

Devi Ahilya Vishwavidyalaya, Indore, M.P.

LL.B. (Hons) Revised Syllabus

LL.B. (HONS) PART -III SEMESTER - VI

**PAPER I : Law Of Tort Including Motor Vehicle Accident
Act And Consumer Protection Laws**

Unit – I :

Evolution of Law of Torts 1 England.- Forms of action, specific remedies from case to case 2 India - principles of justice equity and good conscience-unmodified character- advantages and disadvantages Definition, Nature, Scope and Objects of Tort 1. A wrongful act-violation of duty imposed by law, duty which is owed to people generally (in rem) - damnum sine injuria and injuria sine damnum doctrine and applicability. 2. Tort distinguished from crime and breach of contract and trusts. 3. The contract of unliquidated damages 4. Changing scope of law of torts : expanding character of duties owed to people generally due to complexities of modern society 5. Objects-prescribing standards of human conduct, redressal of wrongs by payment of compensation, proscribing unlawful conduct by injunction.

Unit – II :

Justification in Tort 1. Volenti non fit injuria 2. Necessity, private and public 3. Plaintiffs default 4. Act of God 5. Inevitable accident 6. Private defense 7. Statutory authority 8. Judicial and quasi-judicial acts 9. Parental and quasi-parental authority 10. Extinguishment of liability in certain situations

Unit – III :

Doctrine of sovereign immunity and its relevance in India 1. Vicarious Liability 2. Torts against persons and personal relations 3. Defamation 4. Parental relations, master and servant relation 5. Malicious prosecution,

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PAPER II : Local Self Government including
Panchayat Administration

Unit - I

Concept d. Local self Government- meaning, evolution. e. Nature f. Doctrine of distribution of power.

Unit - II

Constitutional Provisions 1. Constitutional Provisions-Directive principles, 2. 73rd and 74th Amendment; 3. Panchayats Constitution. and Composition., 4. Powers and responsibilities. 5. Election, (Article 243. 243A-O) and 12th schedule.

Unit - III

Municipalities 1. The Municipalities- Constitution and Composition, 2. Reservation of seats, 3. Powers and responsibilities Election. 4. Wards Committees Finance Commission (relating to Municipalities) (Article 243 P, ZG and 280)

Unit - IV

Panchayati Raj Act 1993

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Unit – V

Nagar Palika Adhiniyam,

Texts & References

1. Dr. J.N. Pandey Constitution Law of India
2. V. N. Shukla Constitution Law of India
3. M.P. Jain Indian Constitution
4. 2. Basanti Lal Babel Constitution of India

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PAPER III : Intellectual Property Law

Unit - I :

Introduction 1. The meaning of intellectual property 2. Forms of intellectual property: copyright, trademarks, patents and designs 3. New forms as plant varieties and geographical indications 4. Introduction to the leading international instruments concerning intellectual property rights: the Berne Convention, Universal Copyright, Convention, the Paris Convention, Trips, the World Intellectual Property Rights Organization (WIPO) and the UNESCO

Unit - II :

Selected aspects of the Law of copyright in India 1. Historical evolution of the copyright law 2. Meaning of copyright 3. Copyright in literacy, dramatic and musical works 4. Copyright in sound records and cinematograph films 5. Ownership of copyright 6. Assignment and licence 7. Copyright authorities 8. Infringement of Copy right and remedies including Anton Pillor injunctive relief in India

Unit - III :

Trademarks 1. The rationale of protection of trademarks as an aspect of commercial and of consumer rights, Dilution Theories of trade mark 2. Definition and concept of trademarks 3. Registration of trademark-authorities under the trademark Act 4. Passing off and infringement 5. Remedies

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Unit – IV :

Patents 1. Concepts and Historical view of the patents 98 2. Process of obtaining a patent, authorities 3. Procedure for filling patents: patent co-operation treaty 4. Prior publication or anticipation 5. Rights and obligations of a patentee 6. Compulsory licences 7. Infringement - defences 8. Injunctions and related remedies

Unit – V :

Geographical indication Act 2. New plant culture and breeds Act

Selected Bibliography

1. Cornish W.R. Intellectual Property, Patents, Trade Marks, Copy Right and Allied Right (1999), Asia Law House, Hyderabad.
2. Vikas Vashishth, Law and practice of Intellectual Property 1999 Bharat Law House Delhi.
3. P. Narayanan, Intellectual Property Law (1999), (ed) Eastern Law House, Calcutta
4. Bibeck Debroy (ed). Intellectual Property Right (1998), Rajiv Gandhi Foundation, Delhi
5. U.I.F. Anderfelt, International Patent Legislation and Developing Countries (1971)
6. W.R. Cornish, Intellectual Property (3rd ed) (1996) Sweet and Maxwell
7. K. Thairani, copyright: The Indian Experience (1987)
8. W.R. Cornish, Para and Materials on Intellectual Property (1999) Sweet and Maxwell.

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PAPER IV : Public International Law

Unit – I :

International Law-definition-sources-relation with municipal law-subjects of international law theories as to the basis of international law-subjects of international law-states-individuals international organizations

Unit – II :

State-incidence-various types of states-recognition of states-territorial sovereignty-state jurisdiction-civil-criminal-extradition-asylum-privileges, immunities of foreign states-diplomatic and consular relations-Transmission of rights and duties-state succession-territorial sovereignty and domestic jurisdiction-doctrine of reversion

Unit – III :

The law of treaties-conclusion of treaties-reservations-entry in to force-deposit and registration invalidity of treaties-invalidity-termination and suspension-application and effects of treaties amendments and modifications- interpretations of treaties

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PAPER V : Drafting, Pleading And Conveyance

Note: 1.

This paper shall have Diary of 90 (45+45) marks and viva- voce of 10 marks, which shall be evaluated by a panel of two examiners out of which one external examiner shall be appointed by the examination committee of the University and Internal examiner shall be appointed by the Principal/Director/Head of the Institution concerned. Drafting: General principles of drafting and relevant substantive rules shall be taught (b)

Pleadings:-

- (i) Civil : Complaint, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution Petition, Memorandum of Appeal and Revision, Petition under Article 226 and 32 of the Constitution of India.
- (ii) Criminal: Complaint, Criminal Miscellaneous petition, Bail Application, Memorandum of Appeal and Revision.
- (iii) Conveyance: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed.
- (iv) Drafting of writ petition and PIL petition. The course will be taught through class instructions and simulation exercises, preferably with assistance of practicing lawyers/retired judges. Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in drafting carrying a total of 45 marks (3 marks for each) and 15 exercises in conveyancing carrying another 45 marks (3 marks for each exercise) remaining 10 marks will be given for viva voice. 137 Select

Bibliography

1. R.N. Chaturvedi : Pleading, Drafting and Conveyancing,
2. Manohar Murli : The art of Conveyancing and Pleading.

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**OPTIONAL PAPER VI : Information Technology
Law**

Unit - I

Introduction 1. Concept and Definition – Computer, Digital Signature, Key Pair, Subscriber, Verification 2. Globalisation and ECommerce – U.S./U.K. 3. I.T. Act 2000 – Aim and object, E-mail, Torts & contract on Internet, Offences and Cyber Crimes, Stalking, Hacking, tempering, Junk Spaming – publication of obscene material, offences of computer, worms & virus Defamation and internet 4. Loop holes in I.T. Act.

Unit - II

Adjudication and penalties 1. Powers of Police Officers 2. The Cyber Regulations Appellate Tribunal 3. Appeal to High Court 4. Compounding of contravention and Recovery of penalty

Unit - III

Protection of Consumers and Victims 1. Protection of consumer & unfair Terms 2. Protection of person when person is not consumer 3. Proposed Amendments 4. R.B.I. Guideline for A.T.M. Transactions 135

Unit - IV

International sphere of Global Regime 1. Civil Jurisdictions 2. Minimum contact Doctrine in U.S.A. 3. E mail on Internet 4. Danger for computer software failure

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Unit - V

Right of Privacy (on Internet) Media Law 1. Right to Privacy – Breach of (Defamation, Tresspass, Nuisance 2. Breaching confidence and harassment 3. Privacy on Internet 4. Real Victims of Virtual Crime

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1. I.T. Tech. Law : Gupta & Agrawal – Premier Publication, Allahabad.

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OPTIONAL PAPER VI : COMPETITION LAW

Unit I :

Evolution of Competition Law, ii. Monopoly & Restrictive Trade Practices Act, 1969, iii. Raghavan Committee Recommendations iv. Competition Act, 2002, Objectives and Overview, v. Appreciable Adverse Effect over the Competition, Unfair Trade Practices.

Unit II:

Anti-Competitive Agreements i. Horizontal Agreements: Price Fixing, Output Limitation, Market Sharing, Bid Rigging, Collusive Bidding, Cartel ii. Vertical Agreements: Tie In Agreement, Exclusive Supply, Exclusive Distribution, Refusal To Deal & Resale Price Maintenance. iii. Rule of Reason & Rule Per Se iv. Competition & Intellectual property Rights; Inter-linkage

Unit III:

Abuse of Dominant Position & Regulation of Combination i. Abuse of Dominant Position: Dominant Position and Its Abuse, Predatory Pricing, Trade Barriers & Denial of Market Access. ii. Regulation of Combination: Threshold Limits, Procedure and Role of Commission

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Unit IV:

Competition Authorities & Investigation, Enforcement i. Competition Commission of India: Composition, Appointment, Power, Function and Duties ii. Director General, Power & Functions iii. Competition Appellate Tribunal: Composition Power, Function iv. Investigation: General Procedure and Remedies, v. Extra-territorial Operation of Commission. vi. Competition Advocacy, vii. Leniency Programme, Contemporary Issues in Competition

Books & References:

1. T, Ramappa, Competition Law in India, Oxford University Press.
2. VinodDhall, Competition Law Today: Concept, Issues and Law in Practice, Oxford University Press.
3. Richard Wish, David Bailey, Competition Law, Oxford University Press.

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