

Subodh Law College

B.A, LL.B. Five Year Integrated course

Paper 9.41 Evidence

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20(10 internal Exam
10 Project & Viva)

Objectives of the course

The Law of Evidence is an indispensable part of both Substantive and Procedural laws. It imparts clarity to the adjudicatory process by indicating the degree of veracity to be attributed to facts before the form. This paper enables the students to appreciate the concept and principle underlying the Law of Evidence and identify the recognized forms of evidence and its sources. The subjects seek to impart to the student the skill of the examination and appreciation of oral and documentary evidence in order to find out the truth. The art of examination and cross-examination and the shifting nature of burden of proof are crucial topics. The concepts inserted by amendments to the law of evidence are significant parts of this course.

Module No – 1

- (a) Main Features of Indian Evidence Act, 1872
 - i. Other Acts deals with evidence (C.P.C & Cr.P.C.)
 - ii. Extent and Applicability
 - (b) Fact—(see-3 to5)
 - i. Evidence –oral and documentary, circumstantial and direct evidence
- Presumption – (sec-4)

Subodh Law College

B.A, LL.B. Five Year Integrated course

ii. Witness

iii. Appreciation of evidence

Module No-2

- (a) The doctrine of RES-GESTAE-(sec.6, 7, 8, 9)
 - i. Evidence of common intention – (sec-10)
- (b) Relevancy of ‘otherwise’ irrelevant facts – (sec-11, 12)
 - I. Relevance facts for proof of costumes-(sec-13)
 - ii. Fact concerning bodies and mental state-(sec-14, 15)

Module No- 3

Admission and confession-

- i. General principles concerning admission – (sec 17-23)
- ii. Different between ‘admission’ and ‘confession’
- iii. Non admissibility of confession caused by inducement threats or promise – (sec-24)
- (b) Inadmissibility of confession made before police (sec-25)
 - i. Admissibility of custodial confess (sec-26)
 - ii. Admissibility of ‘information’ received from accused person in custody (sec 27, 28, and 29)
 - iii. Confession by co-accused (sec -30)

Subodh Law College

B.A, LL.B. Five Year Integrated course

Module No- 4

- (a) Dying declaration
 - i. Justification for relevance on dying declaration (sec-32)
 - ii. Judiciary standard for appreciating of evidentiary value of dying declarations
- (b) Statement made under special circumstances- (section 34 to 39)

Module No- 5

- (a) Relevancy of judgments
 - i. General principles
 - ii. Admissibility of judgments in civil and criminal matters (sec-43)
 - iii. Fraud and Collusion (sec-44)
- (b) Expert opinion
 - i. General principle
 - ii. Who is an expert? Types of expert evidence
 - iii. Opinion on relationship especially proof of marriage (sec-50)
 - iv. The problems of judicial defence to expert testimony

Module No- 6

- (a) Oral and Documentary Evidence
 - i. General principals of Concerning Oral evidence (sec. 59, 60)

Subodh Law College

B.A, LL.B. Five Year Integrated course

- ii. Documentary Evidence (sec 67-90)
- iii. Principles regarding exclusion of Oral by Documentary evidence-(sec. 91 to 100)
- (b) Burden of Proof
 - i. General Conception of Onus Probandi (sec-101)
 - ii. General and Special Exceptions to Onus Probandi
 - iii. Justification as to Dowry Death (sec 113-B)
 - iv. The Scope of the Doctrine of Judicial Notice (sec. 114)

Module No- 7

- (a) Estoppels
 - i. Estoppel, the rational (sec-115)
 - ii. Tenancy and bill of exchange Estoppels (sec-116)
 - iii. Estoppel, res judicata and promissory estoppels
 - iv. Witnesses
- (b) Approval testimony (sec-133)
 - i. Examination and Cross- Examination (sec-135, 136)
 - ii. Leading Question (sec-141-143)
 - iii. Lawful Question in Cross- Examination (sec-146)
 - iv. Compulsion to Answer Question Put to Witness.
 - v. Hostile Witness (sec-154)

Subodh Law College

B.A, LL.B. Five Year Integrated course

- vi. Impeaching of the Credit of Witness (sec-155)
- vii. Improper Admission and Rejection of Evidence (sec-167)

Selected cases

1. Limbaji v. State of Maharashtra, AIR 2002 SC 491
2. State of M.P. v. PaltanMallah, AIR 2005 SC 733
3. State of Punjab v. GianKaur, AIR 1998 SC 2809
4. BikanPanday v. State of Bihar, AIR 2004 SC 997
5. Ram Swaroop v. State of U.P., AIR 2000 SC 715
6. Manjoor Ali v. Kishmat Ali, AIR 2004 SC 384
7. Dault Ram v. Sodha, AIR 2004 SC 233
8. Dastagir Singh v. State of Karnataka, AIR 2004 SC 2638
9. State of Orissa v. Mangalam Timber Products Ltd., AIR 2004 SC 297
10. RamadharBasu v. State of W.B., AIR 2005 SC 908.

Suggested Readings:-

1. Avtar Singh
2. Batuk Lal
3. Wigmore (Ref.)

Paper 9.42 Code of Criminal Procedure

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20(10 internal Exam
10 Project & Viva)

Objectives of the course

The Criminal Procedure Code is very important subject for law students. Criminal Procedure has to be just, fair and reasonable to the accused as well as

Subodh Law College

B.A, LL.B. Five Year Integrated course

to the victims. This imposes duty upon those connected with the criminal process to abide by law and to exercise dissertation conferred on them in the best manner. Code of Criminal Procedure was originally enacted years ago and had undergone many changes to meet the need of hour two enormous to be placed in a class room discussion.

Module- 1

- (a) i. Definition (sec-2)
- ii. Constitution of Courts (sec 6-25)
- (b) i. Power of Courts (sec 26-36)
- ii. Arrest of Persons (41-60)

Module- 2

- (a) Process to Compel Appearance (sec 61-94)
- (b) Security for Keeping Peace (sec 106-124)

Module- 3

- (a) Maintenance of Wives (sec 125-128)
- (b) Maintenance of Public Order (sec 129-148)

Module- 4

- (a) Information to Police and Their Power to Investigate (sec 154-176)
- (b) i. conditions requisite for initiation of proceedings (sec 190-199)
- ii. Commencement of Proceedings Before Magistrate (sec 204-210)

Subodh Law College

B.A, LL.B. Five Year Integrated course

Module- 5

- (a) i. The Charge (sec 211-224)
 - ii. Trial Before Court of Sessions (sec 225-237)
 - iii. Trial of Warrant Cases by Magistrate (sec.238-250)
- (b) i. Summary Trial (sec 260-265)
 - ii. Appeals (372-394)

Module- 6

- (a) Reference, Revision (395-405)
- (b) Bail (436-450)

Module- 7

- (a) Juvenile Delinquency
 - i. Treatment and Rehabilitation of Juveniles
 - ii. Juveniles and Adult Crimes
- (b) i. Mechanism of Probation : Standards of Probation Services
 - ii. Problems and Prospects of Probation

Judgments

1. Khatri v. State of Bihar (1981) SCC 193
2. Sanjay Suri v. DelhiAdmn., AIR 1988 SC 444
3. Ram Chander v. State of Haryana AIR 1981 SC 1036
4. Dagdu v. State of Maharashtra, AIR 1977 SC 1579
5. Dr. VijayaManoharArbat v. Kashirao (1987) 1 SCJ 524
6. MadhuLimaya v. SDM Monghar, AIR 1971 SC 2486
7. Moti Ram &Ors v. State of M.P., AIR 1978 SC 1594

Subodh Law College

B.A, LL.B. Five Year Integrated course

- 8. MadhuLimaya v. State of Maharashtra, AIR 1982 SC 47
- 9. Arnit Das v. State of Bihar AIR 2000 SC 2264
- 10. State of Maharashtra v. Jagmohan Singh &Ors (2004) 7 SCC 659

Suggested Readings

1. RattanlalDhirajlal, Criminal Procedure Code
2. R.V. Kelkar, Criminal Procedure Code
3. S.N. Mishra, he Code of Criminal Procedure Code
4. D.D. Basu, Criminal Procedure Code
5. ChandersekharPillai (ed.), Kelkar's Outlines of Criminal Procedure Code.

Paper 9.43 Professional Ethics & Professional Accounting

Total Marks: 100 (80+20)
External Exam: 80
Internal Marks: 20(10 internal Exam

This Course comprises of seven Modules of eight hours teaching duration. Each Module has been divided into two units again to be discussed in four hours in one week.

Module – 1

- (i) Professional Conduct of a Lawyer
- (ii) Professional Conduct
- (ii) Professional Misconduct

Module – 2

- (i) Professional Responsibility of Advocates
- (ii) Conduct of Advocate in General
- (iii) Arguments in appeals and revisions

Subodh Law College

B.A, LL.B. Five Year Integrated course

Module – 3

- i. Skill of Attracting Clients
- ii. Persuasion through Arguments

Module – 4

- (i) Preparation of Brief
- (ii) Future problems of advocacy

Module – 5

- (i) Fee Structure
- (ii) Maintaining Accounts of Clients Fee

Module – 6

- (i) Contempt of Courts and Lawyers
- (ii) Strikes, Protects and Demonstrations by Legal Professions

Module – 7

- (i) Information Technology and Legal Profession
- (ii) Advocates and Political Activities

Suggested Readings:-

- 1. Kailash Rai
- 2. J.P. Sirohi

Paper 9.44 Banking Law

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20 (10 Internal Exam
10 Project & Viva)

Objectives: To acquaint student with operational parameters of Banking Law

Subodh Law College

B.A, LL.B. Five Year Integrated course

To teach General Principles of Banking Law

Module – I

- 1) History of Banking in India
- 2) Social Control Aattic Banking Companies
- 3) Licensing of Banking Companies

Module – 2

- 1) Reserve Bank of India-Structure and Functions
- 2) Types of Banking Institution-Commercial Bank Regional Bank Rural Bank

Module – 3

- 1) Promissionary Note Bills of Exchange Hundis Cheques Bank Draft
- 2) Dishonor of Cheques

Module – 4

- 1) Banker and Customer relationship
- 2) Loans and Advances and Different Kinds of Accounts

Module – 5

- 1) Securities for Bankers Loan
- 2) Guarantee pledge Lien Mortgage
- 3) Banking Ombudsman

Module – 6

- 1) Modern Aspect of Banking
- 2) Internet Banking ATM, RBI Guidelines for Internet Banking, E-Commerce
- 3) Frauds in Banking, Copying Hacking Funds Transfer Duplication Credit Card Abuse

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B.A, LL.B. Five Year Integrated course

Module – 7

1. History of Micro Finance in India
2. Microfinance and Social Intervention Standard
3. Principals Role of Foreign Donors

Leading Cases:

- 1) Bharat Bank ltd vsKashyap Industries
- 2) UCO Bank vs Hem Chandra Sarkar
- 3) Clayton Case
- 4) PramodMalhotra vs Union of India
- 5) Yuan -Kun -Yea vs AG of Hong Kong

Suggested Readings

Banking Law	Advocate BDutta
Banking Law	RN Choudhary
Banking Law	CA Ketan M Bhatt

Paper 9.45 Intellectual Property Law

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20 (10 Internal Exam
10 Project & Viva)

This course comprises of seven Modules of eight hours teaching duration. Each Module has been divided into two units again to be discussed in four hours in one week.

Module – I

Basic Concepts

- a. Overview of the concept of property, Industrial property and non-industrial property.

Subodh Law College

B.A, LL.B. Five Year Integrated course

- b. Historical background of IPR
- c. Importance of human creativity in present scenario;
- d. Different forms of IP and its conceptual analysis.

Module – 2

Copyright

- a. Nature and Meaning
- b. Scope of protection
- c. Procedure for protection
- d. Enforcement and Remedies

Module – 3

Patents

- a. Nature and Meaning
- b. Scope of protection
- c. Procedure for protection
- d. Enforcement and Remedies

Module – 4

Trademarks

- a. Nature and Meaning
- b. Scope of protection
- c. Procedure for protection
- d. Enforcement and Remedies

Module – 5

Designs

- a. Nature and Meaning
- b. Scope of protection
- c. Procedure for protection
- d. Enforcement and Remedies

Module –6

Geographical Indications

- a. Nature and Meaning
- b. Scope of protection
- c. Procedure for protection
- d. Enforcement and Remedies

Subodh Law College

B.A, LL.B. Five Year Integrated course

Module- 7

Information Technology Related Intellectual Property Rights

- a. Computer Software and Intellectual Property – Objective, Copyright Protection, Reproducing, Defences Patent Protection
- b. Database and Data Protection – Objective, Need for Protection, UK Data Protection Act, 1998, US Safe Harbor Principle, Enforcement
- c. Protection of Semi-conductor chips- Objectives Justification of protection. Criteria, Subject-matter of Protection, WIPO Treaty, TRIP, SCPA
- d. Domain Name Protection- Objectives, domain name and Intellectual Property, Registration of domain names, disputes under Intellectual Property Rights, Jurisdiction issues, International Perspective

Text Books/ Compulsory Reading (Latest editions only)

- 1. Paris Convention for the Protection of Industrial Property, 1883.
- 2. Berne Convention for the Protection of Literary and Artistic Works, 1886
- 3. Indian Copyright Act, 1957
- 4. Indian Patents Act, 1970
- 5. Agreement on Trade Related Aspects of Intellectual Property Rights, 1994
- 6. Indian Trademarks Act, 1999
- 7. Indian Designs Act, 2000

Subodh Law College

B.A, LL.B. Five Year Integrated course

- 8. Patents Amendment Ordinance, 2004