

RAJESH PANDEY COLLEGE OF LAW

ILLFATGANJ ROAD AKBARPUR AMBEDKAR NAGAR (U.P.)

AFFILETED TO

DR. RAM MANOHAR LOHIA AWADH UNIVERSITY,AYODHYA (U.P.)

SYLLABUS

OF

**B.A.LL.B. (HONS.)
(FIVE YEAR INTEGRATED COURSE)**

B.A.LL.B. 10th SEMESTER



B.A.LL.B. 10th SEMESTER

- I. Administrative Law**
- II. Intellectual Property Right Law**
- III. International Organization**
- IV. Taxation Laws**
- V. Land Laws Including Ceiling and Other Local Laws-II**
- VI. Practical Training: Moot Court, Pre-Trial Preparation and Participation in Trial Proceedings**

B.A.LL.B. Tenth Semester

PAPER-I

Maximum Marks: 100

Administrative Law

UNIT-I

Evolution and Basic Concept of Administration 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 proceeding-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, LokAyukta 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 Corporation-Judicial Governmental & Parliamentary

ACTs

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 Materials on Administrative Law in India

B.A.LL.B. Tenth Semester

PAPER-II

Maximum Marks: 100

INTELLECTUAL PROPERTY LAW

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 Trademarks:

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

Definition and concept of trade marks

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

Registration of trade marks

The doctrine of deceptive simlarity

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 design; procedure for registration of designs; cancellation of registration

Rights conferred by registration

Restoration of lapsed design

Infringement and remedies

Characterism and function 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

VikasVashishth: Law and Practice of Intellectual Property

BibeckDebroy (ed.): Intellectual Property Rights

B.A.LL.B. Tenth Semester

PAPER-III

Maximum Marks: 100

International Organisation

UNIT-I

Evolution of international Organisation:

Concept, nature and development of international organization

Progress of mankind towards international organization

The Concept of Europe

The League of Nations-genesis and creation provision; 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 dispute;
U.N. peace-keeping functions; problems of peace enforcement through the U.N.; disarmament
and human right; progressive development of international law

UNIT-IV

Specialized 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 Warsaw Treaty Organisation

Saarc

BOOKS

D.W. Bowett: The Law of International Institutions

Stephen S. Good speed: 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

RumkiBasu: The United Nations: Structure and Functions of International Organisation

B.A.LL.B. Tenth Semester

PAPER-IV

Maximum Marks: 100

TAXATION LAWS

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 property; capital gains; income from other sources

Deduction, 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 services tax law

Valuation of taxable service

Offences and penalties

BOOKs

Sampathlyengar: 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

B.A.LL.B. Tenth Semester

PAPER-V

Maximum Marks: 100

Land Laws Including Ceiling and other Local Laws-I

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

B.A.LL.B. Tenth Semester

PAPER-VI

Maximum Marks: 100

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. students. 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 session of clients at the lawyer's office / legal aid office and record the proceeding 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 duty appointment by the concerned University.