

BACHELOR OF LAW – SIXTH SEMESTER

Sixth Semester			
Sl. No	Name of Subject	Credits	Total Marks
1	Interpretation of Statutes and Principles of Legislation	3	100
2	Property law	3	100
3	Insurance law	3	100
4	Optional Subjects (Any two of the following):	3	100
	a) International Criminal Law and International Criminal Courts	3	
	b) Indirect taxes		
	c) International refuge law		
	d) Criminology		
	e) Socio economic offences		
	f) International economic law		
	g) Private International law		
	h) Law of International organization		
	i) Health care law		
	j) Comparative law		
5	Moot Court Exercise and Internship	3	100
6	Intellectual Property Rights II	3	100
7.	Project Work & Viva Voce	3	
Total		24	

SUBJECT NAME: INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

UNIT – I: Introduction

- a. Meaning of Interpretation
- b. Purpose and Scope of Interpretation

UNIT – II: Nature of Statutes and their Classification

UNIT – III: Internal Aids to Interpretation: Title, Preamble, Headings and Marginal Notes.

UNIT –IV: External Aids to Interpretation: Parliamentary History, Stare Decisis, Precedent Dictionaries.

UNIT – V: Rules of Interpretation

- a. Literal Rule
- b. Golden Rule
- c. Mischief Rule

UNIT – VI: Principles of Constitutional Interpretation : Harmonious Construction, Doctrine of Pith and Substance and Doctrine of Colorable Legislation.

UNIT – VII: A. Presumption in Statutory Interpretation

- B. Presumption as to Juristic
- C. Presumption as to Prospective Operation of Statues
- D. Presumption as violation of International Law.

SUBJECT NAME: PROPERTY LAW

UNIT-I: Concept of Property and General Principles Relating to Transfer of Property

- a. Concept of property – distinction between movable and immovable property
- b. Transferability of property
- c. Compartment transfer
- d. Conditions restricting transfer
- e. Definition of transfer of property
- f. Transfer and non-transfer property
- g. Transfer to an unborn person and rule against perpetuity
- h. Vested and Contingent interest
- i. Rule of Election

UNIT-II: General Principles Governing Transfer of Immoveable Property

- a. Transfer by ostensible owner
- b. Rule of feeding grant by estoppel
- c. Rule of Lis pendens
- d. Fraudulent transfer
- e. Rule of part performance

UNIT – III: Specific Transfers – I

- a. Sale and gift
- b. Mortgage and charge

UNIT – IV: Specific Transfer – II

- a. Lease and License
- b. Easements.

SUBJECT NAME: INSURANCE LAW

UNIT-I: Introduction:

- a. Nature
- b. Definition
- c. History of Insurance
- d. History and development of Insurance in India
- e. Insurance Act, 1938- (main sections) Insurance Regulatory Authority Act, 1999:
- f. Its role and functions

UNIT-II: Contract of Insurance:

- a. Classification of contract of Insurance

- b. Nature of various Insurance Contracts
- c. Parties there to Principles of good faith and non-disclosure
- d. Misrepresentation in Insurance Contract
- e. Insurable Interest
- f. Premium
 - i. Definition method of payment
 - ii. Days of grace
 - iii. Forfeiture
 - iv. Return of premium
 - v. Mortality
- g. The risk
 - i. Meaning and scope of risk
 - ii. Causa Proxima
 - iii. Assignment of the subject matter.

UNIT-III: Life Insurance

- a. Nature and scope of Life Insurance
- b. Kinds of Life Insurance
- c. The policy and formation of a life insurance contract
- d. Event insured against Life Insurance contract
- e. Circumstance affecting the risk
- f. Amount recoverable under the Life Policy
- g. Persons entitles to payment
- h. Settlement of claim and payment of money
- i. The Motor Vehicles Act, 1988

UNIT-IV: Fire Insurance

- a) Nature and scope of Fire Insurance
- b) Basic Principles
- c) Conditions & Warranties
- d) Right & Duties of Parties
- e) Claims
- f) Some Legal Aspects.

UNIT-V: Marine Insurance

- a) Nature and Scope
- b) Classification of Marine policies
- c) Marine insurance and policy
- d) Conditions and express warranties
- e) Voyage deviation
- f) Perils of sea

g) Loss

SUBJECT NAME: INTERNATIONAL CRIMINAL LAW AND INTERNATIONAL CRIMINAL COURT

UNIT I: Origin of development of international criminal law.

UNIT II: International Crimes: Meaning, definition.

UNIT III: Major international crimes – genocide, aggression, organized crimes and corruption war crimes and crimes against humanity, terrorism Issues relating.

UNIT IV: Prevention and Punishment of international crimes – jurisdiction, extraction and mutual legal assistance.

UNIT V: International Regional and Mixed Tribunals.

UNIT VI: International Criminal Court – Organization structure, personal, material and temporal jurisdiction of the Court, Procedure and evidence.

UNIT VII: National Perspectives on international

SUBJECT NAME: INDIRECT TAXES

Unit – I: Central Excise

- a. Background and introduction to Excise Law in India
- b. Structure of Excise Law in India
- c. Meaning of ‘Manufacture’ under section 2(f) and ‘Manufacturer’ under section 2(f)
- d. Classification of goods :
 - Central Excise Tariff Act 1985
 - Rules for Interpretation of CETA
 - Other aspects of Classification
- e. Valuation
 - Study of section 4 and section 4 A alongwith Rules for Valuation
- f. CENVAT
 - Basic meaning
 - MODVAT
 - CENVAT on inputs
 - CENVAT on Capitals goods
- g. Administrative structure of excise department

Unit – II: Customs

- a. Background and Introduction to Customs Law in India
- b. Structure of Customs Law in India
- c. Administrative structure of Customs department Sections 3 to 6
- d. Territorial Waters of India
- e. ‘Goods’ under Customs Act
- f. Types of Duties
- g. Valuation:

- Section 14
- Rules for valuation
- h. Restrictions on import and export under the Customs Act 1962
- i. Introduction to Duty Drawback
- j. Introduction to Baggage Rules and Import by Post and Courier

Unit – III: Sales Tax & Vat

- a. Introduction to Central Sales Tax
- b. Constitutional Provisions on taxes on Sales of Goods
- c. Charging Section
- d. Inter-state sale
- e. Movement of Goods
- f. Stock Transfer
- g. Meaning of goods and Sales
- h. Introduction to VAT

Unit – IV: Service Tax

- a. Introduction and Background
- b. Constitutional Validity
- c. Provisions regarding:
 - Registration
 - Records
 - Self Assessment and verification
 - Interest on Delayed Payment
 - List Services included

SUBJECT NAME: INTERNATIONAL REFUGEE LAW

UNIT – I: Introduction

- a. Position of refugees under Universal Declaration of Human Rights

Unit – II: Rights, obligations and privileges of refugees under the Refugee Convention 1951

- a. Who is a refugee?
- b. Judicial Status
- c. Administrative Measures
- d. The 1967 Protocol

UNIT – III: The Refugee problem in Asia and Africa

- a. The AALCC Principles 1966
- b. The OAU convention 1969

UNIT – IV: Implementation & Monitoring

- a. Statute of the UNHCR 1950
- b. Cartagena Declaration 1984

SUBJECT NAME: CRIMINOLOGY

UNIT – I: Understanding Crime

- a. Crime: Definition and Concept
- b. Causal approaches to explanations and difficulties of applications of casual analysis to human behavior
- c. Specific Theories: Biophysical explanations, Psychodynamic approaches, Social learning theories of Crime causation, Social learning through sub-cultures of deviance, Social disorganization theories, and Economist approaches

UNIT – II:

A. Deviations

- a. Legislation
- b. Treatment
- c. Judicial Approach

B. Socio-Economic Crimes

- a. White collar crimes
- b. Drug Abuse

UNIT – III: Punishment

- a. Theories of Punishment: Deterrent, Retributive, Preventive and Reformative
- b. Alternatives to imprisonment: Probation, Open jail, Parole etc.
- c. Prison reform and the Judicial Response
- d. Capital Punishment

UNIT – IV: Victimology

- a. Compensation, Restitution, Assistance and Rehabilitation
- b. Compensation as a mode of punishment
- c. Constitutional perspective of compensation

SUBJECT NAME: SOCIO-ECONOMIC OFFENCES

UNIT – I: Hoarding and Profiteering

- a. Laws relating to maintenance of essential supplies
- b. Laws on maintenance of standards of weights and measures

UNIT – II: Adulteration

- a. Prevention of food adulteration
- b. Control of Spurious Drugs

UNIT – III: Corruption

- a. Practice and Dimensions of corruption
- b. Anti Corruption Laws

UNIT – IV: Investigation and Prosecution

- a. Central Vigilance Commission (CVC)
- b. Central Bureau of Investigation (CBI)
- c. Criminal Investigation Department (CID)

- d. Other organizations

SUBJECT NAME: INTERNATIONAL ECONOMIC LAW

UNIT – I: Introduction

- a. Definition
b. New International Economic Order

UNIT – II: Subjects of International Economic Law

- a. States
b. Multinational Enterprises
c. Individual

UNIT – III: Major Economic Rights of States

- a. Permanent Sovereignty
b. Non-intervention in domestic Affairs

UNIT – IV: Dispute Settlements in International Economic Law

- a. International Organizations
- IMF
- WTO
- EC
b. Between States and Foreign Investors
- ICC
- ICSID

SUBJECT NAME: PRIVATE INTERNATIONAL LAW

Unit – I: Introduction

- a. Application and subject matter of Private International Law,
b. Distinction with Public International Law,
c. Characterization and theories of characterization,
d. Concept of Renvoi,
e. Application of foreign law.
f. Domicile,
g. Jurisdiction of courts

Unit – II: Family Law matters

- a. Material and formal validity of marriage under Indian and English law
b. Choice of law and jurisdiction of courts in matrimonial causes : dissolution of marriage, grounds of divorce, restitution of conjugal rights, recognition of foreign judgments

Unit – III: Adoption:

- a. Recognition of foreign adoptions,
b. Adoption by foreign parents,
c. Jurisdiction under Indian and English law.

Unit – IV: Indian Law relating to foreign judgment

- a. Basis of recognition, recognition,
- b. Finality, Failure
- c. Direct execution of foreign decrees,

SUBJECT NAME: LAW OF INTERNATIONAL ORGANIZATIONS

UNIT – I : Introduction

- a. IPU
- b. League of Nations
- c. ILO

UNIT – II: Legal Personality

- a. The Reparations case (ICJ Report 1949)

UNIT – III: Relations with States

- a. Members
- b. Non-members
- c. Municipal Law

UNIT – IV: Law – Making and Enforcement

- a. UN
- b. WTO
- c. EU

SUBJECT NAME: HEALTH CARE LAW

UNIT – I: Medicine and Healthcare

- a. Healthcare as an issue at the national and international level
- b. Constitutional provisions
 - Right to Health as a Fundamental Right
 - Remedies available under the Indian Constitution
 - Right to health vis-à-vis the right to confidentiality
 - Access to medical records

UNIT – II: Professional Obligations of Doctors

- a. Transplantation of Human Organs Act, 1994
- b. Pre Conception & Pre Natal Diagnostic Techniques (Prohibition of sex selection) Act, 1994
- c. International Code of Medical Ethics
- d. Indian Medicine Central Council Act, 1970
- e. Dentists Act, 1948
- f. The Homeopathy Central Council Act, 1973
- g. The Drugs and Cosmetics Act, 1940

UNIT – III: Medical Negligence

- a. Ingredients
- b. Role of consent in medical practice
- c. Error of judgment and gross negligence
- d. Wrongful diagnosis and negligent diagnosis

UNIT – IV: Remedies for Medical negligence

- a. Law of Torts
- b. Law of Crimes
- c. Consumer Protection Law

SUBJECT NAME: COMPARATIVE LAW

UNIT- I: The Concept, Functions and Aims of Comparative Law

UNIT-II: Comparative Legal Traditions

- a. Chthonic or African
- b. Talmudic or Jewish
- c. Hindu
- d. Chinese
- e. Civil Law
 - i. Romanistic
 - ii. Germanic
 - iii. Nordic or Scandinavian
- f. Islamic
- g. Common Law
 - i. English
 - ii. United States

UNIT-III: Comparative Legal Approaches

- a. Capitalist
- b. Socialist
- c. Third World

UNIT-IV: Comparative Legal Traditions and Approaches:

Trends of Convergence, Reconciliation and Transitions

- a. Major Agencies
 - i. International Labour Organization
 - ii. UNIDROIT
 - iii. International law Commission
 - iv. World Intellectual Property Organization
 - v. World Trade Organization
 - vi. UN Human Rights Council
- b. Contemporary Issues
 - i. Legal Systems and Elimination of Child Labour
 - ii. Jurisdiction and Regulation of the Internet
 - iii. International Video Conferencing and National Evidence Laws
 - iv. The Criminal Law and Terrorism
 - v. Transnational Intellectual Property Litigation
 - vi. International trade Liberalization and Approximation of National Environment Laws

vii. Legal System Reforms and the Reception of Common Law in Bhutan

viii. Comparative Law Aspects of the Operationization of the Indo-U.S. Nuclear Deal
ix. Emergence of a Global Administrative law / International Rule of Law

SUBJECT NAME: MOOT COURT EXERCISE AND INTERNSHIP

This paper may have three components of 30 marks each and viva for.....

Moot Court (30 Marks).Every student may be required to do at least.....moot courts in a year with 10 marks for each. The moot court work will be on assigned problem and it will be evaluated for 5 marks for.....submission and 5 marks for oral advocacy.

Clearance of Trial in two cases , one Civil and one Criminal (30 Marks). Students may be required to attend two trials in the course of.....of three years of LL.B. They will maintain a record.....various steps observed during their attendance on different in court assignment. This scheme will carry 30 marks.

Reviewing techniques and Pre-trial preparations and Internship (30 marks) : Each student will observe two interviewing sessions of that the Lawyer's Office / Legal Aid Office and record of proceedings.....which will carry 15 marks. Each student will further observe preparation of documents and court papers by the Advocate and the cure for the filling of the suit / petition. This will be recorded in the.....which will carry 15 marks.

Fourth component of this paper will be viva voce examination on...above three aspects. This will carry 10 marks.
Civil Suits for Compensation.

SUBJECT NAME: INTELLECTUAL PROPERTY LAW –II

UNIT-I: Indian Copyright Law

- a. Introduction And Overview Of Copyright
- b. Salient Features Of Copyright Act
- c. Subject Matter Of Copyright
 - i. Literary Work
 - ii. Dramatic Work
 - iii. Musical Works
 - iv. Artistic Works
 - v. Cinematographic Films
 - vi. Sound Recordings
- d. Term Of Copyright
- e. Author And Ownership Of Copyright
- f. Infringement Of Copyright
- g. Remedies Against Infringement Of Copyright

UNIT-II: Biological Diversity Law

- a. Introduction and overview of Biological Diversity
- b. Meaning and scope of Biological Diversity

- c. Biological resources and traditional knowledge
- d. Salient features of Biological Diversity Act
- e. Biological Diversity concerns and issues
- f. Bio piracy
- g. Regulation of access to Biological Diversity
- h. National Biodiversity Authority
- i. Functions and powers of Biodiversity Authority
- j. State Biodiversity Board
- k.** Biodiversity Management Committee and its functions.

UNIT-III: Protection of Plant Varieties and Farmers Rights Law

- a. Concepts relating to the protection of plant varieties rights
- b. Legal concepts relating to the protection of plant breeders rights
- c. PR in new plant varieties
- d. Policy and objectives of protection of plant varieties and farmers rights act
- e. Plant varieties and Farmers rights protection authority
- f. National register of plant varieties
- g. Procedure for registration
- h. Rights and privileges
- i. Benefit sharing
- j. Compensation to communities
- k. Compulsory licence
- l. Relief against infringement
- m.** National Gene Fund

UNIT-IV: Designs Law:

- a. Introduction and overview of Designs Law
- b. Salient features of Designs Law
- c. Registration
- d. Infringement
- e. Powers and duties of Controller
- f.** Distinction between design, trade mark, copyright & patent.

UNIT-V: Bio-Technology and Law

Introduction

- a) Biotechnology and Law in India : An Overview
- b) Social responsibility of scientists
- c) Multi-national and imperialist appropriation and use of biotechnology Failures of self-regulation and vicissitudes of legal regulations

d) Recent legislative attempts related to the biotechnology regulatory authority of India

UNIT-IV: International Treaties / Conventions on IPR: TRIPS Agreement

- a. Background
- b. Salient Features of TRIPS
- c. TRIPS and Indian IPR
- d. Berne Convention: Background
- e. Salient features of Paris Convention
- f. Convention of Bio-Diversity
 - i. Objectives of CBD
 - ii. Salient features of CBD
- g. International IPR agreements affecting protection of plant varieties
- h. The WTO Doha round of trade negotiations
- i. International Treaty on Plant Genetic Resources (“ITPGR”)

SUBJECT NAME: PROJECT WORK & Viva Voce