

AVADH LAW COLLEGE

LL.B. Tenth Semester

ADMINISTRATIVE LAW

(Paper-I)

UNIT-I: Evolution and Basic Concept of Administrative Law

Nature, definition, scope and development of Administrative Law and its relation with Constitutional Law

Rule of law and Separation of powers - its applicability and relevance in India Need, growth and validity of delegated legislation

Control on delegated legislation –Parliamentary, procedural & Judicial

UNIT- II: Natural Justice , Administrative Discretion & Administrative Action

Definition, nature, object and scope of natural justice Principles of natural justice: (i) Rule against bias meaning and types; real and likelihood of bias; and (ii) Audi alteram partem (Hear the other side)

Meaning and need for Administrative discretion

Judicial review of administrative discretion and its grounds

UNIT- III: Liability of State (Tortious and Contractual)

Tortious liability: Sovereign and non-sovereign functions

Statutory immunity; Contractual liability of Government

Government privilege in legal proceedings- Estoppel and waiver

Right to Information Act-2005

UNIT- IV: Mechanism of control on Administrative action

Judicial- writ, PIL, Appeal.

Quasi Judicial- Public inquiries and Commissions of Inquiry

Ombudsman: Lokpal, Lok Ayukta and Vigilance Commission

Quasi-judicial and administrative functions; tribunal and court

Administrative Tribunal: constitution, powers and jurisdiction under the Administrative Tribunals Act, 1985

UNIT- V: Corporations

Definition, characteristics and classification of Public Corporations. Rights, duties and liabilities of Public Corporations & Control over Public Corporations- Judicial Governmental & Parliamentary

Act

Right to Information Act

Books

Jain & Jain: Principles of Administrative Law

Wade: Administrative Law

C. K. Thakkar: Lectures on Administrative Law

S. P. Sathe: Administrative Law

S. P. Sathe: Right to Information

M. P. Jain: Cases and Materials on Indian

Administrative Law

I.L.I: Cases and Materials on Administrative Law in India

LL.B. Tenth Semester
INTELLECTUAL PROPERTY LAW
(Paper-II)

UNIT- I: Introductory

Intellectual Property: meaning, definition, nature and importance

Rationale of the legal regimes for the protection of intellectual property

Kinds of intellectual property

Rationale for protection of rights in

Copyright

Trade marks

Patents

Designs

Trade Secrets, and Geographical Indications

Introduction to the leading international instruments concerning IPR: Paris Convention; Berne Convention; World Trade Organisation (WTO); World Intellectual Property Organisation (WIPO) and TRIPS Agreement

UNIT- II: Law of Copyright in India

Historical evolution of law

Subject-matter and meaning of copyright

Copyright in literary, dramatic, musical and artistic works

Copyright in cinematograph film and sound recording

Ownership of copyright

Terms of copyright

Assignment of copyright

Licensing of copyright and compulsory licensing

Author's Special Rights

Infringement of copyright; exceptions

Video Piracy and piracy in Internet

Remedies

UNIT- III: Intellectual Property in Trade marks

Rationale of protection of trade marks as (a) an aspect of commercial rights, and (b) of consumer rights

Definition and concept of trade marks

Distinction between trade mark and property mark; trade mark and service mark

Registration of trade marks

The doctrine of deceptive similarity

The doctrine of honest concurrent user

Protection of well-known marks

Infringement and passing off

Remedies

UNIT- IV: Intellectual property in Patents

Patent: meaning, definition and importance

Patentable inventions

Patent protection for computer programme

Process of obtaining a patent: application, examination, opposition and sealing of patent

Procedure for filing patent, Patent Co-operation Treaty (PCT)

Rights and obligations of a patentee

Duration of patent

Compulsory licenses

Infringement

Remedies

UNIT- V: Intellectual Property in Designs and Geographical Indications

Important definitions: design; article; mechanical device; geographical indication

Registration of designs: application for registration of designs; procedure for registration of designs; cancellation of registration

Rights conferred by registration

Restoration of lapsed design

Infringement and remedies

Characteristics and functions of design

Distinction between 'geographical indication' and 'trade mark'; 'geographical indication' and 'collective marks'

Procedure for registration of GI

Infringement and remedies

Acts

Copyright Act, 1957

Trade Marks Act, 1999

Patents Act, 1970

Designs Act, 2000

Geographical Indications of Goods (Registration and Protection) Act, 1999

Books

Cornish W.R.: Intellectual Property, Patents, Trade Marks, Copyright and Allied Rights

P. Narayanan: Intellectual Property Law

S.K.Singh: Intellectual Property Rights Law

Vikas Vashishth: Law and Practice of Intellectual Property

Bibeck Debroy (ed.): Intellectual Property Rights

LL.B. Tenth Semester
INTERNATIONAL ORGANISATION

(Paper-III)

UNIT- I: Evolution of international Organization

Concept, nature and development of international organization

Progress of mankind towards international organization

The Concert of Europe

The League of Nations- genesis and creation provisions; its organs

Causes of its failure

The United Nations- genesis and creation provisions

Purpose and principles of the U.N.; Membership; Legal capacity; privileges and immunities

Achievements and limitations of the U.N.

The future role of the U.N.

UNIT-II: Structure/ Organs of the U.N.

The General Assembly- composition, voting procedure, powers and functions

The Security Council- compositions, voting procedure, powers and functions

The Economic and Social Council- composition, voting procedure, powers and functions

The Trusteeship Council- the Trusteeship system, the Trusteeship Agreements, objectives, and the forms of supervision

The Secretariat- appointment of the Secretary General; powers and functions of the Secretary General

The International Court of Justice- composition, jurisdiction

UNIT- III: Political Process

A comparative view of the League of Nations' and U.N. Charter

International Personality- Nature and consequences of the concept

Treaty- making process

Privileges and immunities

Achievements of the United Nations- Advancement of human welfare; settlement of disputes; U.N. peacekeeping functions; problems of peace enforcement through the U.N.; disarmament and human right; progressive development of international law

UNIT- IV: Specialised Agencies

International Labour Organisation (ILO)

International Monetary Fund (IMF)

Food and Agriculture Organisation (FAO)

U.N. Educational, Scientific and Cultural Organisation (UNESCO)

World Health Organisation (WHO)

UNIT- V: Regional Institutions

The Council of Europe

The Organisation of American States (OAS)

The Association of South East Asian Nations (ASEAN)

The Warsa Treaty Organisation

SAARC

Books

D.W. Bowett: The Law of International Institutions

Stephen S. Goodspeed: Nature and Function of International Organisation

D.W. Bowett: United Nations Forces: A Legal Study

Rahamatullah Khan: Implied Powers of the United Nations

M.S. Rajan: United Nations and Domestic Jurisdiction

Rumki Basu: The United Nations: Structure and Functions of International Organisation

LL.B. Tenth Semester

TAXATION LAWS

(Paper-IV)

UNIT- I: General Perspective

History of tax law in India

Fundamental principles relating to tax laws

Governmental financial policy, tax structure and their role in the national economy

Concept of tax; nature and characteristics of taxes

Distinction between tax and fee; tax and cess; direct and indirect taxes; and tax evasion and tax avoidance

Scope of taxing power of Parliament, State legislatures and local bodies

UNIT- II: Income Tax

Basic concepts: Income; Total income; Income not included in total income; Deemed income; Clubbing of income; Assessee; Person; and Tax planning

Chargeable income: Heads of income- salaries; income from house property; income from business or profession; capital gains; income from other sources

Deductions, relief and exemptions

Income Tax Authorities: powers and functions

Offences and penal sanctions

Settlement of grievances: authorities, powers and functions

UNIT- III: Sales Tax

Central Sales Tax and State Sales Tax

Sale or purchase of goods: meaning of sale; sale in the course of inter-State sale and commerce; sale to take place outside a State; and sale in the course of export and import

Charge of tax; exemption and rebate

Sales Tax Authorities: powers and functions

Offences and penalties

UNIT- IV: Wealth Tax

Taxable wealth; determination of value of assets; exemptions and rate of wealth tax

Wealth Tax Authorities: constitution, powers and functions

Offences and penalties

UNIT- V: Service Tax

Taxable service

Meaning and importance of service tax

Constitutional perspective

Salient provisions of service tax law

Valuation of taxable service

Offences and penalties

Books

Sampath Iyengar: Law of Income Tax

Kanga and Palkiwala: The Law and Practice of Income Tax

K. Parameswaran: Power of Taxation under the Constitution

S. D. Singh: Principles of Sales Tax Law

R. V. Patel: The Central Sales Tax Act

C. A. Gularickar: Law and Practice of Wealth Tax and Valuation

Ramesh Sharma: Supreme Court on Direct Taxes

LL.B. Tenth Semester

LAND LAWS INCLUDING CEILING AND OTHER LOCAL LAWS- II

(Paper-V)

UNIT- I

U.P. Consolidation of Holdings Act, 1953

UNIT-II

U.P. Panchayat Raj Act, 1947

U.P. Imposition of Ceiling on Land Holdings Act, 1960

UNIT-III

U.P. Urban Building (Regulation of Letting, Rent and Eviction) Act, 1947

UNIT-IV

U.P. Urban Planning and Development Act, 1973

UNIT- V

U.P. Municipalities Act, 1916

Acts

U.P. Consolidation of Holdings Act, 1953

U.P. Panchayat Raj Act, 1947

U.P. Imposition of Ceiling on Land Holdings Act, 1960

U.P. Urban Building (Regulation of Letting, Rent and Eviction) Act, 1947

U.P. Urban Planning and Development Act, 1973

U.P. Municipalities Act, 1916

**PRACTICAL TRAINING: MOOT COURT, PRE-TRIAL PREPARATIONS AND PARTICIPATION IN TRIAL
PROCEEDINGS**

This paper will have three components of 30 marks each and a viva- voce for 10 marks.

(a) Moot court (30 marks)

Every student will do at least three moot courts in a year with 10 marks for each. The moot court will be assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

(b) Observation of trial in two cases, one civil and one criminal (30 marks). Students will attend two trials in the course of the last two or three years of LL. B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.

(c) Interviewing techniques and Pre-trial Preparations: Each student will observe two interviewing sessions of clients at the lawyer's office/ legal aid office and record the proceedings in a diary which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the advocate and the procedure for the filing of the suit/ petition. This will be recorded in the diary which will carry 15 marks.

(d) The fourth component of this paper will be viva voce examination on all the above three aspect. This will carry 10 marks. The viva voce examination will be conducted by one external examiner and one

internal examiner duly appointed by the concerned University.