

University of Kalyani
Five year Integrated B.A. LL.B (Hons) Course
Detail Syllabus with Choice Based Credit System (CBCS)
Paper-801
Civil Procedure Code and Specific Relief Act
Existing
Full Marks: (Written 80+Internal 20) =100. Credit: 5

Group A: Civil Procedure Code

1. Settlement of Disputes outside the Court.

2. Special Suits

Suits by or against Government or Public Officers

Suits by or against minors and lunatics.

Suits by indigent persons.

3A. Appeal

Appeal from original decree

Second Appeal

Appeal from orders

Appeal to the Supreme Court

3B. Reference

Meaning, nature and scope

3C. Review

Meaning, nature and scope

3D. Revision

Meaning, nature and scope

conditions of filing revision

3E. Distinction: Appeal, Reference, Review and Revision.

Group B: Specific Relief Act

1. Definitions- Obligation, Settlement, Trust, Trustee

2. Recovery of Specific Immovable Property

3. Suits by persons dispossessed of Immovable Property

4. Cases in which specific performance of contract enforceable

5. Who may obtain Specific Performance?

6. Personal Bars to relief

7. Discretion of Court as to declaration of status or right

8. Temporary and permanent injunction

9. Perpetual injunction when granted.

Book Reference:

Paper-802
Principles of Taxation Law-I (Direct Taxation)

New

Full Marks: (Written 80+Internal 20) =100. Credit: 5

1. Constitutional Provisions of Taxation

Tax, Cess, Fees, Surcharge

Capital Receipts and Revenue Receipts

Scope of Tax Laws- No Tax shall be levied or collected except by Authority of Law (Article 265)

Taxation and Fundamental Rights [Article 13,14,19(1)(g) and 27]

Distribution of Tax Resources between the Union and the States (Article 268 to 279)

Concepts, Characteristics and Types of Direct of Taxes

2. Income Tax Act, 1961

A. Definitions- Income, Gross Total Income, Total Income, Agriculture Income, Person, Previous Year, Assessment Year, Assessee, TDS, TCS.

B. Residential Status of Assessee- Resident and Ordinary Resident, Resident but Not Ordinary Resident, Non-Resident. Apportionment of Income between spouses governed by Portuguese Civil Code. Income deemed to receive, accrue, arise in India.

C. Exempted Incomes

Section 10, Section 10AA, Section 11-13A.

D. Heads of Income

(i) Income from Salary; (ii) Income from House Property; (iii) Income from Profits or Gains from Business or Profession; (iv) Income from Capital Gains (v) Income from Other sources.

E. Computation of Total Income

Deductions under Chapter VIA. Reliefs and Rebates.

F. Filing of Returns of Income

~~3. Wealth Tax Act, 1957~~ (Abolished)

Book Reference:

Paper-803
IPR Management

New

Full Marks: (Written 80+Internal 20) =100. Credit: 5

Introduction

1. Basic concept, Characteristics and Nature of Intellectual Property right
2. Justifications for protection of IP and relation with Economic Development
3. Major International Documents relating to the protection of IP: i. Berne Convention
ii. Paris Convention, iii. TRIPS.

Copyright

1. Meaning and Subject matter of copyright:
 - i. Original literary, dramatic, musical, artistic works
 - ii. Cinematograph films
 - iii. Sound recordings
2. Ownership and Term of copyright
3. Rights of owner:
 - i. Economic Rights
 - ii. Moral Rights
4. Assignment and license (including basic concept of statutory and compulsory license) of
Copyrights; Performers rights and Broadcasters rights.
5. Infringement of copyright
6. Fair use and Fair Dealing concepts
Relevant Sections: Sections 2,3,13, 14, 17, 18, 19, 22 to 31D, 37, 38, 51, 52, 63, 63A, 63B
of The Copyright Act, 1957

Patents

1. Meaning
2. Criteria for obtaining patents:
 - i. Novelty
 - ii. Inventive step
 - iii. Utility
3. Non patentable inventions
4. Procedure for registration, Term of patent, Rights of patentee
5. Basic concept of Compulsory license and Government use of patent
6. Infringement of patents and remedies in case of infringement
Relevant Sections: 2, 3, 4, 6, 9, 10,11A, 11B, 12, 25, 43, 45, 47, 48, 50, 53, 82 to 85, 87, 94, 99,
100, 104, 107, 107A, 108, 114 of the Patent Act, 1970

Trade Marks

1. Meaning of mark, trademark; Concept of distinctiveness
2. Categories of Trademark: Certification Mark, Collective Mark and Well known Mark and

Non-conventional Marks

3. Absolute and relative grounds of refusal
4. Doctrine of honest concurrent user
5. Procedure for registration and Term of protection
6. Assignment and licensing of marks
7. Infringement and Passing Off

Relevant sections: 2, 9, 11, 12, 18 to 29, 38, 39, 122, 134, 135 of the Trade Marks Act, 1999

Designs, GI and other forms of IP

A. Designs

1. Meaning design protection
2. Concept of original design
3. Term of protection

Relevant Sections: Section 2 (a) (d) (j) (g), 4, 5, 11, 22 of the Designs Act, 2000

B. Geographical Indication

1. Meaning of GI
2. Difference between GI and Trade Marks
3. Concept of Authorized user
4. Homonymous GI

Relevant Sections: 2 (e) (f) (k) (n), 3, 7, 9, 10 of the Geographical Indication of Goods Act, 1999

C. Trade-Secret

1. Meaning
2. Criteria of Protection

D. Plant Variety Protection and Farmer's Right

1. Meaning
2. Criteria of protection

Relevant Sections: Section 2 (i) (j) (k) (l), 14, 15, 16, 39 of the Protection of Plant Varieties and Farmers' Rights Act, 2001

Book Reference:

1. Lionel Bently & Brad Sherman, Intellectual Property Law, Oxford.
2. P. Narayanan, Intellectual Property Law, Eastern Law House
3. Bare Acts

Paper-804A
Media and Law (Optional Paper –IV)
(New)

Full Marks: (Written 80+Internal 20) =100. Credit: 5

1. Concept, History and Evolution of Media

Understanding the Concept of Media
History of Media
Theories of Media
Evolution of Media in India

2. Constitutional Rights of Media

Right to circulation
Right to publication
Right to advertisement
Broadcasting
Right to conduct interviews
Publication of parliamentary proceedings

3. Limitations on Freedom of Speech and Expression

Public order
Security of state
Defamation
Contempt of Court
Morality and Decency
Privileges of Legislature
Office Secrets

4. Investigative Journalism and the Right to Privacy

Defining Privacy
Privacy and the right to free speech
The law on privacy in India

5. Media and Ethics

Ethical problems including privacy, right to reply, sting operations; Guarding against

communal writing and sensational and yellow journalism, Freebies, bias, coloured reports.

Advertisement and Ethics, Prohibition of indecent representation, Magic Remedies

Issues of Consumer Protection

Protection of Working Journalist, Role of Press Council

A Code of Practice for journalists by the Editors Guild of India

6. Civil and Criminal Liability

Media & Criminal Law

i) Defamation

ii) Sedition

iii) Obscenity

Media and Civil Wrongs (Torts)

iv) Defamation

v) Breach of privacy

vi) Negligence

7. Electronic Media and Regulatory Law

Convergence of New Media in the Internet, Cinema & Social Media

Expansion of Electronic Media: Broadcast sector – TV, Radio & Over-the-Top (OTT)

Prasar Bharti (Broadcasting Corporation of India) Act, 1990

Cable TV Network Regulation Act

Cinematography Act, Pre-censorship, Indecent Representation of Women (Prohibition)

Act and Young Persons (Harmful Publications) Act

Information Technology Act 2000

Telecom Regulatory Authority of India Act, 1997

Issues relating to entry of Foreign Print Media

8. Media's role in promoting and protecting human rights

Book References:

1. Essays on press freedom/V R Krishna Iyer and Vinod Sethi. - New Delhi: Capital Foundation Society.

2. Media Law/Peter Carey. - London: Sweet & Maxwell.

3. Law of the Press / Durga Das Basu. - New Delhi: Prentice Hall Inc.

4. Facets of Media Law- A mini encyclopedia covering multiple dimensions of Media Law: by Madhavi Goradia Divan, EBC Publications

5. Cases and materials on Media Law: Jethmalani, Ram and Chopra, D. S; Thomson Reuters

6. Gallant & Epworth Media Law: A Practical Guide to Managing Publication Risks

Paper-804B
Insurance Law (Optional Paper –IV)
New

Full Marks: (Written 80+Internal 20) =100. Credit: 5

1. General Principles and Concept of Insurance

Nature of Insurance Contract, Various Kinds of Insurance-Proposal-Policy-Parties-Consideration- Need for Utmost Good Faith-Insurable interest-Indemnity- *Uberrimae fidei* - Proximate Cause-Subrogation- Contribution- Insurance and Guarantee- Insurance and wagering contract.- Double Insurance and Re-insurance.

2. Indian Insurance Laws

History and Development- The Insurance Act, 1938- Nationalization of Insurance Companies- The Insurance Regulatory and Development Authority Act, 2000- Mutual Insurance Companies- Co-operative Life Insurance Societies.

3. Life Insurance

Nature and Scope-Application of Principles in Life Insurance contracts- Events insured against Life Insurance contracts-Circumstances affecting the risk-representation- Assignment and Nomination- Title and Clauses- Amount recoverable against Life Policy- Concept of Trust in Life Policy- Person entitled to Payment- Settlement of claims and payment of money. Role and functions of Life Insurance Companies.

4. General Insurance:

Claim procedure- Under-insurance- Condition of Average- Recovery-Salvage.

A. Property Insurance

Fire Insurance-The Emergency Risk (Factories) Insurance- The Emergency Risk (Goods) Insurance-Policy Coverage Risks of Explosion- Burglary and Theft Insurance.

B. Insurance against Third Party

The Motor Vehicles Act, 1938- Nature and Scope-Effect of Insolvency or Death on claims of Insolvency or Death parties-Certificate of Insurance Claims. Tribunal-constitution-functions-application for compensation-procedure-power and award.

C. Marine Insurance

Nature and Scope- Classification of Marine Policy-The Marine Insurance Act 1963- Insurable Interest- Insurable Value- Marine Insurance Policy-condition-express-warranties-Construction of terms of Policy-Voyage-Deviation- Perils of Sea- Assignment of Policy- Partial Laws of Ship and Freight-Salvage- General Average-Particular Charges- Return of Premium.

D. Liability Insurance

Nature and kinds of such Insurance- Public Liability Insurance- Professional Negligence Insurance.

E. Other Insurance- Health, Travel, Crop etc.

5. Ethics and Framework of Insurance Companies

Protection of Policy Holders-Concept of Treating Customers Fairly (TCF)-Actuarial and other Certifications.

Book Reference:

Banerjee- Law of Insurance

Mitra- Law Relating to Marine Insurance

M.N. Sreenivasan- Law of Life Insurance

Avtar Singh- Insurance Law

Bare Acts.

Paper-805
Professional Ethics and Professional Accounting System
(Clinical Paper-II)

Existing

Full Marks: (Practical 80+Internal 20) =100. Credit: 5

1. Advocacy
2. The Contempt Law and Practice
3. The Bar Council Code of Ethics
4. 50 selected opinions of the Disciplinary Committees of Bar Councils.
5. 10 major judgments of the Supreme Court on above subjects.

Book Reference: