

B.A. LL.B. (VIII) Eight Semester.

M.A. M.Sc. Exam May/June-2016 (2016)

Second/Fourth Semester

Pages 01 to 08

For college/SSS-
Students (2016)

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

SESSION 2012-2013

VIII Semester

Paper – I

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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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 (5th 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



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

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

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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