

BACHELOR OF LAW – SECOND SEMESTER

Second Semester			
Sl. No	Name of Subject	Credits	Total Marks
1	Constitutional law of India II	4	100
2	Law of contract II (special contract)	4	100
3	Family law ii(Muslim law)	4	100
4	Public International Law	4	100
5	Administrative law	4	100
6	Intellectual property right I	4	100
Total		24	

SUBJECT NAME: CONSTITUTIONAL LAW OF INDIA – II

UNIT-I: Fundamental Rights – I

- a. Definition of ‘State’ for enforcement of fundamental rights – Justifiability of fundamental rights – Doctrine of eclipse, severability, waiver. Distinction between pre-constitutional law and post-constitutional law
- b. Right to equality – Doctrine of Reasonable classification and the principle of absence of arbitrariness
- c. Fundamental freedom: Freedom of speech and expression, freedom of association, freedom of movement, freedom to reside and settle, freedom of trade, business and profession – expansion by judicial interpretation – reasonable restrictions.

UNIT-II: Fundamental Rights – II

- a. Right to life and personal liberty – scope and content – (expensive interpretation)
- b. Preventive detention under the Constitution – Policy and safeguards – Judicial review Right against exploitation – Forced labour and child employment
- c. Freedom of religion

UNIT-III: Right to Constitutional Remedies

- a. Right to Constitutional Remedies (Art 32 and 226)
- b. Judicial Review
- c. Writs –
 - i. Habeas Corpus
 - ii. Mandamus
 - iii. Certiorari

- iv. Prohibition
- v. Quo-warranto

UNIT-IV: Directive Principles, Fundamental Duties and Social Justice

- a. Directive Principles of State Policy – Nature and justiciability of the Directive Principles – Inter-relationship between Fundamental Rights and Directive Principles– Fundamental Duties.
- b. Social justice under the Indian Constitution – Compensatory discrimination for backward classes – Mandal Commission’s case and other cases – Protective discrimination doctrine.

SUBJECT NAME: LAW OF CONTRACT – II (SPECIAL CONTRACT)

UNIT – I: Indemnity and Guarantee/Bailment and Pledge

- a) Meaning, Distinction between Indemnity and Guarantee
- b) Right / Duties of Indemnifier, Indemnified and Surety
- c) Discharge of Surety
- d) Kinds of Guarantee
- e) Bailment and Pledge
 - _ Meaning and Distinction
 - _ Rights and Duties of Bailer /Bailee, Pawnor /Pawnee
 - _ Lien
 - _ Termination of Bailment

UNIT – II: Agency

- a) Definitions of Agent and Principal
- b) Essentials of relationship of agency
- c) Creation of agency: by agreement, ratification and law.
- d) Relation of principal / agent, subagent and substituted agent
- e) Termination of agency

UNIT – III: Specific Relief Act, 1963

- a) Recovery of property
- b) Specific performance of contracts
- c) Injunctions – Temporary and Perpetual, Mandatory

UNIT – IV: The Indian Partnership Act, 1932

- a. Nature of partnership firm
- b. Relations of partners to one another and outsiders
 - i. Rights /Duties of partners inter se
 - ii. Partnership Property
 - iii. Relations of Partners to third parties
 - iv. Liability for holding out
 - v. Minor as a partner
- c. Incoming and outgoing partners
- d. Dissolution
 - i. By consent,

- ii. By agreement,
- iii. Compulsory dissolution,
- iv. Contingent dissolution,
- v. By notice,
- vi. By Court.
- vii. Consequences of dissolution
- viii. Registration of firms and effects of non-registration

SUBJECT NAME: FAMILY LAW – II (MUSLIM LAW)

UNIT – I: Marriage Laws

Nikah (Muslim Marriage)

- i. Definition, objects and nature
- ii. Essentials and validity
- iii. Obligations arising out of marriage – Mehar, Maintenance etc.

UNIT – II: Dissolution of Marriage

- a. Dissolution of Marriage under Muslim Law
 - i. By death
 - ii. By the act of either party
 - iii. By mutual consent
 - iv. By court
- b. Maintenance
 - i. Entitlement
 - ii. Enforcement
- c. Muslim Women (Protection of Rights on Divorce) Act, 1986
- d. Maintenance under the Code of Criminal Procedure, 1973

UNIT – IV: Guardianship

- a. Guardianship under Muslim Law
- b. Entitlement to guardianship
- c. Rights, obligations and disqualification of a guardian

UNIT – V: Principles of Inheritance

Principles of inheritance under Muslim Law (Sunni Law)

UNIT – VI: Religious and Charitable Endowments

- a. Endowments Shafait
- b. Waqf
 - i. Meaning, Kinds, Rights and Characteristics,
 - ii. Advantages and disadvantages
- c. Objects and purpose
 - i. Mosques – objects, kind, requisites
 - ii. Methods of creation of waqf

d. Pre-emption – Origin, Definition, Classification, Subject matter, formalities, effects, constitutional validity.

SUBJECT NAME: PUBLIC INTERNATIONAL LAW

Unit – I: Introduction

- a. Nature of International Law
- b. Subjects of International Law
- c. Relationship between International Law and Municipal Law

Unit –II: Sources of International law

- a. Custom
- b. Treaties
- c. General Assembly Resolutions
- d. General Principles
- e. Juristic Works
- f. Other Sources

Unit-III: Recognition, Extradition and Law of the Sea

- a. Recognition
 - i. Theories of Recognition
 - ii. De facto, De jure recognition
 - iii. Implied Recognition
 - iv. Withdrawal of Recognition
 - v. Retroactive Effects of Recognition
- b. Extradition
 - i. State Jurisdiction
 - ii. Customary Law basis
 - iii. Treaty Law
 - iv. The nature of obligation
- c. Law of the Sea
 - i. Territorial Sea
 - ii. Contiguous Zone
 - iii. Exclusive Economic Zone
 - iv. Continental Shelf
 - v. High Sea

Unit – IV International Organizations

- a. UN
- b. ICJ
- c. IMF and IBRD
- d. WTO
- e. ICAO
- f. IAEA
- g. UNEP

SUBJECT NAME: ADMINISTRATIVE LAW

UNIT – I: Evolution and Scope of Administrative Law

- a. Nature, Scope and Development of Administrative Law
- b. Rule of law and Administrative Law
- c. Separation of powers and its relevance
- d. Relationship between Constitutional law and Administrative Law
- e. Administrative Law vis-à-vis privatization
- f. Classification of functions of Administration

UNIT -II: Legislative Functions of Administration

- a. Necessity and Constitutionality
- b. Forms and requirements
- c. Control
 - i. Legislative
 - ii. Judicial
 - iii. Procedural
- d. Sub-delegation

UNIT-III: Judicial Functions of Administration

- a. Need for devolution of adjudicatory authority on administration
- b. Nature of tribunals – Constitution, powers, procedures, rules of evidence
- c. Administrative Tribunals
- d. Principles of Natural Justice
 - i. Rule against bias
 - ii. Audi Alteram Partem
 - iii. Reasoned decisions
- e. Rules of evidence:
 - i. No Evidence
 - ii. Some Evidence
 - iii. Substantial Evidence
- f. Institutional Decisions

UNIT – IV: Administrative Discretion and Judicial Control of Administrative Action

- A. Administrative Discretion
 - a. Need and its relationship with rule of law
 - b. Constitutional imperatives and exercise of discretion
 - c. Grounds of judicial review
 - i. Abuse of discretion
 - ii. Failure to exercise discretion
 - d. Doctrine of legitimate expectations
- B. Judicial Control of Administrative Action
 - i. Introduction

- ii. Court as the final authority to determine the legality of administrative action
- iii. Exhaustion of Administrative remedies
- iv. Locus Standi
- v. Laches
- vi. Res judicata
- vii. Judicial review and its extent

C. Methods of judicial review

- i. Statutory appeals
- ii. Writs
- iii. Declaratory judgments and injunctions
- iv. Civil Suits for Compensation

SUBJECT NAME: INTELLECTUAL PROPERTY LAW –I

UNIT-I: Introductory Aspects:

Overview of the concept of property;

Industrial property and non-industrial property

Historical background of IPR

Importance of human creativity in present scenario

Different forms of IP and its conceptual analysis

UNIT-II: Patents:

Introduction and overview of patent protection

History of Patent protections

What is patent and definition of patent

Object of patent

Scope and salient features of patent

How to obtain patent

Product patent and Process patent

Specification – Provisional and complete specification

Procedure for patent applications

Register of patents and Patent Office

Rights and obligations of patentee

Transfer of Patent Rights

Government use of inventions

Biotech patents and patentability of life forms

Infringement of Patents; Offences and Penalties.

UNIT-III: Trade Marks:

Introduction and overview of trade mark;

Evolution of trade mark law;

Object of trade mark;

Features of good trade mark;

Different forms of trade mark;

Trade mark registry and register of trade marks;

Property in a trade mark;

Registrable and non-registrable marks;

Basic principles of registration of trade mark;

Deceptive similarity;

Assignment and transmission;

Rectification of register;

Infringement of trade mark;

Passing off;

Domain name protection and registration;

Offences and penalties.

UNIT-IV: Cyber Intellectual Property:

Introduction and overview of Cyber Intellectual Property;

Intellectual property and cyberspace;

Emergence of cyber crime ;

Grant in software patent and Copyright in software;

Software piracy;

Trade marks issues related to Internet (Domain name);

Data protection in cyberspace;

E-commerce and E contract;

Salient features of Information Technology Act;

IPR provisions in IT Act;

Internet policy of Government of India.

UNIT-V: Geographical Indications:

Introduction and overview of geographical indications;

Meaning and scope of geographical indications;

Important geographical indications of India and their features;

Salient features of the Protection of Geographical Indications Act;

Protection of geographical indications;

Misleading use of geographical indications;

Registration of geographical indications;

Right to use geographical indications;

Infringement;

Remedies against infringement;

Role and functions of Registrar of Geographical indication;

Conflict between Trade mark and geographical indications.

UNIT-VI: International Convention and Treaties:

Paris Convention:

a. Background

b. Salient features of Paris Convention

c. Governing rules of Paris Convention

Patent Cooperation Treaty:

- a. Background
- b. Objectives of PCT
- c. Salient features of PCT

Madrid Convention:

- a. Salient features
- b. International registration of marks

World Intellectual Property Organisation:

- a. Background
- b. Salient features WIPO
- c. Organisation of WIPO