Syllabus for the
Fourth Year of the Five Year Law-Course Semester System
(Sem. VII & VIII)

UNIVERSITY OF PUNE
Price: Rs. 25/-
Publisher's Note

The University of Pune has great pleasure in publishing the Syllabus for the Fourth Year of the Five-Year Law Course (Semester Pattern) under the Faculty of Law.

It is hoped that this syllabus will be most useful to the students of this course.

On behalf of the University, I thank the experts and authorities of the University for their keen interest and whole-hearted co-operation in bringing out this publication.

University of Pune
Ganeshkhind, Pune-411 007.

Dr. D. D. Deshmukh
Registrar
पुणे विद्यापीठ
dय पारिषदक क्र. २९८/२००५
बिषय : शैक्षणिक वर्ष २००५-२००६ पासून पाच वर्षीय विधी
अभ्यासक्रमाच्या चौथ्या वर्षाच्या सुधारित
अभ्यासक्रमावरत.

या पारिषदाच्या सर्व संबंधीतांस विद्यापीठ अधिकार मंडळाने
चेतलेल्या निर्णयानुसार कल्पित म्हटेलं आहे की, शैक्षणिक वर्ष २००५-
२००६ पासून विधी अभ्यासक्रमांतर्गत पाच वर्षीय विधी अभ्यासक्रमाच्या
चौथ्या वर्षाच्या (सत्र पहली) सत्र ७ व ८ चा सुधारित अभ्यासक्रम
सोबत जोडणात म्हटलं आहे.

सही-/ डी. एम. देखके
संचालकांकारिता,
म.बि.बि. म.
Standard of Passing:

To pass any examination, a candidate must obtain
(a) 35% of the full marks in each paper
(b) 50% of the total marks in the examination

1. No candidate shall be admitted to the Fourth year of the New Five Year Law Course Examination unless he/she has passed the Third year of the New Five Year Law Course or declared ATKT of this University or passed an equivalent examination of any other University recognized by this University as equivalent there to and he/she shall have been there after kept two terms in a law college affiliated to this University.

2. Standard of Passing – The Standard of passing for the Fourth year of the New Five Year Law Course – 35% marks in individual subject/paper and 50% marks in aggregate. The candidate obtaining between 50% and 54% marks will be declared to have passed in Second Class between 55% and 59% marks shall be placed in Higher Second Class. The candidates obtaining between 60% and 69% marks will be declared to have
passed in First Class. The candidates obtaining 70% and above will be declared to have marked in First Class with Distinction.

Candidates who obtains at least 50% of the full marks in paper shall at his option, be exempted from that paper at subsequent examination, he shall, however, have to pass remaining paper or papers in accordance with standard of passing. Above such exemption is for six years only.

Candidate shall be required to answer the following eight papers each carrying 100 marks and of three hours duration.
### Fourth Year Law / 7

**Semester Pattern**

**Academic Year 2005-2006**

**Semester VII**

<table>
<thead>
<tr>
<th>Paper No.</th>
<th>Subjects</th>
<th>Marks</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>Law of Evidence</td>
<td>100</td>
</tr>
<tr>
<td>22</td>
<td>Environmental Law including Laws for Protection of Wild Life and Other Living Creature including Animal Welfare</td>
<td>100</td>
</tr>
<tr>
<td>23</td>
<td>Human Rights and International Law</td>
<td>100</td>
</tr>
<tr>
<td>24</td>
<td>Arbitration, Conciliation and Alternative Disputes Resolution Systems</td>
<td>100</td>
</tr>
</tbody>
</table>

**Semester VIII**

<table>
<thead>
<tr>
<th>Paper No.</th>
<th>Subjects</th>
<th>Marks</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>Jurisprudence</td>
<td>100</td>
</tr>
<tr>
<td>26</td>
<td>Property Law Including Transfer of Property Act and Easement Act</td>
<td>100</td>
</tr>
<tr>
<td>27</td>
<td>Practical–II [Public Interest Lawyering, 100]</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>Optional Any one</td>
<td>100</td>
</tr>
<tr>
<td>[A]</td>
<td>Comparative Law</td>
<td></td>
</tr>
<tr>
<td>[B]</td>
<td>Insurance Law</td>
<td></td>
</tr>
<tr>
<td>[C]</td>
<td>Conflict of Law</td>
<td></td>
</tr>
<tr>
<td>[D]</td>
<td>Intellectual Property Law</td>
<td></td>
</tr>
</tbody>
</table>
Fourth Year Law/8  
Semester VII  

Paper No. 21–Law of Evidence 100 Marks  
The Indian Evidence Act 1872 (With latest amendments and up-to-date case-law)  

1. Preliminary (Sec. 1 to 4)  
   (Objects, application and definitions)  

2. Evidence of facts in issue and relevant facts only (Sec. 5)  

3. What facts are relevant (Sec. 6 to 16)  

4. Admissions (Sec. 17 to 31)  

5. Statement by persons who cannot be called as witnesses (sec. 32 & 33)  

6. Statement made under special circumstances (Sec. 34 to 39)  

7. Relevancy of Judgements (Sec. 40 to 44)  

8. Relevancy of opinions of third persons (Sec. 45 to 51)  

9. Relevancy of Character (Sec. 52 to 55)  

10. Facts which need not be proved (Sec. 56 to 58)  

11. Oral Evidence (Sec. 59 to 60)  

12. Documentary Evidence (Sec. 61 to 73 A)  

13. Public Documents (Sec. 74 to 78)  

14. Presumptions as to Documents (Sec. 79 to 90-A)  

15. Exclusion of oral by documentary evidence (Sec. 91 to 100)  

16. Burden of Proof (Sec. 101 to 114-A)  

17. Estoppel (Sec. 115 to 117)  

18. Competency of Witnesses (Sec. 118 to 134)  

19. Examination of Witnesses (Sec. 135 to 166)  

20. Improper admission and rejection of Evidence (Sec. 167)
Recommended Books and Readings
Ratanlal and Dhirajlal – The Law of Evidence
Batuklal – The Law of Evidence
Avtar Singh – The Law of Evidence
Vepa Sarathy – The Law of Evidence
Dr. Satish Chandra – Indian Evidence Act

Semester VII

Paper No. 22 – Environmental Law – including laws for protection of wild life and other living creatures and other animal welfare 100 Marks

1. Introduction:
   ii. Environmental pollution – causes and effects.

2. Constitutional Provisions:
   i. Right to life, right to wholesome environment, right to development, Directive principles of state policy, Fundamental duties, Constitution and environmental legislations.
   ii. Environment Protection and Public interest Litigation.

3. International Environment Law and Environment Protection:
   i. Sustainable development, Polluter-pays-principle, Precautionary principle.
Fourth Year Law / 10

  Rio Declaration.

4. Environment Pollution and Laws in India:
   ii. Authorities under the Acts.
   iii. Penalties and Liabilities under the Acts.

5. Environment and Development:
   i. Important environmental issues involved in the development projects like big dams
      Silent Valley Project
      Tehri Dam Project
      Narmada Valley Project
   ii. Environmental Clearance
       Environment Impact Assessment.

6. Environmental Policies in India:
   i. Pre-independence policy on environment.
   ii. Post-independence policy on environment.

7. Protection of Wild Life and Forests:
   ii. The Indian Forest Act 1927.
Recommended Books and Readings
Bell and Bell Environmental Law.
Resencraz & Dewan, cases and materials on Environmental Law and Policy in India.
Baxi Upendra, The Bhopal Case,
Aggarwal Anil, The State of India's Environment.
Lal's Commentaries on Water and Air Pollution and Environment Protection Laws.
Pal Chandra, Environment Pollution and the Law.
Malviya, Environmental Pollution and its control of under International Law.
The Enviroment Protection Act and Rules.

Semester VII
Paper No. 23 – Human Rights and International Law 100 Marks

Division of Marks – Human Rights– 40 Marks
International Law - 60 Marks

A. Human Rights  40 Marks
1. Human rights - nature, concept, origin and development, importance, classification.
4. Human Rights and vulnerable groups, rights of women, children, disabled, tribals, aged and minorities, national and international legal developments Part IV A of the Constitution of India (Fundamental duties).

5. Enforcement of human rights, international regional and national mechanism (Legislative, executive and judicial) including protection of Human Rights Act 1993 NHRC-Role of legal profession, NGOs and media.

B. International Law 60 Marks

1. Introductory –
   (a) History of International Law
   (b) Theories of International Law as to its basis
   (c) Codification in International Law
   (d) Nature, scope and present day position of International Law

2. Sources of International Law –
   (a) Treaties
   (b) Customs
   (c) General principles of International Law
   (d) United Nation General Assembly resolutions as a source of International Law
   (e) Non-statute, other sources of International Law

3. Relationship between international law and municipal law (internal law)
   (a) Theories
   (b) State practice with special reference to Indian practice
4. Subjects of International Law
   (a) State including recognition of states and governments and state succession
   (b) Individuals
   (c) International organizations and non-state entities
   (d) Multinational companies and other private entities

5. Jurisdiction of states
   (a) Territorial jurisdiction
   (b) Personal jurisdiction
   (c) Protective jurisdiction
   (d) Universal jurisdiction [terrorism, hijacking, narcotics, war-crimes and crimes against peace]
   (e) Diplomatic immunities and privileges
   (f) State immunity

6. Law of State Responsibility
   (a) Responsibility arising out of –
      i. Acts of State [Direct responsibility]
      ii. Acts of Individuals [Indirect responsibility]
      iii. Act of corporation
      iv. State responsibility for other subjects of International law
   (b) consequences of State Responsibility
   (c) Calvo clause—exhaustion of local remedies

7. Settlement of International disputes
   (a) Peaceful settlement of International disputes
Fourth Year Law / 14

(b) Coercive settlement of International Disputes [with reference to provisions of the UN Charter]
(c) War and UN Charter

8. International Transactions – Treaties
(a) Significance of Vienna Convention on law of treaties
(b) Creation of treaty – steps involved
(c) Termination, suspension and invalidation of treaties
(d) Interpretation of treaties
(e) Retro-active effect of treaties

9. International Institutions
(a) Basic purposes, principles and membership of United Nations

Recommended Books and Readings
Kapoor S. K. – Human Rights and International Law
Agarwal H. O. – Human Rights and International Law
Tandon M. P. – Human Rights and International Law
Gurdip Singh – International Law
Starke J. G. – Introduction to International Law
Shaw Malco, N. – International Law
Iyer V. R. Krishna, – Human Rights
Chandra Upendra – Human Rights
Fourth Year Law / 15
Diwan Paras, Human Rights and Law
Brownlie Ian, Principles of Public International Law
O'Connell – International Law
Oppenheim – International Law [Vol. 1 & 2]
Harris, Cases and Materials on International Law
Indian Journal of International Law

Semester VII

Paper No. 24 – Arbitration, Conciliation And Alternative Disputes Resolution System 100 Marks
Division of Marks – Arbitration & Conciliation -50 Marks, Alt. Disputes Resolution System - 50 Marks

A. Arbitration and Conciliation Act, 1996

Preliminary : Section 1 Short Title, Extent and Commencement

Part I : Arbitration
Chapter I : Sections 2 to 6 General Provisions
Chapter II : Sections 7 and 8 Arbitration Agreement,
Section 9 Interim Measures by Court
Chapter III : Sections 10 to 15 Composition of Arbitral Tribunal
Chapter IV : Sections 16 to 17 Jurisdiction of Arbitral Tribunals
Chapter V : Sections 18 to 27 Conduct of Arbitral Tribunals
Chapter VI : Sections 28 to 33 Making of Arbitral Award and Termination of proceedings
Chapter VII : Sections 34 Recourse against Arbitral Award
Chapter VIII: Sections 35 and 36 Finality and Enforcement of Arbitral Award
Chapter IX: Sections 37 Appeals
Chapter X: Sections 33 to 43 Miscellaneous
Part II: Conciliation – Sections 61 to 81

B. Alternative Models of Dispute Settlement


2. Administrative tribunals – Article 323 A and B

3. Family Court under the Family Court Act, 1984


5. Settlement of Disputes through Lok Adalat and Lok Nyayalaya Grassroots Justice and Panchayat System for Resolution of Dispute.

List of Books in Arbitration and Conciliation Act


11. Rao P. C. – Alternative Dispute Resolution, What it is and How it is (UBT).
Fourth Year Law / 18
Semester VIII

Paper No. 25 – Jurisprudence  100 Marks

Legal Theory and Concepts of Law
1. Nature, scope and utility of jurisprudence
2. Nature of Law – General
3. Administration of Justice, Necessity, Criminal Justice and its Purpose, Civil Justice and its Purpose, Primary and Sanctioning Rights
4. Source of Law – General
   (a) Legislation – a source of law, nature, supreme legislation, subordinate legislation, its relation with other sources.
   (b) Precedent – a source of law, meaning, theories, doctrine of stare decisis in India, power of the Supreme Court under Art 141 of the Constitution, Circumstances destroying or weakening the binding force of precednt, ratio decidendi and obiter dicta, with relevant Indian case law.
   (c) Custom – a source of law, definition, characteristics of customs
5. Natural Law Theory
6. Positive Theory of Law
   (a) Analytical school and imperative theory
   (b) Pure theory of law
   (c) Law as set of rules – H. L. A. Hart
7. Legal Realism
   (a) American
   (b) Scandinavian
8. Historical School of Law
9. Sociological School of Law

Concepts –
1. Persons, the concept of legal personality, legal status of lower animals, dead men, unborn persons, corporations and the State.
3. Ownership, definition, characteristics of ownership, subject matter, kinds of ownership.
4. Possession, idea, kinds, modes of acquiring possession, possession and ownership, possessory remedies.
5. Property, meaning, kinds, theories, modes of acquiring property.

7. Titles
8. Obligations

**Recommended Books and Readings**
Fitzgerald P. J., Slaund on Jurisprudence
Dias, Jurisprudence
Sethna M. J., Jurisprudence
Mahajan V. D., Jurisprudence and legal theory
Tanden M. P., Jurisprudence
Dhyani S. N., Jurisprudence and Legal Theory
Paranjpe, Jurisprudence
Paper No. 26 – Property Law including Transfer of Property Act and Easement Act 100 Marks

[With latest amendments and up-to-date case-law]

A. The Transfer of Property Act 1882 - 80 Marks
   1. Preliminary – Object, application, definitions and doctrine of notice [Ss 1-4, 102-104]
   2. Transfer of property by act of parties [Ss 5-53A]
   3. Sale of immovable property [Ss 54-57]
   4. Mortgages of immovable property [Ss 58-98]
   5. Charges [Ss 100-101]
   6. Leases of immovable property [Ss 105-107]
   7. Exchanges [Ss 118-121]
   8. Transfer of actionable claims [Ss 130-137]

B. The Indian Easements Act 1882–20 Marks
   1. Easements [Ss 1-51]
   2. Licenses [Ss 52-64]

Recommended Books and Readings

Sarathi V. P. – Law of Transfer of Property
Shaha S. M. – Transfer of Property Act 1882
Mulla on Transfer of Property Act
Lahiri S. M. – Transfer of Property Act
Mitra B. B. – Transfer of Property Act
Shukla S. N. – Transfer of Property
Fourth Year Law / 21

Semester VIII

Paper No. 27 – Practical II [Public Interest Lawyering, Legal Aid and Para Legal Services] 100 Marks

Division of Marks

A. Class lectures and practicals written in journal on topics mentioned below and assessed by the teacher– 50 Marks.

B. Viva-voce examination about the work– 50 Marks.

Important: Candidate has to obtain for passing in this subject minimum 18 marks in part A and 17 marks in Part B.

Part A

1. Public Interest Lawyering [15 marks]
   a. Conducting a project through legal research/legal survey and writing report of the project in the journal. All the working material must be submitted with the journal
   b. Writing essays on any aspects of each of the following topics [not exceeding 2000 words each]
      i. Public interest Litigation, concept, development through decided cases, limitation
      ii. Lok Adalat
      iii. Role of advocates in implementation of legal aid schemes
      iv. Amicus curiae
2. Legal Aid [15 marks]
   a. Provisions regarding Legal Aid in
      i. The Constitution of India.
   b. Clinical Legal Education
      i. Lessons in negotiations skills, counselling, office management, use of computer in legal work etc.
      ii. Practical exercise should be conducted about dealing with clients at the legal Aid Centre or by simulation exercise in respect of negotiations, counselling, visit to lawyer's offices, Reports to be written in the journal.

Para Legal Services [10 Marks]

Participating in legal literacy camps or paral legal training courses to NGOs, public servants or other students, Reports to be written in the journal.

3. Case Comment or critical article for a law journal on current legal issues. [10 Marks]
Paper No. 28 - Optional - Comparative Law - 100 Marks

1. Comparative Law
   Its character, definitions functions, its object
   Different phases used to explain this method of study

2. Origin and development of comparative law

3. Distinction between comparative law and
   Private International Law
   Public International Law
   Legal History
   Sociology of Law

4. Functions, value and aim of comparative law
   Law as a science cannot limit itself within territory limits (Natural and medical science are international and not remain domestic)
   Practical benefits of comparative law
   (a) As an aid to the legislator
   (b) As a tool of construction (Interpretation of domestic law)
   (c) As a component of legal education by adopting it in curriculum in the universities
   (d) As a tool for unification of law

5. Types of legal systems
   Different grouping by different jurists
   I. (a) Romanistic family
      (b) Germanic family
Fourth Year Law / 24

(c) Nordic family
(d) Common law family

2. (a) Civil Law system / continental system
(b) Common Law system

Factors decisive for classify, Historical development, Mode of Legal thinking, Distinctive characters of legal institutions, choice of sources of law, ideology of each legal system.

6. Method of studying comparative law

Comparative law as it is practiced today (process of comparison), its functionality, imagination and discipline, comparativist must look outside the law
Choice of legal system for comparison (depends on the topic of research)
Build a system, critical evaluation of what has been discovered.

7. Reference of comparison between different legal systems

Value of judicial decision in civil law system and common law system
Statute law and its importance under different legal systems
Legal system having mixed features
Difference in legal terminology in various legal systems.

8. Comparative dimensions of
(a) Contracts - formation of contracts, offer and
Fourth Year Law / 25

acceptance, formal requirements, illegality and immorality.

(b) Torts in general, vicarious liability, strict liability.
(c) Invasions against right of personality.
(d) Judges and courts, training and recruitment of judges
(e) Method of deciding cases.
(f) Manner of writing opinions and decisions, jury trial.

Recommended Books and Readings

Zweigart and Kotz, Introduction to comparative law.
Gutteridge, comparative law.
Rene David, Major Legal Systems in the World Today, and Introduction to the comparative study of law.
Baxi and Markensisinis, Foreign Law and Comparative Methodology - A subject and a Thesis.
Fourth Year Law / 26

Semester VIII

Paper No. 28 - Optional - Insurance Law - 100 Marks

Division of Marks

General Principles of Insurance (40 marks)


Insurance under the Motor Vehicles Act 1988 - (15 marks)

(with latest amendments and up-to-date case law).

1. General Principles of Insurance (40 marks)

(a) Insurance: What is insurance, functions and benefits of insurance, double insurance (see also 34 of the Marine Insurance Act 1963), Re-insurance, Under insurance, classes of insurance - voluntary, commercial, compulsory, social.

(b) Risks: Insurable and other risks, handling risks, spreading risks, mathematical value or risks rating of risks, extent of risk, loss caused by insured's own act, commencement and duration of risk, termination of risk, period of risk and time of loss, peril and proximate cause.

(c) Insurance Contracts:
   i. What is a contract of insurance?
   ii. Subject matter of insurance - physical object, choice-in-action, liability.
   iii. Types - Life, property, marine, fidelity,
employers liability, motor accident, railway accident, miscellaneous.


v. Representation and warranties.


vii. Documents - proposal, policy, slip, cover note, certificate of insurance

viii. Conditions of policy - conditions implied in a contract of insurance conditions precedent and subsequent to validity of policy, condition precedent to liability of insurer, effect of breach, waiver of breach.

ix. Indemnity extent


xii. Insurable interest, contractual and statutory use when it must exist, insurance and wagering agreement Ss 6 to 9, 16, 17 of the Marine Insurance Act, 1963.

(d) Doctrine of subrogation: Limits on the doctrine, rights and remedies of insured, exercise of the right, subrogation and abandonment.
Fourth Year Law / 28

(e) Contribution: Conditions for exercise of right, methods of contribution.


(a) Insurance Act 1938

i. Terms and definitions:

1. Policy holder, insurer, Authority.

2. Chief agent, insurance agent, principal agent, special agent

3. Insurance company, Indian insurance company, insurance co-operative society.

4. Life insurance business, fire insurance business, general insurance business, marine insurance business, miscellaneous insurance business.

ii. Provisions applicable to insurers - Sec. 2C, 3, 3B, 4, 5, 6, 6A, 6AA, 10, 29.

iii. Assignment or transfer of policies, nominations - Sec. 38-39.

iv. Licensing of agents, commission and rebates Ss. 40, 40A, 42, 42A, 42B, 42C, 43, 44

v. Special provisions - Ss. 45, 46, 47, 47A.
Fourth Year Law / 29

vi. Tariff Advisory Committee and Control of Tariff Rates - Ss 64U, 64UA, 64UC, 64UE, 64UM.


(b) Public Liability Insurance Act 1991
   i. Objects and Reasons for the statute
   ii. Sections 2-18 Schedule

(c) Personal Injuries (Compensation Insurance) Act, 1963
   i. Objects and Reasons for the statute
   ii. Sections 2 - employer, partial disablement, total disablement, wages, workman
   iii. Compensation payable under the Act - Ss 3,4,7

(d) Insurance Regulatory Development Authority Act 1999.
   i. Compensation of Authority - Ss. 4,5,8,10
   ii. Duties, powers and functions of the authority - S 14
   iii. Powers of the Authority under the Insurance Act 1938.

(e) Life Insurance Corporation Act 1965
   i. Functions of the Corporation - S6
   ii. Exclusive privilege of life insurance business - Ss 30, 30A, opening of life-insurance sector to private participants.
   iii. Application of Insurance Act - Section 43(1)

(f) General Insurance Business (Nationalization) Act 1972
Fourth Year Law / 30

i. Transfer of shares of Indian insurance companies - section 4

ii. General Insurance Corporation of India - Sections 9, 10, 10A.

iii. Functions of the General Insurance Corporation - Section 18.

iv. Exclusive privilege of carrying on general insurance business - Ss 24, 24A, opening of insurance sector to private participants.

3. Insurance under the motor Vehicles Act 1988

   (a) Compulsory Insurance of Motor-vehicles under the Motor Vehicles Act 1988 - Public Place S. 146.

   (b) Requirement of policy and limits of liability - Sections 147.

   (c) Duty of insurer to satisfy judgment and settlement with insured - section 149, 152, 155

   (d) Information about insurance - Section 151, 158, 159, 160.

   (e) Certificate of insurance - Sections 156, 157.

   (f) Liability of insurer in the case of 'No fault liability' hit and run motor accidents and for payment of compensation on structured formula basis - Ss. 140-142, 161, 163, 163A

Recommended Books and Readings


Ivamy, General Principles of Insurance Law.
Semester VIII

Paper No. 28 - Optional Conflict of Law - 100 marks

Part I - General Detail

Introductory Details:
- What is Private International Law? Its function, basis, development and history
- Unification efforts
- Modern theories
- Stages in a ‘Conflict of Laws’ cases
  - Choice of Law
  - Choice of Jurisdiction
  - Recognition and Enforcement of Foreign Judgments / Awards

Choice of Jurisdiction (First Stage)
- Meaning, Bases of Jurisdiction, Limitations
- Kinds of Jurisdiction
  - In personam
  - In rem
  - Admiralty Action
  - Stay of Proceedings / Actions
  - Assumed Jurisdiction

Classification / Characterization:
- Necessity for classifications
- Various theories
- Leading cases illustrative of theories (Re. Cohn. Apt. V. Apt. Shehnaz V. Rizwan, Ogden V. Odgen De Nicols V. Curlier, Re Berehrold Re Maldonade)
Choice of Law - Lex Cuses (Two parts of this stage)

i. Connection Factor (First Part)
   Why connection factor, Selection of lex causes (applicable law)

ii. Application of lex causes (Second Part)
    Three meaning of LC
    Renvoi - Partial
    Renvoi - Total Foreign Court Theory
    Critical Analysis of Renvoi

iii. Leading Cases
    Collier V. Rivaz Re Duke of Willington
    Bremer V. Freeman Re Askey Re Amnesly
    Re Ross Forege’s Case

6. Incidental Question and Time Factor

9. Concept of Domicile
   General principles:
   Elements of Domicile: Intention & Residence
   Witnavas V. Att. Gen. Ramsay V. Liverpool
   Royal Infirmary
   Kinds of Domicile
   Domicile of Origin
   Domicile of Choice
   Domicile of Dependence
   Domicile of Corporation

10. Status and University of Status
Part II - Family Law (Law of Persons)

1. Marriage
   Kinds - Monogamous - Hyde V. Hyde
   Polygamous
   Questions of formal and essential validity
   All other relevant details - details regarding materimonica jurisdiction in India and Marriage Laws

2. Matrimonial Causes
   In England and In India.
   Divorce, Nullity, Judicial separation and restitution of conjugal rights, choice of jurisdiction and choice of Law Positions.

3. Legitimacy - Legitimation and Adoption
   Legitimacy - what is legitimacy - Recognition of status of legitimacy.
   Law governs legitimacy - legitimacy and succession

4. Legitimation - How it is different from legitimacy, Recognition of this status, different methods whereby legitimation may take place - legitimation and succession.

5. Adoption
   Purpose of Adoption - Adoption at Common Law and Indian Law
   Recognition of foreign Adoption, Adoption and Succession.
Part III - Law of Property

1. Distinction between Movable and Immovables
   Immovables - Let situs rule - Mocabiquo Rule - exceptions.
   The transfer of tangible movables - theories
   Lex domicile, lex situs, lex actus, proper law
   Lex situs prefer Cammell V. Bewell

2. Assignments of Intangible movables
   Kinds of assignments
   Theories
   Lex domicile, lex situs, lex actus, proper law
   Normal and essential validity.

3. Negotiable Instrument
   Negotiability
   What law governs

4. Succession
   Testate and Intestate
   Intestate succession - of movable
   General Rule - lex domicile governs in exceptional circumstances lex situs.
   Interstate succession to immovable - general rule
   lex situs governs.
   Testate succession - wills-capacity-lex domicile
   In case of succession to immovables by will,
   generally lex situs governs.
5. **Formal Validity**  
   Lex domicile in case of movable and lex situs in case of immovable

6. **Essential Validity**  
   Same as formal validity

**Part IV - Law of Obligation**

1. **Contracts**:
   - Validity of Contracts
   - Capacity to contract
   - Formal validity
   - Essential validity
   - Proper Law of Contract - subjective and objective theories.

2. **Torts**:
   - Various theories
   - Lex fori, lex loci, proper law etc.
   - Philips vs. Eyre, Boys vs. Chaplin

**Part V - Recognition and Enforcement of foreign Judgements theories limitation.**

Books recommended this has been R. H. Graveson

Now following books may be prescribed -
- Private International Law - R. H. Graverson
- The Conflict of Law - Jh. C. Morris
- Indian Private Int. Law - S. S. Chavan
- Private International Law - Nath and Chesive
- Paras Diwan - Indian Private International Law
Fourth Year Law / 36

Note: The Syllabus should be taught with necessary reference to Indian Law and Judicial Decisions. Conflict of Laws within Indian Personal Laws with reference to Marriage and Property.

Semester VIII

Paper No. 28 - Optional - Intellectual Property Law - 100 marks

Division of Marks:

A. The Patents Act 2005 - 25 marks
B. The Copyright Act 1957 - 25 marks
C. The Trade and Merchandise Marks Act 1958 / The Trade Marks Act 1999 - 25 marks
D. The Designs Act 2000 - 25 marks
E. Other Types of intellectual property - 25 marks
F. Intellectual Property in general.

(all laws with latest amendments and up-to-date case law)

A. The Patents Act 2005

1. Objects of the statute, definitions, invention, patentable inventions, inventor and his object.
2. Procedure for grant of patent from its application to the grant of patent, including who may apply for a patent, specification, opposition to grant of patent, patent of addition, product patent and process patent, effect of grant of patent, terms of.
3. Patentee, his rights and obligations, Limitations on patentee's rights: government use, compulsory licenses, Government use of Invention and its acquisition, Assignment and license of patent and avoidance of restrictive conditions.

4. Revocations and Surrender of Patents

5. Infringement of Patents and remedies, Threat of Infringement Proceedings

6. Exclusive Marketing Rights, patent Agents, international Arrangements.

B. The Copyright Act 1957

1. Nature and purpose of copyright, works in which copyright subsist, Author and First owner of copyright, owne of copyright, Broadcast reproduction right and performers rights, term of copyright, Registration of copyright and its effect.

2. Rights conferred by copyright, Broadcast reproduction right and performers right, assignment, transmission, and relinquishment of copyright, licenses of copyright-voluntary and compulsory.

3. Infringement of copyright, remedies for infringement offence and criminal proceedings, Acts not constituting infringement, groundless threat of legal proceedings.

4. Copyright societies, International copyright
C. The Trade and Merchandise Marks Act 1958/ The Trade Marks Act 1999*

[* The Act of 1999 will be taught after it has come to
into force, but it shall not be part of an examination
unless it is brought into force at least three months
before the examination]

1. Object and purpose of the Act, Definitions, Mark,
Trade Mark, Certification Mark, Associated Trade
Marks, Collective Marks, Deceptive Similarity,
Well Known marks.

2. Procedure and duration of registration, including
classification of goods, refusal of registration,
limitations, which marks can be registered;
Registration of Trade Marks, certification marks
and associated marks and its effect and
advantages, Rights conferred by registration,
consequences of non-registration, Renewal,
Removal and restoration of registration, effect of
non-use.

3. Rights of a proprietor of a trade mark:
Assignment and Transmission of various types
of trade marks, restrictions on assignment, use
of trade marks and registered users.

4. Rectification and correction of register.

5. Infringement and Passing Off, jurisdiction of
Courts, Groundless threat of legal proceedings,
Remedies, Appellate Board, its jurisdiction and
procedure [under the Act of 1999] offences and
penalties, Marking of goods.
C. The Trade and Merchandise Marks Act 1958/ The Trade Marks Act 1999*

[* The Act of 1999 will be taught after it has come into force, but it shall not be part of an examination unless it is brought into force at least three months before the examination]

1. Object and purpose of the Act, Definitions, Mark, Trade Mark, Certification Mark, Associated Trade Marks, Collective Marks, Deceptive Similarity, Well Known marks.

2. Procedure and duration of registration, including classification of goods, refusal of registration, limitations, which marks can be registered, Registration of Trade Marks, certification marks and associated marks and its effect and advantages, Rights conferred by registration, consequences of non-registration, Renewal, Removal and restoration of registration, effect of non-use.

3. Rights of a proprietor of a trade mark: Assignment and Transmission of various types of trade marks, restrictions on assignment, use of trade marks and registered users.

4. Rectification and correction of register.

D. The Designs Act 2000

1. Object and Purpose of the Act, Definitions.
2. Design, Registrable design.
3. Procedure for registration of design, Copyright in design, Term of a registered design, Marketing of goods and its effect.
4. Rights of a proprietor of a registered design, Assignment and transmission and avoidance of restrictive conditions.
5. Piracy of registered design, remedies and procedure, groundless threat of legal proceedings.

E. Other types of Intellectual Property

[* These will be taught after the respective status concerning them have come into force, but these shall not be part of an examination unless the relevant statute is brought into force at least three months before the examination.]

Concept, definition, nature of these rights, including when these are registrable and when they cannot be registered in respect of the following types of Intellectual Property.

(a) Geographical indications
(b) Semi-conductor integrated Circuits Layout Design
(c) Blank Varieties
F. Intellectual Property in general

A special type of property, its nature and characteristics, Comparison of types of intellectual property, The object and purpose of protection of each of them, International nature of intellectual property. I.P.R. Policy of India.

Text Books

1. Intellectual Property Law – P. Narayanan
2. Patents, Trade Marks, Copyright, Designs and Geographical Indications – B. L. Wadhra

Reference Book

1. Patent Law – P. Narayanan
2. Copyright and Industrial Designs – P. Narayanan
3. Trade Marks and Passing Off – P. Narayanan
4. Iyengar’s Copyright Act – R. G. Chaturvedi
5. Intellectual Property – W. R. Comish
7. Intellectual Property Rights-Unleashing the Knowledge Economy – Prabuddha Ganguli

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