of Law of evidence (1992), Central Law Agency, New Dehli

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**B.A. LL.B. (Hon's) Five Years Course**

**SESSION 2012-2013**

**Semester – VIII**

**PAPER - II      Equity, Trust And Fiduciary Relations**

**Note:-** This Paper shall be of 100 marks. Students are required to answer five questions out of 36.

**Contents:-**

**Equity :-** Meaning and definition of Equity, Origin and development of Equity in England India, Relation of Equity with Common Law, Jurisdiction of Equity, Judicature Acts. Maxim Equity.

**Trust:-** The Indian Trust Act, 1882 (Full)  
Charitable and Religions Trust.

**Recommended Readings:-**

Philip H. Pettit – Equity and Law of Trust.

R.E. Megarry and P.V. Baker – Snell's Principles of Equity (1964)

Dr. G.P. Singh – Equity and Trust.

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**B.A. LL.B. (Hon's) Five Years Course**

**SESSION 2012-2013**

**Semester – VIII**

**PAPER: - III PROFESSIONAL ETHICS, ACCOUNTABILITY FOR  
LAWYERS & BAR BENCH RELATION (CLINICAL COURSE)**

**Recommended Material**

1. Mr. Krishnan Murty Iyer: Advocate
2. The Contempt Law and Practice (Contempt of Courts Act 1971)
3. The Bar Council Code of ethics
4. Advocate Act
5. Pleadings, Drafting & Conveyancing – Jhabvala
6. 50 selected opinion of Disciplinary Committees of Bar Council and 10 major Supreme Court on the subject

**Note:**

1. The written exam of this paper will have 80 marks and the viva- voce / research paper for project or participation in Seminar will carry 20 marks
2. Written examination will be conducted by the University
3. Viva- voce will be conducted by the department of the Colleges

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SESSION 2012-2013

**Semester – VIII**

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**PAPER - IV      RIGHT TO INFORMATION**

**UNIT- I**

Introduction- Right to Information – under the Constitution of India , history and object of Right to Information Act

**UNIT- II**

Right to Information and Obligation of Public Authorities

**UNIT – III**

The Central Information commission- constitution Power and Function of the information commission

**UNIT – IV**

The State Information Commission- constitution, Power and Function of the information commission

**UNIT – V**

Appeal and Penalties

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SESSION 2012-2013

Semester – VIII

PAPER - V - IPR

**BCI 014 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

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- 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

- 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

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### 4.9 Special Categories

- 4.9.1 Employee invention : Law and Policy Consideration
- 4.9.2 International Patents, Transfer of Technology, know-How and Problems of self reliant development
  
- 4.10 Infringement

  - 4.10.1 Criteria of infringement
  - 4.10.2 Onus of Proof
  - 4.10.3 Modes of Infringement : the Doctrine of Colourable Variation
  - 4.10.4 Defences in suits of infringement
  - 4.10.5 Injunctions and related remedies.

### Select Bibliography

- Cornish W.R., Intellectual Property, Patents, Trade Marks, Copy Rights and Allied Rights (1999) Asia Law House, Hyderabad.
- Vikas Vashishth, Law and Practice of Intellectual Property (1999), Bharat Law House, Delhi.
- P. Narayanan, Intellectual Property Law (1999), (ed) Eastern Law House, Calcutta.
- Bibeck Debroy (ed.) Intellectual Property Rights (1998) Rajiv Gandhi Foundation, Delhi.
- U.I.F. Anderfelt, International Patent Legislation and Developing Countries (1971) .
- W.R. Cornish, Intellectual Property (3<sup>rd</sup> ed.) (1996) Sweet and Maxwell.
- W.R. Mann, Transfer of Technology (1982)
- Mata Din, Law of Passing off and Infringement Action of Trade Marks (1986).
- P.S. Sangal and Kishore Singh, Indian Patent System and Paris Convention : Legal Perspectives (1987).
- K. Thairani, Copyright: The Indian Experience (1987)
- W.R. Cornish, Para and Materials on Intellectual Property (1999), Sweet & Maxwell.

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