

JIWAJI UNIVERSITY, GWALIOR

SYLLABUS AND SCHEME OF EXAMINATION

SESSION 2020 - 23

LL. B (3YDC) VI SEMESTER

The Candidate Shall be examined in the following compulsory subjects through same number and nomenclature of paper -

Paper/ Subjects	Subject/ Name of the Paper	Max. Marks	Min. Marks	Aggregate
I	Public International Law and Human Rights	100	36	48
II	Interpretation of statutes	100	36	48
III	Taxation Laws	100	36	48
IV	Intellectual Property Law	100	36	48
V	Practical (Viva- voce)	100	36	48
Total		500		240

The Percentage of marks required for Passing in LL. B. (3YDC) VI Semester

Examination is as follows.

1. 36% ie . 36 in each of the above Fifth subjects/ papers
2. 48% ie . 240 marks in aggregate of all the above subject/ paper

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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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Paper – IInd 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)

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 statues
3. Penal statues
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,(7th 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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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

- 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

Intellectual Property Right – डॉ. संजय कुलश्रेष्ठ

भारत में बौद्धिक सम्पदा अधिकार एवं विधि – डॉ. वाई. एस. शर्मा

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.

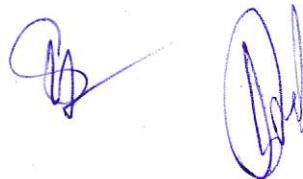
W.R. Mann, Transfer of Technology (1982)

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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LL.B (3YDC) VIth Semester

Paper – Vth

PRACTICAL

This Practical will carry 100 marks. It will consist of the observation of the students by actual participation in two civil and two criminal cases in the court under an assigned advocate of at least ten years standing at Bar and preparation of the records of the proceeding of these cases, learning of pretrial preparation by attending the office of the assigned advocate and preparation of record there of, Attend and participate in two Moot Courts to be organized by the department and preparation of record there of. Participation in para Legal Services (Legal Aid&Legal Literacy) Organised by the Legal aid clinic. Two civil and two criminal cases shall be verified and signed by the assigned advocate.

This record shall be valued by a panel of one external examiner to be appointed by the Examination committee. This valuation shall be undertaken at the college center itself. With the help of internal Examiner appointed by Principle/Head of the Deptt. of the Institution Students shall come with their record on the date of such valuation for formal viva – Voce to ensure that they actually participated in the above proceedings No candidate will be allowed to appear in this practical examination without having record duly signed by Advocate assigned.

Marks will be awarded on the over all performance.

