

SEMESTER VIII

Paper : 801

Civil Procedure Code and Specific Relief Act, 1963

Full Marks: 100 (Written 80+Internal 20) Credit: 5

12. Civil Procedure Code

- a) **Settlement of Disputes outside the Court**
 - Arbitration
 - Conciliation
 - Mediation
 - Lok Adalat
- b) **Special Suits**
 - Suit by or against Government of Public Officers
 - Suit by or against minors and lunatics
 - Suit by indigent persons
- c) **Execution**

- Court by which decrees may be executed
 - Application of execution
 - Mode of execution
- d) **Caveat**
- Meaning
 - Purpose
 - Process.
- e) **Saving of inherent power**
- f) **Appeal**
- Appeal from original decree
 - Second Appeal
 - Appeal from orders
 - Appeal to the Supreme Court
- g) **Reference**
- Meaning, nature and scope
- h) **Review**
- Meaning, nature, scope
- i) **Revision**
- Meaning, nature and scope
 - Conditions of filing revision
- j) **Distinction: Appeal, Reference, Review and Revision**

13. Specific Relief Act

- a) Definitions: Obligation, Settlement, Trust, Trustee
- b) Recovery of Specific Immovable Property
- c) Suits by persons dispossessed of Immovable Property
- d) Cases in which specific performance of contract enforceable
- e) Who may obtain Specific Performance?
- f) Personal Bars to relief
- g) Discretion of Court as to declaration of status or right
- h) Temporary and Permanent injunction
- i) Perpetual injunction when granted

NOTE:

1. Questions are to be set taking from each unit of the syllabus of a paper.
2. Number of Questions to be set- 12 questions x 2 marks (for answering 10 questions) and 8 Questions x 12 marks (for answering 5 questions).
3. Amendment of Law, if any, shall be deemed to revise the relevant syllabus automatically.

Books Recommended:

1. Civil Procedure Code: C. K. Takwani
2. The Code of Civil Procedure: Sukumar Ray
3. The Code of Civil Procedure: Dr. J. K. Das
4. The Key to Indian Practice: Mulla
5. Law of Contract and Specific Relief: Avatar Singh
6. The Specific Relief Act: R. K. Bangia
7. Specific Relief Act- Sudipto Sarkar & Aditya Swarup

Paper : 802
Principles of Taxation Law-I
(Direct Taxation)
Full Marks: 100 (Written 80+Internal 20) Credit: 5

1. Introduction:

- Tax, Cess, Fees, Surcharge
- Concepts, Characteristics and Types of Direct Taxes
- Capital Receipts and Revenue Receipts

2. Constitutional Provisions:

- Scope of Tax Laws- No Tax shall be levied or collected except by Authority of Law (Article 265)
- Taxation and Fundamental Rights [Article 13, 14, 19(1)(g) and 27]
- Distribution of Tax Resources between the Union and the States (Article 268 to 279)

3. Income Tax Act, 1961:

- **Definitions:** Income, Gross Total Income, Total Income, Agriculture Income, Person, Previous Year, Assessment Year, Assessee, TDS, TCS.
- **Residential Status of Assessee:** Resident and Ordinary Resident, Resident but Not Ordinary Resident, Non-Resident. Apportionment of Income between spouses governed by Portuguese Civil Code, Income deemed to receive, accrue, arise in India.
- **Exempted Incomes:** Section 10, Section 10AA, Sections 11-13A.
- **Heads of Income-**
Income from Salary;
Income from House Property;
Income from Profits or Gains from Business or Profession;
Income from Capital Gains
Income from Other sources.
- **Computation of Total Income-** Deductions under Chapter VIA, Reliefs and Rebates
- **Filing of Returns of Income.**

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3. Amendment of Law, if any, shall be deemed to revise the relevant syllabus automatically.

Suggested Readings:

1. Law and Practice of Direct and Indirect Tax- C.H. Sengupta
2. Students' Guide to Income Tax- V K Singhania
3. Practical Approach to Income Tax- Girish Ahuja & Ravi Gupta

Paper : 803
IPR Management
(Honours Paper VI)

Full Marks: 100 (Written 80+Internal 20) Credit: 5

1. Introduction:

- a) Basic concept, Characteristics and Nature of Intellectual Property right
- b) Justifications for protection of IP and relation with Economic Development
- c) Major International Documents relating to the protection of IP: i. Berne Convention, ii. Paris Convention, iii. TRIPS.

2. Copyright:

- a) Meaning and Subject matter of copyright:
 - i) Original literary, dramatic, musical, artistic works
 - ii) Cinematograph films
 - iii) Sound recordings
- b) Ownership and Term of copyright
- c) Rights of owner:
 - i) Economic Rights
 - ii) Moral Rights
- d) Assignment and license (including basic concept of statutory and compulsory license) of Copyrights; Performers rights and Broadcasters rights
- e) Infringement of copyright
- f) Fair use and Fair Dealing concepts
[Relevant Sections: Sections 2,3,13, 14, 17, 18, 19, 22 to 31D, 37, 38, 51, 52, 63, 63A, 63B of The Copyright Act, 1957]

14. Patents:

- a) Meaning
- b) Criteria for obtaining patents:
 - i) Novelty
 - ii) Inventive step
 - iii) Utility
- c) Non patentable inventions
- d) Procedure for registration, Term of patent, Rights of patentee
- e) Basic concept of Compulsory license and Government use of patent
- f) Infringement of patents and remedies in case of infringement
Relevant Sections: 2, 3, 4, 6, 9, 10, 11A, 11B, 12, 25, 43, 45, 47, 48, 50, 53, 82 to 85, 87, 94, 99, 100, 104, 107, 107A, 108, 114 of the Patent Act, 1970

4. Trade Marks:

- a) Meaning of mark, trademark; Concept of distinctiveness
- b) Categories of Trademark: Certification Mark, Collective Mark and Well known Mark and
- c) Non-conventional Marks
- d) Absolute and relative grounds of refusal
- e) Doctrine of honest concurrent user

- f) Procedure for registration and Term of protection
- g) Assignment and licensing of marks
- h) . Infringement and Passing Off

Relevant sections: 2, 9, 11, 12, 18 to 29, 38, 39, 122, 134, 135 of the Trade Marks Act, 1999

5. Designs

- a) Meaning design protection
- b) Concept of original design
- c) Term of protection

Relevant Sections: Section 2 (a) (d) (j) (g), 4, 5, 11, 22 of the Designs Act, 2000

6. Geographical Indication

- a) Meaning of GI
- b) Difference between GI and Trade Marks
- c) Concept of Authorized user
- d) Homonymous GI

Relevant Sections: 2 (e) (f) (k) (n), 3, 7, 9, 10 of the Geographical Indication of Goods Act, 1999

7. Plant Variety Protection and Farmer's Right

- a) Meaning
- b) Criteria of protection

Relevant Sections: Section 2 (i) (j) (k) (l), 14, 15, 16, 39 of the Protection of Plant Varieties and Farmers' Rights Act, 2001

NOTE:

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- 4. Number of Questions to be set- 12 questions x 2 marks (for answering 10 questions) and
8 Questions x 12 marks (for answering 5 questions).
- 5. Amendment of Law, if any, shall be deemed to revise the relevant syllabus automatically.

Suggested Readings:

- 1. Intellectual Property Law- Lionel Bently & Brad Sherman, Oxford.
- 2. Intellectual Property Law- P.Narayanan, Eastern Law House

Paper : 804A

Media and Law

(Optional Paper –IV)

Full Marks: 100 (Written 80+Internal 20) Credit: 5

1. Concept, History and Evolution of Media

- Understanding the Concept of Media
- History of Media
- Theories of Media
- Evolution of Media in India

2. Constitutional Rights of Media

- Right to circulation
- Right to publication

Handwritten signature

- Right to advertisement
- Broadcasting
- Right to conduct interviews
- Publication of parliamentary proceedings

3. Limitations on Freedom of Speech and Expression

- Public order
- Security of state
- Defamation
- Contempt of Court
- Morality and Decency
- Privileges of Legislature
- Office Secrets

4. Investigative Journalism and the Right to Privacy:

- Defining Privacy
- Privacy and the right to free speech
- The law on privacy in India

5. Media and Ethics:

- Ethical problems including privacy, right to reply, sting operations; Guarding against communal writing and sensational and yellow journalism, Freebies, bias, coloured reports.
- Advertisement and Ethics, Prohibition of indecent representation, Magic Remedies
- Issues of Consumer Protection
- Protection of Working Journalist, Role of Press Council
- A Code of Practice for journalists by the Editors Guild of India

6. Civil and Criminal Liability:

- Media & Criminal Law
 - Defamation
 - Sedition
 - Obscenity
- Media and Civil Wrongs (Torts)
 - Defamation
 - Breach of privacy
 - Negligence

7. Electronic Media and Regulatory Law:

- Convergence of New Media in the Internet, Cinema & Social Media
- Expansion of Electronic Media: Broadcast sector – TV, Radio & Over-the-Top (OTT)
- The Object and Reasons and Salient Features of:
 - The Prasar Bharti (Broadcasting Corporation of India) Act, 1990
 - The Cable TV Network Regulation Act
- Issues relating to entry of Foreign Print Media in India.

8. Media's role in promoting and protecting human rights.

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3. Amendment of Law, if any, shall be deemed to revise the relevant syllabus automatically.

Suggested Readings:

1. Essays on press freedom-V R Krishna Iyer and VinodSethi. - New Delhi: Capital Foundation Society.
2. Media Law-Peter Carey. London: Sweet & Maxwell.
3. Law of the Press - Durga Das Basu. - New Delhi: Prentice Hall Inc.
4. Facets of Media Law- A mini encyclopedia covering multiple dimensions of Media Law- by Madhavi Goradia Divan, EBC Publications
5. Cases and Materials on Media Law- Jethmalani, Ram and Chopra, D. S; Thomson Reuters
6. Media Law- A Practical Guide to Managing Publication Risks- Gallant & Epworth

Paper : 804B

Insurance Law

(Optional Paper –IV)

Full Marks: 100 (Written 80+Internal 20) Credit: 5

1. **Insurance:** Meaning, Nature, Purpose, Functions and Types; Theories of Insurance; Advantages of Insurances; Double Insurance, Re-insurance, Premium.
2. **Essentials and Nature of insurance Contract:** Principles of Insurance.
3. **History and Development of Insurance Law in India:** Insurance Regulatory and Development Authority in India – Composition, Powers and Functions; Nationalization of Insurance Companies in India.
4. **Life Insurance:** Nature of LI Contract; Difference between Life and Other Forms of Insurance; Kinds of LI Policy; Events insured in LI; Amounts recoverable under Life Policy; Persons entitled to payment; Settlement of claims; Assignment and Nomination.
5. **Marine Insurance:** Subject matter of MI; Kinds; Perils of the sea; Voyage, Delay and Deviation; Assignment of MI Policy; Total and Partial Loss; Warranties; Return of premium.
6. **Motor Vehicle Insurance:** Types of Policies; Effect of Insolvency or Death on claims under MVI; Rights of Third Parties; Tribunal: Constitution, Functions, Application of Compensation; Procedure, Power and Award.
7. **Fire Insurance:** Characteristics of FI Contract; Rights of insurer under a FI Contract; Kinds; Claims and their settlement.
8. **Health Insurance:** Features, Types, Categories of HI coverage.

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Suggested Readings:

1. Law of Insurance- B.N. Banerjee & S K Sarvaria
2. Law Relating to Marine Insurance- B.C. Mitra
3. Law of Life Insurance- M.N. Sreenivasan
4. Insurance Law- Avtar Singh

Paper : 805

Professional Ethics and Professional Accounting System (Clinical Paper-II)

Full Marks: 100 (Written Project Submission 90 + Viva 10)

Credit: 5

[The paper shall have two components: Written Project Report + Viva Voce]

I. Written Project Report (90 Marks)

1. Advocacy:

Legal Profession & Regulation

- Legal Profession, its importance
 - Legal Profession in India before & after independence.
 - Establishment, power & function of State Bar Council.
 - Establishment, power & function of Bar Council of India.
 - Admission, Enrolment & Rights to Advocates.
2. The Bar Council Code of Ethics.
- Meaning & Necessity of Professional ethics for Lawyer & Statutory Sanctions.
 - Duty of an advocate towards court, client, opponent & colleagues.
 - Duty towards society & obligation to render Legal aid.
3. Professional Misconduct, Meaning & Concept.
- Power & function of Disciplinary Committee (State BAR CONCIL & Bar Council of India)
 - Remedies against the order of punishment.
 - 10 selected judgments of the Supreme Court of India.
 - 50 selected opinions of the Disciplinary Committees of Bar Councils
4. Accountancy for Lawyers & Bench bar Relations
- Purpose of keeping Accounts.
 - Importance & requirements for maintaining book of accounts.
 - Meaning & importance of Bench-Bar relationship in administration of Justice.
 - Professionalism in advocacy, secrets of success of Advocate
5. The Contempt Law and Practice
- Contempt of Court. Meaning, object & constitutional validity of contempt of court's Act, 1971.

- Concept & categories of contempt of court.
- Punishment & remedies against punishment for contempt of court.
- Contempt by Lawyers, judges state & corporate bodies.

6. Viva-voce Examination (10 marks)

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Suggested Readings:

Case Studies:

1. Rajendra V Pai v Alex Frnandes AIR 2002 SC 1808
2. In re; A an advocate AIR 1962 SC 1337
3. In re; Mr. G a Senior Advocate of SC AIR 1954 SC 557
4. In re; Lalit Mohan Das AIR 1957 SC 250
5. Sheo Narayan Jafa v Judge Allahabad H.C. AIR 1953 SC 368
6. P. J. Ratnam v d. Kanik ran AIR 1964 SC 244
7. In re; "M" an Advocate AIR 1957 SC 149
8. L.D. Jaisingham v Narain das N Punjabi (1976) 1 ACC 354
9. Jhon D' Souza v Edward Ani (1994) 2 SCC 64
10. In re; V.C. Mishra AIR 1995 SC 2348

Books

1. Holland Avrom Shree, Advocacy, 1994 Universal, Delhi
2. Keith Evam, The Golden Rules of Advocacy, 1994, Universal, Delhi
3. Sandeep Bhalla, Advocates Act & Professional Misconduct, Nasik Law House
4. JPS Sirohi, Professional Ethics, Lawyer's Accountability, Bench-Bar Relationship, ALA
5. Mr. Krishna Murthy Iyer's Book on Advocacy
6. The Bar Council Code of Ethics

Acts

1. The Advocate Act, 1961
2. Contempt of Court Act, 1971
3. The Advocates Welfare Fund Act, 2001

Rule

1. The Bar Council of India Rules, 2008