

BARKATULLAH UNIVERSITY, BHOPAL
LL.B. Part III (Semester-V)
Paper-I Principles of Taxation

Maximum Marks : 100
Minimum Marks : 40

UNIT- I

Income Tax Act

Basic concepts- basic of charges of tax; Definitions: residential status of ass esses - its impact on tax liability.

UNIT- II

Heads of income - general concepts - chargeability to tax - admissible & inadmissible deductions, exclusions and deductions from income, set off and carry forward of losses

UNIT- III

Income tax authorities- powers & functions, assessment allotment of permanent account number, economic criteria scheme

UNIT- IV

Rectification, revision, appeal, reference

UNIT- V

Penalties and prosecutions under income tax act, 1961 for non-compliance, contravention, avoidance and evasion of tax

- | | |
|-------------------------|---------------------------------|
| 1. B.B. Lal | Direct Taxes |
| 2. Kailash Roy | Taxation Laws |
| 3. Dr. Vinod Singhania | Students' Guide to Income - Tax |
| 4. Dr. Monika Singhania | |
| 5. Dr. Vinod Singhania | Students' Guide to Income - Tax |
| 6. Dr. Monika Singhania | Service tax, VAT, for CA PC C |

(Semester - V)

BARKATULLAH UNIVERSITY, BHOPAL
LL.B. Part III (Semester-V)
Paper-II Intellectual Property

Maximum Marks : 100
Minimum Marks : 40

UNIT-I

Introduction

- The meaning of intellectual property
- The main forms of intellectual property: copyright, trademarks, patents and designs
- Other new forms: plant varieties and geographical indications
- Introduction to the main international instruments concerning intellectual property rights: the Berne Convention, Universal Copyright Convention, the Paris Convention Trips, the World Intellectual Property Rights Organization (WIPO) and the UNESCO

UNIT-II

Selected aspects of the Law of copyright in India

1. Historical evolution of the copyright law
2. Meaning of copyright
3. Copyright in literary, dramatic and musical works
4. Copyright in sound records and cinematograph films
5. Ownership of copyright
6. Assignment and license of copyright
7. Copyright infringement
8. Aspects of copyright justice
9. Remedies, especially the possibility of Anton Pillar injunctive relief in India

UNIT-III

Intellectual Property in Trademarks

1. The rationale of protection of trademarks as (a) an aspect of commercial and (b) of consumer rights
2. Definition and concept of trademarks
3. Registration of trademarks, authorities under the trademark Act
4. Passing off and infringement
5. Remedies

UNIT-IV

The Law of Intellectual Property: patents

1. Concepts of patents
2. Historical view of the patents law in India

3. Process of obtaining a patent: general introduction
4. Procedure for filing patents: patent co-operation treaty
5. Prior publication or anticipation
6. Rights and obligations of a patentee
7. Compulsory licenses
8. Infringement
9. Defences in suit of infringement
10. Injunctions and related remedies

UNIT-V

1. Geographical indication Act
2. New plant culture and breeds Act

SELECTED BIBLIOGRAPHY

1. Cornish W.R. Intellectual Property, Patents, Trade Marks, Copy Right and Allied Right (1999), Asia Law House, Hyderabad
2. Vikas Vashishth, Law and practice of Intellectual Property (1999), Bharat Law House Delhi
3. P. Narayanan, Intellectual Property Law (1999), (ed) Eastern Law House, Calcutta
4. Bibeck Debroy (ed). Intellectual Property Right (1998), Rajiv Gandhi Foundation, Delhi
5. U.I.F. Anderfelt, International Patent Legislation and Developing Countries (1971)
6. W.R. Cornish, Intellectual Property (3rd ed) (1996) Sweet and Maxwell
7. K. Thaurani, copyright: The Indian Experience (1987)
8. W.R. Cornish, Para and Materials on Intellectual Property (1999), Sweet

BARKATULLAH UNIVERSITY, BHOPAL
LL.B. Part III (Semester-V)
Paper-III Drafting Pleading and Convincing (Clinical Course)

Maximum Marks : 100

Minimum Marks : 40

Drafting

General principles of Drafting and relevant substantive rules shall be taught

Pleadings

Civil: plaint, W/s; Interlocutory application; Original petition; Affidavit; Execution petition; Memorandum of appeal and Revision; petition under Article 226 and 32 of the constitution of India

Criminal

Complaints; Misc. petition; Bail application; Memorandum of appeal and revision

Conveyancing

Sale deed; Mortgage deed; Lease deed; Gift deed; Promissory Note; Power of Attorney; and Will- The remaining 10 marks will be given in a Viva - Vocie which will test the understanding of Legal Practice in relation to Drafting Pleading and Conveyancing

Clinical Course

This paper shall consist of theory (70 marks) and viva (30 marks)
In practical: the student will prepare Civil/Criminal Clint - (15 marks)
Viva - (15 marks).

1. Dale
2. Bakshi P.M.
3. Kalish Roy
4. Majumdar
5. Majumdar
6. J.P. Singhal
7. Behera, B.K.
8. Chaturvedi

Legislative Drafting
An Introduction to Legislation Drafting
Drafting & Pleading
Law of Pleadings, Conveyancing & Drafting
Law of Conveyancing
Pleading, Judgments & Charges
Better Drafting
Principles & Forms of Pleadings & Conveyancing

LL.B Part III (Semester V)

BARKATULLAH UNIVERSITY, BHOPAL

LL.B. Part III (Semester-V)

Paper-IV Law of Evidence

Maximum Marks : 100

Minimum Marks : 40

Intro-ductory

- The main features of the Indian Evidence Act 1861
- Problem of applicability of Evidence Act.
- Administrative Tribunals
- Industrial Tribunals
- Commissions of enquiry
- Court & material

Central Conceptions in Law of Evidence

- Fact: section 3 definition: distinction – relevant facts/facts in issue
- Evidence: oral and documentary
- Circumstantial evidence and direct evidence
- Presumption (section 4)
- “proving” “not proving” and “disproving”
- Witness
- Appreciation of evidence

Facts: relevancy

- The Doctrine of res gestae (section 6,7,8,10)
- Evidence of common intention (section 10)
- The problems of relevancy of “otherwise” irrelevant facts (section 11)
- Relevant fact's for proof of custom (section 13)
- Facts concerning bodies and mental state (section 14,15)

Admission and confessions

- General principles concerning admission (section 17,23)
- Differences between “admission” and “confession”
- The problems of non – admissibility of confessions caused by “any inducement, threat or promise” (section 24)
- Inadmissibility of confession made before a police officer (section 25)
- Admissibility of “information” received from accused person in custody, with special
- Reference to the problem of discovery based on “joint statement” (section 27)

- Confession by co-accused (section 30)
- The problems with the judicial action based on a "retracted confession"

Dying declaration

- The justification for relevance on dying declarations (section 32)
- The judicial standards for appreciation of evidentiary value of dying declarations

Relevance of judgments

- Admissibility of judgments in civil and criminal matters (section 43)
- "fraud" and "collusion" (section 44)

Expert Testimony

- Who is an expert? Types of expert evidence
- Opinion on relationship especially proof of marriage (section 50)
- The problem of judicial defence to expert testimony

Oral Documentary Evidence

- General principles concerning oral evidence (section 59-60)
- General principles concerning documentary evidence (section 67-90)
- General principles regarding exclusion of oral by documentary evidence
- Special problems; re-hearing evidence
- Issue estoppel
- Tenancy estoppel (section 116)

Witness examination and Cross Examinations

- Competency to testify (section 118)
- State privilege (section 123)
- Professional privilege (section 126, 127, 128)
- Approval testimony (section 133)
- General principles of examination and cross examination (section 135-166)
- Leading questions (section 141-143)
- Lawful questions in cross-examination (section 146)
- Compulsion to answer questions put to witness
- Hostile witness (section 154)
- Impeaching of the standing or credit of witness (section 155)

Burden of proof

- General principles conception of onus probandi (section 101)
- General and special exceptions to onus probandi
- The justification as to presumption and of the doctrine of judicial notice

- Justification as to presumption as to certain offences (section 111A)
- Presumption as to dowry (section 115)
- The scope of the doctrine of judicial notice (section 114)

Estoppels

- Why estoppel? The rationale (section 115)
- Estoppel, res-judicial and waiver and presumption
- Question of corroboration (section 156-157)
- Improper admission and of witness in civil and criminal cases

Selected bibliography

1. Sarkar and Monohar sarkar on evidence (1999), Wadhwa & co. Nagpur.
2. Indian Evidence Act. (amendment up to date)
3. Ratanlal, Dhirajlal: Law of Evidence (1994, Wadhwa Nagpur
4. Polier Murphy, Evidence (5th reprint 2000) Universal Delhi.
5. Albert s. Osborn. The problem proof (First Indian Reprint 1998) Universal Delhi
6. Avtar Singh, principles of Law of evidence (1992), central Law Agency, New Delhi.

For BALLB - X sem ^{fourth sem}
18-19

BARKATULLAH UNIVERSITY, BHOPAL

LL.B. Part III (Semester-V)

Paper-V Land Laws including Tenure and Tenancy system

Maximum Marks : 100

Minimum Marks : 40

Concept of Land Reforms; Land and Constitutions
M.P. Land Revenue Code, 1959
M.P. Ceiling on Agricultural Holding Act, 1960

Books Recommended

Jindal

द्विवेदी

प्रो. के.के. निराम

उपाध्याय

M.P. Land Revenue Code

म. प्र. भू - राजस्व संहिता 1959

म. प्र. भू - राजस्व संहिता 1959 एवं म. प्र. कृषि जोत उच्चतम

सीमा अधिनियम 1960

म. प्र. भू - राजस्व संहिता