



Progressive Education Society's

Modern Law College,

Ganeshkhind, University Circle, Pune- 411016

Permanently Affiliated to the University of Pune, Recognised by the Government of Maharashtra and Approved by the Bar Council of India, New Delhi

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Syllabus

IVth Year of the B.A. LL.B.

(Five-Year Law Course)

(From 2003-2004)

INDEX

Sr. No.	Content	Page No.
I.	Pune University Rules for B.A. LL.B. Course	3
II.	B.A. LL.B. (Semester-VII)	4
	Paper 21 – Law of Evidence	4
	Paper 22 – Environmental Law including Laws for Protection of Wild Life and Other Living Creature including Animal Welfare	5
	Paper 23 – Human Rights and International Law	6
	Paper 24 – Arbitration, Conciliation and Alternative Disputes Resolution Systems	9
III.	B.A. LL.B. (Semester-VIII)	10
	Paper 25 – Jurisprudence	10
	Paper 26 – Property Law Including Transfer of Property Act and Easement Act	12
	Paper 27 – Practical – II (Public Interest Lawyering)	12
	Paper 28 – Optional (Any One)	14
	a. Comparative Law	
	b. Insurance Law	16
	c. Conflict of Law	18
	d. Intellectual Property Law	22

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Rules for Standard of Passing, Benefit etc.

1. Standard of Passing:

To pass the Ist and IInd year of B.A. LL.B. Examination (Five-Year law course), a candidate must obtain

- a) 40% of the full marks in each paper
- b) 40% of the total marks in the examination.

To pass the IIIrd year of B.A. LL.B. and IVth and Vth year B.A. LL.B. (Five-Year Law Course) a candidate must obtain.

- c) 35% of the full marks in each paper and
- d) 50% of the total marks in the examination.

2. Entitlement to appear at the end of the academic year:

A candidate who has completed his term for semester I, II, V, VII or IX of the five-year B.A. LL.B. Course, and has paid examination fees for such the examination for such Semester Examination, but has remained absent for any or all papers, or has failed in any or all papers at such Semester Examination, shall be entitled to appear for any or all of such papers respectively along with the Semester II, IV, VI, VIII or X examinations respectively.

Any student who has appeared for Semester I, III, V, VII or IX Examination of the B.A. LL.B. Course shall be entitled to re-appear for all or any of the paper along with the Semester II, IV, VI, VIII or X examinations for improving his marks.

3. Exemption:

A candidate who obtains at least 50% of the full marks in a paper shall at his option be exempted from that paper at a subsequent examination. He shall however have to pass in the remaining paper or papers in accordance with the standard of passing laid down above. The benefit of exemption so earned may be available for six years only.

4. First-Second Class:

At the end of the academic year, those of the successful candidates who obtain 50% or more of the total marks will be placed in the Second Class, and those who obtain 60% or more of the total marks will be placed in the First Class, and those who obtain 70% or more marks will be placed in First Class with Distinction.

5. Allowed to keep terms:

A candidate who obtains at the Ist, IInd, IIIrd year of B.A. LL.B., or IVth year of LL.B. (five-year B.A. LL.B. course) (hereafter earlier year) 50% of the full marks in the number of subjects given below out of the total number of papers prescribed for the respective academic year shall be allowed to keep terms respectively for next year, i.e. the IInd, IIIrd year of B.A. LL.B. and IVth and Vth year of B.A. LL.B. Examination i.e. ATKT for 1/3 of the total subjects.

Ist B.A. LL.B. examination- 4 subjects

IInd B.A. LL.B. examination- 4 subjects

IIIrd B.A. LL.B. examination- 5 subjects

IVth B.A. LL.B. examination- 5 subjects

Provided however that he shall be required to clear such subjects before he required to clear such subjects before he joins the class following such next year, or shall not be

declared to have passed the Vth year of B.A. LL.B. unless he has passed such subjects and the examination of the previous year.

Such a candidate shall not be eligible for a Class prize or scholarship awarded at the examination.

OR

Provided however that he shall not be declared to have passed the examination of such next year, i.e. IInd and IIIrd year of B.A. LL.B. and IVth and Vth year of B.A. LL.B. unless he has passed such subjects and the remaining papers in the examination of such previous year according to the standard of passing laid down above.

Such a candidate shall not be eligible for a Class prize or scholarship awarded at the examination.

Semester VII (June to October)

Paper 21 – Law of Evidence

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 Judgments (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. Estoppels (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

1. Ratanlal and Dhirajlal, The Law of Evidence.
2. Batuklal, The Law of Evidence
3. Avtar Singh, The Law of Evidence
4. Vepa Sarathy, The Law of Evidence
5. Dr. Satish Chandra, Indian Evidence Act.

Paper 22 – Environmental Law (Including laws for protection of wild life and other living creatures and animal welfare)

1. Introduction
 - I. Nature, scope, need and application of environment law
 - II. Environmental pollution – causes and effects
2. Constitutional provision
 - I. Right to life, right of wholesome environment, right to development Directive principle of State policy, Fundamental duties, Constitution and environmental legislations
 - II. Environment Protection and Public Interest Legislations
3. International Environment Law and environment Protection
 - I. Sustainable development, Polluter-pays-principle, Precautionary principle
 - II. Salient features and critical study of Stockholm Conference on Human Environment, 1972
 - III. Nairobi Declarations, 1982
 - IV. Rio Conference on Environment and Development, 1992 (Earth Summit)
 - Rio Declaration
 - Convention on Biological Diversity: The Indian Biological Diversity Act 2002
 - Convention on Climate Change 1992
4. Environment Pollution and Laws in India
 - I. Framework and analysis of anti-pollution Acts and Rules
 - II. Authorities under the Acts
 - III. Penalties and Liabilities under the Acts
 - IV. Rules:
 - i. Noise Pollution (Regulation and control) Rules 2000
 - ii. Hazardous Wastes (Management and Handling) Rules 1989
 - iii. Manufacture, Storage and Import of Hazardous Chemical Rules 1989
 - iv. Municipal Solid Wastes (Managements and Handling) Rules 2000
 - v. Coastal Regulation Zone (CRZ) Notification of 1991
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
 - National Environment Appellate Authority Act
6. Environmental Policies in India
 - I. Pre-independence policy on environment
 - II. Post-independence policy on environment
7. Liability to pay compensation- no- fault liability
 - I. The Public Liability Insurance Act 1991
 - II. The National Environment Tribunal Act 1995
8. Protection of Wild Life and Forests
 - I. The Wild Life (Protection) Act 1972
 - II. The Indian Forest Act 1927
 - III. The Forest Conservation Act 1980
 - IV.

Recommended books and reading

1. Bell and Bell, Environmental Law
2. Resencraz and Dewan, Cases and Materials on Environmental Law and Policy in India
3. Baxi Upendra, The Bhopal Case
4. Aggarwal Anil, The State of India's Environment
5. Lal's Commentaries on Water and Air Pollution and Environment Protection Laws
6. Pal Chandra, Environmental Pollution and Development, 1999
7. Iyer VR Krishna, Environment Pollution and the Law
8. Malaviya, Environment Pollution and its Control under International Law
9. Leelakrishnan, Environmental Law, 1986
10. The Environment Protection Act 1986 and Rules 1987

Paper 23 – Human Rights and International Law

Division of marks:

1. Human Rights – 40 marks
 2. International Law- 60 marks
- A. Human Rights (40 marks)

1. Human Rights, nature, concept, origin and development, importance, classification.
2. Civil and political rights, International instruments – UN Charter, UDHR International Covenant on Civil and Political Rights, Part III of the Constitution of India.
3. Social and economic Rights, International instruments including International Covenant on Economic, Social and Cultural Rights, Part IV A of the Constitution of India.
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) 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-stature, 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 corporations
 - iv. State responsibility for other of International law
 - b. Consequence of State responsibility
 - c. Calvo clause – exhaustion of local remedies
- 7. Settlement of International disputes
 - a. Peaceful settlement of international disputes
 - b. Coercive settlement of International disputes (with reference to provisions of the UN Charter)
 - c. War and UN Charter
- 8. International Transaction- 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. Individuals and International Law
 - a. Extradition
 - b. Asylum
 - c. Nationality
- 10. International Institutions
 - d. Basic purposes, Principles and membership of United Nations
 - e. Organs of United Nations- with special reference to General Assembly, Security Council and International Court of Justice
- 11. Legal Control of International Conflicts
 - f. Prohibition of use of force
 - g. Weapons of mass destruction and International Law
 - h. International Humanitarian Law

Recommended books and reading

1. Kapoor S K, Human Rights and International Law
2. Agarwal H O, Human Rights and International Law
3. Tandon M P, Human Rights and International Law
4. Gurdip Singh, International Law
5. Starke J G, Introduction to International Law

6. Shaw Malcolm N, International Law
7. Iyer V R Krishna, Human Rights
8. Chandra Upendra Human Rights
9. Diwan Paras, Human Rights and Law
10. Brownlie Ian, Principles of Public International Law
11. O'Connell, International Law
12. Oppenheim, International Law (Vols 1 & 2)
13. Harris, Cases and Materials on International Law
14. Green L C, Cases and Materials on International Law
15. Indian Journal of International Law

Paper 24 – Arbitration, Conciliation and alternative Disputes Resolution systems

Division of marks:

1. Arbitration and Conciliation – 50 Marks
2. Alternative Dispute Resolution Systems – 50 Marks

A.SYLLABUS OF 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 Agreements
: Sections 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 Enforcement of Arbitral
award

Chapter IX : Sections 37 Appeals

Chapter X : Sections 33 to 43 Miscellaneous

PART II: CONCILATIONS: Sections 61 to 81.

B.ALTERNATIVE MODELS OF DISPUTE SETTLEMENT

1. Models of Dispute Settlement, Litigation versus Arbitration. Models of Alternative Dispute Resolutions. Negotiation, Conciliation, Mediation,

- Mini-trial, Fast tract Arbitration. Nature Scope, Limitations and necessity of alternative models of disputes resolution.
2. Administration tribunals- Article 323 A and B
 3. Family Court under the Family Court Act, 1984.
 4. Consumer Council and forums under the Consumer Protection Act, 1986.
 5. Settlement of Disputes through Lok Adalat and Lok Nyaylays. Grassroots Justice and Panchayat System for Resolution of dispute.

LIST OF BOOKS IN ARBITRATION AND CONCILIATION ACT

1. Avtar Singh : Law of Arbitration and Conciliation (E.B.C. Lucknow)
2. Basu N.D. : Arbitration and Conciliation Act (UBT)
3. Johari : Commentary on Arbitration and Conciliation Act (UBT)
4. Krishnamurthys : Law of Arbitration and Conciliation (E.B.C. Lucknow)
5. Kwatra G.K. : New Arbitration and Conciliation Law of India Comparative Study of old and new. (Indian Council of Arbitration, Federation House, Tansen Marg, New Delhi)
6. Mathur G.C. : Arbitration and Conciliation Act, 1996
7. Roy P.C. : Arbitration and Conciliation Act, (UBT)
8. Roy Chaudhari : Arbitration and Conciliation Act
9. Naraya P.S. : Arbitration and Conciliation Act
10. Twari O.P. : Arbitration and Conciliation Act (ALA Allahabad)
11. Rao P.C. : Alternative dispute Resolution What it is and How it is. (UBT)
12. Upendra Baxi : Crisis of the Indian Legal System, (1982)
13. B.S. Patil : The Law of Arbitration and Conciliation
14. S.D. Singh : The Law Arbitration (EBC)

Semester VIII (November to April)

Paper 25 – Jurisprudence

A. Jurisprudence and Legal Theory

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. Sources 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 precedent, 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

B. Concepts

1. Persons, the concept of legal personality, legal status of lower animals, dead men, unborn persons, corporations and the State
2. Legal definition – wrongs, duties rights, characteristics of legal rights, legal rights in wider sense (Hohfeldian analysis of legal rights). Kinds of legal rights.
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.
6. Liability, nature and kinds, theory of remedial liability, measures of civil and criminal liability.

Recommended books and reading.

1. Fitagerald , P J, Jurisprudence
2. Dias, Jurisprudence
3. Sethna , M J. Jurisprudence

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|-------------------|---------------|
| 4. Mahajan , V D. | Jurisprudence |
| 5. Tandon , M P. | Jurisprudence |
| 6. Dhyni , S N. | Jurisprudence |
| 7. Paranjpe, | Jurisprudence |

Paper 26 – Property Law including Transfer of Property Act

Division of marks:

1. The Transfer of Property Act 1882 – 80 marks
2. The Indian Easements Act 1882 – 20 marks

A. The Transfer of Property Act 1882

1. Preliminary- object, application, definitions and doctrine of notice (Ss1-4, 102-104)
2. Transfer of property by act of parties (Ss5-53A)
3. Sale of immovable property (Ss 54-57)
4. Mortgages of immovable property (Ss 58-98)
5. Charges (Ss100-101)
6. Leases of immovable property (Ss 105-107)
7. Exchanges (Ss 118-121)
8. Gifts (Ss 122-129)
9. Transfer of actionable claims (Ss 130- 137)

B. The Indian Easements Act 1882

1. Easements (Ss 1-51)
2. Licenses (Ss 52-64)

Recommended books and reading

1. Sarathi, V.P. Law of Transfer of Property
2. Shah, S.M. Transfer of Property Act 1882
3. Mulla on Transfer of Property Act
4. Lahiri, S.M. Transfer of Property Act
5. Mitra, B.B. Transfer of Property Act
6. Shukla, S.N. Transfer of Property Act

Paper 27 – Public Interest Lawyering, Legal Aid and Para-Legal Services

- A. Meaning and Concept of Public Interest Litigation, Development through decided Cases and Limitation, Public Interest Litigation and writs under Article 226 and 32 of the Constitution, with special

- reference to Environmental Protection, Labour, Under Trial Prisoners, Human Rights, Protection of women, etc.
- B. 1) Concept and Role of Lok - Nyalaya (Lok Adalats) in India for the Settlement of Disputes.
- 2) Constitution, Composition and Jurisdiction of Lok Adalat and Appeal.
- C. Legal Aid :-
- i. Statutory Provisions relating to Legal Aid :- Article 39 A of the Constitution of India.
 - ii. Sec 304 Of the Code of Criminal Procedure, 1973
 - iii. Advocates duty to render Legal Aid.
 - iv. The legal services Authorites act, 1987.
 - Chapter I : Preliminary (sections 1 & 2)
 - Chapter II : The National Legal Services Authority (Sections 3 to 5)
 - Chapter III : State Legal Services Authority (Sections 6 to 11 B)
 - Chapter IV : Entilement of Legal Services (Sections 12 to 13)
 - Chapter VI : Lok Adalats (Sections 19 to 22)
 - Chapter VI A : Pre Litigation Conciliation and Settlement (Sections 22-A to 22-E)
 - iv. A The maharashtra State Legal Services Authorities Rules, 1998. Role of the Legal Aid centers in Law Colleges and Law Department of the University in providing free Legal Aid and Advice.
 - v. Rules relating to Legal Aid for defending accused.
 - vi. Objects of Legal Literacy.
- D. Amicus Curiae – Concept and Object.
- E. Role of Non – Government Organisation (NGO) – Protection of Human Rights, Consumers Family matters, Negotiations and Counselling.
- F. Use of computer in Legal Education.
- G. Difference between PIL and representative suits and Public Interests Litigation and Private Interest Litigation
- H. Legal Literacy – Awareness measures.
- I. Development of Legal System from Panchayat Raj to Legal Aid by Courts.
- J. Speedy Justice mechanism
- Rights of litigants
 - Adhoc courts
 - Malimath Committee Report
 - Article 21 of the India Constitution

Recommended books and reading

1. The Legal Services Authority Act, 1987.
2. The Maharashtra State Legal Services Authority Rules, 1998
3. Pande, J.N. – Constitutional Law of India
4. Code of Criminal Procedure 1973
5. Civil Manual
6. Criminal Manual
7. Narayana, P.S. – Public Interest Litigation
8. Rai, Kailash - Public Interest Lawyering, Legal Aid and Para-Legal Services
9. Mulla – The Indian Registration Act 1908
10. The Bar Council of India Rules on standard of Professional conduct and Etiquette.
11. Awasthi – Lok Adalat - Legal Services Authorities, 1987
12. Jain, Sampat - Public Interest Litigation
13. Rao, Manta - Public Interest Litigation, Legal and Lok Adalats
14. Narayan, P.S. – Law Relating to Lok Adalats
15. Sharma, S.S. – Legal Aid to poor
16. Bakshi, P.M. - Public Interest Litigation
17. Sarkar, S.K. - Public Interest Litigation

Paper 28- Optional Paper

(a) Comparative Law

1. Comparative Law
 - i. Its character, definition found in its objects
 - ii. Different phases used to explain this method of study.
2. Origin and development of comparative law
3. Distinction between comparative law and
 - i. Private International Law
 - ii. Public International Law
 - iii. Legal History
 - iv. Sociology of Law
4. Functions, value and aim of comparative law
Law as a science cannot limit itself within Terri toned limits
(Natural and medical science are international and not remain domestic)

Practical benefits of comparative law

- i. As an aid to the legislator
- ii. as a tool of construction (interpretation of domestic law)

- iii. as a component of legal education by adopting it in curriculum in the universities
 - iv. as a tool for unification of law
- 5. Types of legal systems
 - Different grouping by different jurists
 - A.
 - i. Romanistic family
 - ii. Germanic family
 - iii. Nordic family
 - iv. Common law family
 - B.
 - 1) Civil Law system continental system
 - 2) Common law system
 - Factors decisive for classification
 - 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
 - i. Contracts – formation of contracts, offer and acceptance, formal requirements, illegality and immorality
 - ii. Torts, in general, vicarious liability, strict liability
 - iii. Invasions against right of personality
 - iv. Judges and courts, training and recruitment of judges
 - v. Method of deciding cases
 - vi. Manner of writing opinions and decisions, jury trial

Recommended books and reading

1. Zweigart and Kotz - Introduction to Comparative Law
2. Gutteridge - Comparative Law
3. Rene, David - Major Legal Systems in the World Today, an Introduction to the Comparative Study of Law
4. Baxi and Markensinis - Foreign Law and Comparative Methodology – A Subject and a Thesis

Paper 28- Optional Paper

(b) Law of Insurance

Division of marks:

1. General Principles of Insurance – (40 marks)
 2. The Insurance Act 1938, Public Liability Insurance Act 1991, Personal Injuries (Compensation Insurance) Act 1963, Insurance regulatory and Development Authority Act 1999, Life Insurance Corporation Act 1956 and General Insurance Business (Nationalization) Act 1972 – (45marks)
 3. 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 s 34 of the Marine Insurance Act 1963): Reinsurance: Under-insurance: Classes of insurance-voluntary, commercial, compulsory, social
 - B. Risk: insurable and other risks: handing risks, spreading risks, mathematical value or risk: rating of risks: Extent of risk: loss caused by insured 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, chose-in-action, liability:
 - iii. Types – Life, property, marine, fidelity, employer's liability, motor accident. Railway accident, miscellaneous
 - iv. Formation of an insurance contract: S 23 to 26 of the Marine Insurance Act 1963, s 64 VB of the Insurance Act.
 - v. Representation and warranties.
 - vi. Duty of disclosure, material facts, duty of insured and insurer, breach of duty, remedy Ss 19 to 22 of the Marine Insurance Act 1963, S 45 of Insurance Act 1938.
 - 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
 - x. Assignment of policy and its effect, S38 of the Insurance Act 1938, s 52, 53 of the Marine Insurance Act 1963
 - xi. Premium, calculation, return: s 33, 54 of the Marine Insurance Act 1963
 - xii. Insurable interest, contractual and statutory, time 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
- E. Contribution, conditions for exercise of right, methods of contribution
2. The Insurance Act 1938, The Public Liability Insurance Act 1991, The Personal Injuries (Compensation Insurance Act 1963, The Insurance Regulatory and development Authority Act 1999, The Life Insurance Corporation Act 1956 and The General Insurance Business (Nationalization) Act 1972- (45 marks)
1. Insurance Act 1938
- I. Terms and definitions-
 - i. Policy-holder, insurer, Authority
 - ii. Chief agent, insurance agent, principal agent, special agent
 - iii. Insurance company, Indian insurance company, insurance co-operative society.
 - iv. Life insurance business, fire insurance business, general insurance business, marine insurance business, miscellaneous insurance business
 - II. Provisions applicable to insurers-Sections 2C, 3, 3B, 4, 5, 6, 6A, 6AA, 10, 29
 - III. Assignment or transfer of policies, nominations-Sections 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, 4A
 - VI. Tariff Advisory Committee and Control of Tariff Rates – Ss 64U, 64UA, 64UC, 64UE, 64UM
 - VII. Provident Societies- Ss 65, 65A, 66, 67, 69
2. Public Liability Insurance Act 1991
- I. Objects and Reasons for the statute
 - II. Sections 2-18, Schedule

3. 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
4. Insurance Regulatory and Development Authority Act 1999
 - I. Composition 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
5. Life Insurance Corporation Act 1956
 - I. Functions of the Corporation – S 6
 - 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)
6. General Insurance Business (Nationalization) Act 1972
 - I. Transfer of shares of Indian insurance companies- Section 4,
 - II. General Insurance Corporation of India- Section 9, 10, 10A,
 - III. Functions of the General Insurance Corporation – Section 18
 - IV. Exclusive privilege of carrying on general insurance business – Ss 24, 24 A: opening of insurance sector to private participants.
3. Insurance under the Motor Vehicles Act 1988 – (15 marks)
 1. Compulsory Insurance of Motor vehicles under the Motor Vehicles Act 1988 public place s 146.
 2. Requirement of policy and limits of liability- Section 147,
 3. Duty of insurer to satisfy judgment and settlement with insured – Section 149,152,155
 4. Information about insurance- Sections 151,158,159,160
 5. Certificate of insurance- Sections 156, 157.
 6. 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

Srinivasan, M.N.- Principles of Insurance Law (7 th ed 2002, ed Avatar Singh)

Ivamy - General Principles of Insurance Law

Paper 28- Optional Paper

(c) Conflict of Laws

a. General Details

1. Introductory Details-

- a. What is Pr. I. L.? Its function, bases

- b. Development and history
- c. Unification Efforts
- d. Modern Theories
- e. Stages in a 'Conflicts of Laws' Case
 - Choice of law
 - Choice of Jurisdiction
 - Recognition and Enforcement of Foreign Judgments/ Awards
- 2. Choice of Jurisdiction (First Stage)
 - A. Meaning, Bases of Jurisdiction, Limitations
 - B. Kinds of Jurisdiction
 - In personam
 - In rem
 - Admiralty Action
 - Stay of Proceedings / Actions
 - Assumed Jurisdictions
- 3. Classification / Characterization
 - a. Necessity for classifications
 - b. Various theories
 - c. Leading cases illustrative of theories
 - i. (Re Cohn, Apt V. Apt, Shehnaz V. Rizwan, Ogden V. Odgen De Nicols V. Curlier. Re Berehtold. Re Maldonade)
- 4. Choice of law- Lex Cases
(Two parts of this stage)
 - I. Connecting factor (First Part)
 - Why connecting factor
 - Selection of lex causes (applicable law)
 - II. Application of lex causes (Second Part)
 - Three meanings of I.C.
 - 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. Askev Re Annesly
 - Re Ross. Forege's Case.
- 5. Limitations on application or exclusion of foreign law
- 6. Incidental Question and Time Factor
- 7. Concept of Domicile
 - General Principles
 - Elements of Domicile: Intention & Residence
 - Winavas V. Att. Gen. Ramay V. Liverpool

- Royal Infirmary
- Kinds of Domicile
- Domicile of Origin
- Domicile of Choice
- Domicile of Dependence
- Domicile of Corporation

8. Status and Universality of Status

Part II – Family Law (Law of Persons)

a. Marriage

- i. Kinds – Monogamous – Hyde V. Hyde, Polygamous
- ii. Questions of formal and essential validity
- iii. All other relevant details – details regarding matrimonial jurisdiction in India and Marriage Laws

b. Matrimonial Causes

In England and in India

Divorce, Nullity, Judicial separation and restitution of conjugal rights. Choice of jurisdiction and choice of Law positions.

c. Legitimacy- Legitimation and adoption

Legitimacy what is legitimacy – Recognition of status of Legitimacy- what Law governs legitimacy – Legitimacy and succession.

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

e. Adoption

Purpose of Adoption – Adoption at Common law and in Indian Law

Recognition of foreign Adoption

Adoption and succession

Part III Law of Property:-

1. Distinction between Movables and Immovable
 - Immovable – 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

- 1) Negotiability
- 2) What law governs

4. Succession

Testate and In testate

- In testate succession- of movable
- General Rule – lex domicile governs in exceptional circumstances lex situs
- In testate succession to immovable – general rule lex situs governs
- Testate succession – wills- capacity – lex domicile In case of succession to immovable by will, generally lex situs governs

5. Formal Validity

Lex domicile in case of movable and lex situs in case of immovable.

6. A) Essential Validity

B) Same as formal validity

Part IV- Law of Obligation

Contracts-

- ❖ Validity of Contracts
- ❖ Capacity to contract
- ❖ Formal Validity
- ❖ Essential Validity
- ❖ Proper Law of contract – Subjective and objective theories
- ❖ Torts
- ❖ Various theories
- ❖ Lex fori, lex loci, proper law etc.
- ❖ Philips v. Eyre, Boys v. Chaplin

Part V. – Recognition and Enforcement of foreign Judgments theories – Limitation

Book recommended this has been R.H. Graveson

Now following books may be prescribed-

- o Private International Law – R.H. Graveson
- o The Conflict of Law – J.H. C. Morris
- o Indian Private Int. Law – S.S. Chavan
- o Private International Law – Nath and Chesive
- o Paras Diwan- Indian Private International Law

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
1. Marriage 2. Property.

Paper 28- Optional Paper (d) Intellectual Property Laws

Division of Marks

- I. The Patents Act 1970 (25 marks)
 - II. The Copyright Act 1957 (25 marks)
 - III. The Trade and Merchandise Marks Act 1958/ The Trade Marks Act 1999 (25 marks)
 - IV. The Designs Act 2000 (25 marks)
 - V. Other types of intellectual property (25 marks)
 - VI. Intellectual Property in general (25 marks)
- (All laws with latest amendments and up-to-date case law)

A. The Patents Act-1970.

1. Object of the statute, definitions, invention, patentable inventions, inventor and his rights.
2. Procedure for grant of patent from its application to the grant of patent, including who may apply for the patent, specification, opposition to grant of patent: Patent of addition: Product patent and process patent: Effect of grant of patent, Term of patent, Renewal of patent: Lapse of patent and its restoration
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. Revocation 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: Owner of copyright: Broadcast reproduction right and Performer's rights: Term of copyright: Registration of copyright and its effect.
2. Rights conferred by copyright, Broadcast reproduction right and Performer's right: Assignment, transmission and relinquishment of copyright: Licenses of copyright – voluntary and compulsory:

3. Infringement of copyright: Remedies for infringement: Offences 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 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 Transaction 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

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: Making 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 statutes 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. Plant 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.

Text Books:

1. Intellectual Property Law – P Narayanan
2. Patents, Trade Marks, Copyright, Designs and Geographical Indications – B L Wadhera
3. Management of Intellectual Property – Satyawrat Ponkshe.

Reference books:

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