# Semester – VIII

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| **No.** | **Course Code** | **Course Title** | **Core/ Elective** | **C** | **IM** | **EM** | **TM** |
| 1. | 1604010001080101 | Law of Evidence | Core | 6 | 30 | 70 | 100 |
| 2. | 1604010001080201 | Public International Law | Core | 6 | 30 | 70 | 100 |
| 3. | 1604010001080301  1604010001080401 | IPR Management  OR  International Trade Economics | Core  Elective | 6 | 30 | 70 | 100 |
| 4. | 1604010001080501  1604010001080601 | Human Right Law and Practice  OR  Women & Criminal Law | Core  Elective | 6 | 30 | 70 | 100 |
| 5. | 1604010001080701 | Offences Against Child & Juvenile Offence | Core | 6 | 30 | 70 | 100 |

C = Credits IM=Internal Marks EM=External Marks TM=Total Marks

CCT=Core Course SO=Sill Oriented Course

ICT=Interdisciplinary Course SS=Self Study Course DP=Dissertation / Project Work ECT=Elective Course

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| **Semester** | **Internal Marks** | **External Marks** | **Practical Marks** | **Total Marks** |
| VIII | 30 | 70 | - | 100 |

**Subject : Law**

**Course (Paper) Name & No. : Law of Evidence (CORE) Course (Paper) Unique Code : 1604010001080101**

**Course Objectives:**

* The law of evidence, is an indispensable part of both substantive and procedural laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to 'facts' before the forum.
* This paper enables the student to appreciate the concepts and principles underlying the law of evidence and identify the recognized forms of evidence and its sources. The subject seeks to impart to the student the skills of examination and appreciation of oral and documentary evidence in order to find out the truth. The art of examination and cross-examination, and the shifting nature of burden of proof are crucial topics.
* The concepts brought in by amendments to the law of evidence are significant parts of study in this course.

## Course Contents:

**Unit : 1 Introductory**

* 1. The main features of the Indian Evidence Act 1861.
  2. Other acts which deal with evidence (Special reference to CPC, Cr.PC).
  3. Problem of applicability of Evidence Act.
     1. Administrative.
     2. Administrative Tribunals.
     3. Industrial Tribunals.
     4. Commissions of Enquiry.
     5. Court-martial.
  4. Disciplinary authorities in educational institutions.

## Unit : 2 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 providing” and “disproving”.
  6. Witness.
  7. Appreciation of evidence.

## Unit : 3 Facts : relevancy

* 1. The doctrine of res gestae (Section 6,7,8,10).
  2. Evidence of common intention (Section 10).
  3. The problems of relevancy of “Otherwise” irrelevant facts (Section 11).
  4. Relevant facts for proof of custom (Section 13).
  5. Facts concerning bodies & mental state (Section 14, 15).

## Unit : 4 Admissions and confessions

* 1. General principles concerning admission (Section 17, 23).
  2. Differences between “admission” and “confession”.
  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 offer (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 base 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 : 5 Dying Declarations

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

## Unit : 6 Other statements by Persons who cannot be called as Witnesses

* 1. General principles.
  2. Special problems concerning violation of women’s rights in marriage in the law of evidence.

## Unit : 7 Relevance of Judgements

* 1. General principles.
  2. Admissibility of judgements in civil and criminal matters (Section 43).
  3. “Fraud” and “Collusion” (Section 44).

## Unit : 8 Expert Testimony

* 1. General principles.
  2. Who is an expert ? : types of expert evidence.
  3. Opinion on relationship especially proof of marriage (Section 50).
  4. The problems of judicial defence to expert testimony.

## Unit : 9 Oral and Documentary Evidence

* 1. General principles concerning oral evidence (Section 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).

## Unit : 10 Witnesses, Examination and Cross Examination

* 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).
  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 : 11 Burden of Proof

* 1. The general conception of onus probandi (Section 101).
  2. General and special exceptions to onus probandhi.
  3. The justification of presumption and of the doctrine of judicial notice.
  4. Justification as to presumptions as to certain offences (Section 111A).
  5. Presumption as to dowry death (Section 113-B).
  6. The scope of the doctrine of judicial notice (Section 114).

## Unit : 12 Estoppels

* 1. Why estoppel ? the rationale (Section 115).
  2. Estoppel, res judicata and waiver and presumption.
  3. Estoppel by deed.
  4. Estoppel by conduct.
  5. Equitable and promissory estoppel.
  6. Questions of corroboration (Section 156-157).
  7. Improper admission and of witness in civil and criminal cases.

## Bibliography:

* Avtar Singh, Principles of the Law of Evidence (1992), Central Law Agency, New Delhi.
* Rattan Lal, Dhiraj Law: Law of Evidence (1994), Wadhwa, Nagpur

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**Subject : Law**

**Course (Paper) Name & No. : Public International Law (CORE) Course (Paper) Unique Code : 1604010001080201**

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| **Semester** | **Internal Marks** | **External Marks** | **Practical Marks** | **Total Marks** |
| VIII | 30 | 70 | - | 100 |

**Course Objectives:**

* There need not be an attempt to teach the whole gamut of international law in this course.
* This course is to be confined to deliberation of international law topics relevant to the growth of law and how international norms and directions are applied in the municipal law of the country.
* In ancient times, the interaction between different States was not so common
* The industrial revolution, scientific and technological advancement brought the States close, the interaction between different States became very frequent.
* All these necessitated creation, acceptance and recognition of international law.

## Course Contents:

**Unit : 1 Definition, Nature and Basis of International law**

Is International Law a true Law ? Weakness of International Law. Codification and development of International Law. Relation between international Law and State Law. Sources of International Law, Subjects of International Law, Place of Individual in International Law, Nationality. Extradition and Asylum, Human Rights.

## Unit : 2 State in general

Kinds of States and Non-States entities, Acquisition and loss of State Territory. Territorial water, Continental self, Contiguous Zole and exclusive economic zone. Recognition of states and Governments.

Recognition of insurgency and belligerency, de facto and de-jura recognition. State succession. State Jurisdiction, Territorial sovereignty, Criminal jurisdiction in International Law. Intervention. Freedom of the High Sea, Piracy.

## Unit : 3 Diplomatic agents, Consultants

Classification and Functions of diplomatic agents. Privileges and immunities with reference to Vienna Convention on Diplomatic relation 1661. Treaties definition, basis, classification and formation of teaties, Interpretation and revision of treaties, principles of jus cogens and pecta sunt servende, termination of teaties, Vienna convention on the law of treaties, Pacific and compulsive means of settlement of International disputes. International court of justice Jurisdiction and contribution towards development of international law.

## Unit : 4 International institution

League of Nations. United Nations, History and formation of United Nations, organs of United Nations with specific reference to General Assembly, Security council and International Court of Justice.

International Law Commission. War, its legal character and effects, enemy character, Armed conflicts and other hostile relations.

Belligerent occupation. War Crimes, Termination of war and doctrine of postliminium Prize courts.

## Unit : 5 The Law of Neutrality

Basis of neutrality. Rights and duties of neutral states, neutrality, neutrality and U.N. Charter. Right of Angray. Contraband, Blockade Un- neutral service. Right of visit and search.

**Bibliography:**

* S.K.Varma, Public International Law (1998), Prentice-Hall, New Delhi
* Starke : An Introduction to International Law
* Briggs : Law of Nations.
* S.K. Varma, Public International Law (1998), Prentice-Hall, New Delhi.

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**Subject : Law**

**Course (Paper) Name & No. : IPR Management (CORE) Course (Paper) Unique Code : 1604010001080301**

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| **Semester** | **Internal Marks** | **External Marks** | **Practical Marks** | **Total Marks** |
| VIII | 30 | 70 | - | 100 |

**Course Objectives:**

* + To protect the consumer, the commercial interests of creators and innovators and serving the public interest.
  + To know basic aspects of intellectual properties like, patent, copyright, trademarks etc.
  + To “Promote progress” by exchanging limited exclusie rights for disclousure of inventions and creative works, society and the patentee/copyright ower mutually benefit, and an incentive is created for inventors and authors to create and disclose their work.
  + To provide “Absolute protection” or full value.

## Course Contents:

**Unit : 1 Introduction**

* 1. The meaning of Intellectual property
  2. Competing rationales of the legal regimes for the protection of intellectual property
  3. The main forms of intellectual property: copyright trademarks, patents, designs
  4. The competing rationales for protection of rights in
     1. Copyright
     2. Trade marks
     3. Patents
     4. Designs
     5. Trade secrets
     6. Other new forms such as plant varieties and geographical Indians
  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.

## Unit : 2 Select aspects of the law of copyright in India

* 1. Historical evolution of the law
  2. Meaning of copyright
  3. Copyright in literary, dramatic and musical works
  4. Copyright in sound records and cinematograph films
  5. Copyright in computer program Law 187
  6. Ownership of copyright
  7. Assignment of copyright
  8. Author's special rights
  9. Notion of infringement
  10. Criteria of infringement
  11. Infringement of copyright by films of literary and dramatic works.
  12. Importation and infringement
  13. Fair use provisions
  14. Piracy in internet
  15. Aspects of copyright justice
  16. Remedies, especially, the possibility of Anton pillar injunctive relief in India.

## Unit : 3 Intellectual Property in Trademarks

* 1. The rationale of protection of trademarks as (a) an aspect of commercial and (b) of consumer rights.
  2. Definition and concept of trademarks
  3. Registration
  4. Distinction between trademark and property mark
  5. The doctrine of honest Current User
  6. The doctrine of deceptive similarity
  7. Protection of well-known marks
  8. Passing off and infringement
  9. Criteria of infringement
  10. Standards of proof in passing off action
  11. Remedies

## Unit : 4 The law of intellectual property: patents

* 1. Concept of patent Law 188
  2. Historical view of the patents law in India
  3. Patentable inventions with special reference to biotechnology products entailing creation of new forms of life.
  4. Patent protection for computer program
  5. Process of obtaining a patent: application, examination, opposition and sealing of patents: general introduction
  6. Procedure for filing patents. Patent co-operation treaty
  7. Some grounds for opposition
     1. The problem of limited locus standi to oppose, specially in relation to inventions having potential of ecological and mass disasters
     2. Wrongfully obtaining the invention
     3. Prior publication or anticipation
     4. Obviousness and the lack of inventive step
     5. Insufficient description
  8. Rights and obligations of a patentee
     1. Patents as chose in action
     2. Duration of patents: law and policy considerations
     3. Use and exercise rights
     4. Right to secrecy
     5. The notion of "abuse" of patent rights
     6. Compulsory licenses
  9. Special Categories
     1. Employee Invention: Law and Policy Consideration
     2. International Patents, Transfer of Technology, Know-How and problems of self reliant development
  10. Infringement Law 189
      1. Criteria of infringement
      2. Onus of Proof
      3. Modes of Infringement: the Doctrine of Colourable Variation
      4. Defences in suits of infringement
      5. Injunctions and related remedies.

## Bibliography:

* Cormish 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(3rd 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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## Subject : Law

**Course (Paper) Name & No. : International Trade Economics (ELECTIVE) Course (Paper) Unique Code : 1604010001080401**

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| **Semester** | **Internal Marks** | **External Marks** | **Practical Marks** | **Total Marks** |
| VIII | 30 | 70 | - | 100 |

**Course Objective:**

* The course focuses on the problems of International attempts in making an International economic order. The agencies at the international level had already been envisaged with the birth of United Nations. However, as the economic interdependence among nations grew, the role of these specialized agencies became more prominent. The declaration of the new economic order and the declaration on the right to development coupled with the impact of Drunkel draft gave new dimensions resulting in the establishment of World Trade Organization (WTO) to regulate the liberalized trade at global level. This course goes into the different parameters of the developments whose implications the students will have to be familiar with.

**Course Contents:**

**Unit : 1 Historical perspectives**

* 1. United Nations: GATT
  2. Evolution of New International Economic Order (NIEO)
     1. Essential components of NIEO
     2. State acceptance and practice of NIEO principles

**Unit : 2 Charter of Economic Rights and Duties**

* 1. Sovereignty over wealth and natural resources
  2. TNCS
  3. Foreign investment
  4. Transfer of technology
  5. Elimination of colonalisation, aparthied, racial discrimination
  6. Extension of tariff preferences
  7. Most favoured nation treatment
  8. North-south gap widened or narrowed.?

**Unit : 3 Institutions**

* 1. UNCTAD (United Nations Conference on Trade and Development)
  2. UNCITRAL
  3. GATT
     1. Objectives
     2. Strengths and weaknesses
     3. Salient features of GATT 1994 (Final Act of Urugway Round)

**Unit : 4 WTO**

* 1. Structure, principles and working
  2. Difference between GATT and WTO
  3. Problems:
     1. Agriculture
     2. Sanitary and phyto sanitary measures (SPS)
     3. Technical barriers of trade (TBT)
     4. Textiles and clothing
     5. Anti-dumping
     6. Customs valuation
     7. Services
     8. TRIPS
     9. TRIMS
     10. Disputes settlement
     11. Labour
     12. Transfer of technology
     13. Trade facilitation
     14. E-Commerce
     15. Information and technology agreement
  4. Special permission for developing and less developed countries
  5. Trade and development committee
  6. Balance of payment provisions in WTO
  7. India and WTO

**Unit : 5 Trade in Goods**

**Unit : 6 Trade related investment measures (TRIMS)**

* 1. Relationships with GATT
  2. Inalienable rights of member countries

**Unit :7 General Agreements on Trade in Services (GATS)**

* 1. Principle: non-discrimination
  2. Benefits to India

**Bibliography:**

* Bandari Surendra, World Trade Organization and Developing Countries (1995), Universal, Delh
* Myneni Srinivasa Rao, International Economic Law (1996), Pioneer Books, New Delhi.
* Arun Goyal(ed.), WTO in the new Millennium (2000), Academy of Business Studies, New Delhi- 110002.

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**Subject : Law**

**Course (Paper) Name & No. : Human Right Law and Practice (CORE) Course (Paper) Unique Code : 1604010001080501**

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| **Semester** | **Internal Marks** | **External Marks** | **Practical Marks** | **Total Marks** |
| VIII | 30 | 70 | - | 100 |

**Course Objectives:**

* The main thrust of this course shall be development of human rights (HR) law and jurisprudence at international, regional and national levels.
* To aquatint students with violence of Human Rights and Vulnerable Groups.
* To make aware regarding Violation and Remedies of Human Rights.
* To evaluate Impact and implementation of international human rights norms in India .

## Course Contents:

**Unit : 1 The Framework of the UN charter and the role of the United Nations**

* 1. The UN Charter, 1945.
  2. Normative and Institutional framework of the United Nations.
  3. Role of the UN General Assembly, the Economic and Social Council And other UN Bodies.

## Unit : 2 The International Bill of Human Rights

* 1. The Universal Declaration of Human Rights 1948.
  2. Internatinal Convenant on Economics Social and Cultural Rights, 1966.
  3. International Covenant on Civil and Political Rights, 1966.
  4. Optional Protocols.
  5. American Convention on Human Rights, 1969

## Unit : 3 Human Rights and Vulnerable Groups Unit : 4 Violation and Remedies of Human Rights

**Unit : 5 International Humanitarian Law and Terroris**

**Unit : 6 Impact and implementation of international human rights norms in India**

* 1. Human rights norms reflected in fundamental rights in the Constitution
  2. Directive Principles: legislative and administrative implementation of international human rights norms
  3. Implementation of international human rights norms through judicial process

## Unit : 7 The Protection of Human Rights Act, 1993 Unit : 8 Enforcement of Human Rights in India units

* 1. Role of courts: the Supreme Court, High Courts and other courts
  2. Statutory commissions- human rights, women's, minority and backward class

## Bibliography :

* S.K.Avesti and R.P.Kataria, Law Relating to Human Rights, Chh IV, V, VIII, XIV, XXIX and XXXIX (2000) Orient, New Delhi
* Nirmal.C.J. (ed.), Human Rights in India (2000), Oxford

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## Subject : Law

**Course (Paper) Name & No. : Women & Criminal Law (ELECTIVE) Course (Paper) Unique Code : 1604010001080601**

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| **Semester** | **Internal Marks** | **External Marks** | **Practical Marks** | **Total Marks** |
| VIII | 30 | 70 | - | 100 |

**Course Objectives:**

* The need to study gender and juvenile justice as special subjects are to be emphasised as the constitutional guarantees have not achieved the desired results. The fundamental rights did not preclude having special provisions.
* The planners and the policy makers therefore treated women only as beneficiaries of welfare measures. The hope was the benefits of development would percolate below to all including women and therefore there was no need for special efforts to bring them into the mainstream. This trickle down theory of development is still to be materialised in spite of the positive action of woman's representation in local bodies. Women are discriminated in almost all sectors.

**Course Contents:**

**Unit : 1 International concerns and conventions Unit : 2 Women in India**

* 1. Pre-independence period
     1. Social and legal inequality
     2. Social Reform Movement in India
     3. Karachi Congress - Fundamental Rights Resolution, Equality of Sexes

**Unit : 3 Women in post independence India**

* 1. Preamble of the Constitution: equality provisions in Fundamental Rights and Directive Principles of State Policy
  2. Personal laws - unequal position of women
  3. Uniform Civil Code towards gender justice.

**Unit : 4 Sex Inequality in Inheritance Rights**

* 1. Feudal institution of joint family - women's inheritance position
  2. Hindu Law
  3. Muslim Law
  4. Matrimonial property
  5. Movement Towards Uniform Civil Code

**Unit : 5 Guardianship**

* 1. Right of women to adopt a child
  2. Problems of women Guardianship

**Unit : 6 Divorce**

* 1. Indian Divorce Act
  2. Christian Law
  3. Muslim Law

**Unit : 7 Criminal Law**

* 1. Adultery
  2. Rape

**Unit : 8 Social Legislation**

* 1. Dowry Prohibition
  2. Prevention of immoral traffic

**Unit : 9 Woman participation in democratic government**

* 1. Parliament
  2. State Legislation
  3. Local bodies

**Unit : 10 Women and Employment**

* 1. Labour force
  2. Protective Laws
  3. Exploitation and harassment in workplaces

**Unit : 11 Protection and enforcement agencies**

* 1. Courts
  2. Family courts
  3. Commission for women
  4. NGOs.

**Bibliography:**

* Gandhi to the Women (ed. Hingorani) 1941, Position of Women .12 Tear Down the Purdah p. 213,
* Young India 1918.
* Jawaharlal Nehru thoughts on women-economic bondage of Indian women (Produced Memorial and Library)
* 7th Plan. Ch. 14 Socio economic programmes for women.

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**Subject : Law**

**Course (Paper) Name & No. : Offences Against Child & Juvenile Justice Offence (CORE)**

**Course (Paper) Unique Code : 1604010001080701**

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| **Semester** | **Internal Marks** | **External Marks** | **Practical Marks** | **Total Marks** |
| VIII | 30 | 70 | - | 100 |

**Course Objectives:**

* Juvenile delinquency is considered and important branch of criminology. The impact of juvenile delinquency upon the formation of Indian criminology tradition does not seem to be noticeable.
* No understanding of crimes and treatment of offenders can be complete without a sure grasp of causes, carrots, and cures of juvenile delinquency.
* Increasingly, it is being also realized that young offenders require a wholly different centre of criminal justice system and should not be treated in the same way as the adult offenders.
* Juvenile Justice System, although a part of the criminal justice system has now its own autonomous characteristics.

## Course Contents:

**Unit: 1 Juvenile delinquency**

* 1. Nature and magnitude of the problem.
  2. Causes.
  3. Juvenile Court System.
  4. Treatment and rehabilitation of juveniles.
  5. Juvenile and adult crime.
  6. Legislative and judicial protection of juvenile offender.
  7. Juvenile Justice Act 2015.

## Unit: 2 Probation

* 1. Probation of offenders Law.
  2. The judicial attitude.
  3. Mechanism of probation : Standard of Probation services.
  4. Problems and prospects of probation.
  5. The suspended sentence.

## Unit: 3 Sexual offences against children protection of Children from Sexual offences Act, 2012

* 1. Nature of the offence.
  2. Sexual Assault and Punishment for offence.
  3. Aggravated sexual Assault and Punishment for Offence.
  4. Sexual Harassment and Punishment for Offence.
  5. Abetment of and attempt to commit an offence.

## Unit : 4 Using Child for Pornographic purposes and punishment for offence.

**Unit: 5 Procedural Aspect**

* 1. Procedure for reporting of cases.
  2. Procedure for recording statement of the child.

## Unit: 6 Special Court

**Bibliography :**

* Myron Weiner, The Child and State in India (1990)
* National institute of Social Defence, Model Rules under the Juvenile Justice Act, 1986, (1986)

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