

**FACULTY OF LAW**  
**BHAKTA KAVI NARSINH MEHTA UNIVERSITY,**  
**JUNAGADH**



**FACULTY OF LAW**

**LL.B. Syllabus -3-Years- [ CBCS ]**  
**Semester – 5 & 6**  
**Effective From June - 2020**

**BHAKTA KAVI NARSINH MEHTA University**  
**GOVT. POLYTECHNIC CAMPUS, BILKHA ROAD, KHADIYA**  
**JUNAGADH – 362 263**  
**Gujarat , India.**

**Website : [www.bknmu.edu.in](http://www.bknmu.edu.in)**

## Semester – 5

No.	Course Code	Course Title	C	IM	EM	TM
1.	Core	Law of Crime – 2 & Juvenile Justice Act	5	30	70	100
2.	Core	Civil Procedure Code	5	30	70	100
3.	Core	Law of Evidence	5	30	70	100
4.	Core	Public International Law	5	30	70	100
5.	Elective	Intellectual Property Law	5	30	70	100

**C = Credits**

**IM=Internal Marks**

**EM=External Marks**

**TM=Total Marks**

**CCT=Core Course**

**SO=Sill Oriented Course**

**ICT=Interdisciplinary Course**

**SS=Self Study Course**

**DP=Dissertation / Project Work**

**ECT=Elective Course**

### Bhakta Kavi Narsinh Mehta University, Junagadh Faculty of Law

Name of Course	Semester	Core/Elective/ Allied/Practical/Project	Course/ Paper Code	Course/ Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	5	Core		Law of Crime - 2 & Juvenile Justice.	5	30	70	-	Two Hours Thirty Minutes

					EXT	+	INT	=	TOTAL
1.	Law of Crime - 2 Criminal Procedure Code				56	+	24	=	80
	Probation of offender Act				14	+	06	=	20
	Juvenile Justice.				70	+	30	=	100

#### Course Objectives:

- The criminal process involves increasing expenditure of government resources. At the same time it confronts a crisis of intrusion into individual rights in order to protect the common will.
- Obviously, criminal procedure has to be just, fair and reasonable to the accused as well as to the victims.
- Undoubtedly the process is to be carried out in an objective manner.
- Criminal procedure, thus, makes a balance of conflicting interests.
- This imposes a duty upon those connected with the working of the criminal process to abide by the law and to exercise discretion conferred on them in the best manner.
- Code of Criminal Procedure, originally enacted years ago, had undergone many trials and experiments, too enormous to be placed within a class room discussion.

- However, the students should obtain a fair idea how the code works as the main spring of the criminal justice delivery system and should be exposed to the significant riddles of the procedure.

## **Course Contents:**

### **Unit - 1. Introductory.**

- 1.1. The rationale of criminal procedure: the importance of fair trial.
- 1.2. Constitutional perspectives : Articles 14, 20 & 21.
- 1.3. The variety of criminal procedures (the class should examine, in particular the procedure for trial of special offences, especially, offences under the Prevention of Corruption Act and Narcotic Drugs and Psychotropic Substances Act).
- 1.4. The organisation of police, prosecutor, defence counsel and prison authorities and their duties, functions and powers.

### **Unit -2. Pre-trial Process : FIR, Pre-trial process : arrest:**

- 2.1 F.I.R. (Section 154).
- 2.2 Evidentiary value of F.I.R. (Section 145 and 157 of Evidence Act).
- 2.3 The distinction between cognisable and non-cognisable offences : relevance and adequacy problems.
- 2.4 Steps to ensure accused's presence at trial : warrant and summons.
- 2.5 Arrest with and without warrant (Section 70-73 and 41).
- 2.6 The absconder status (Section 82, 83, 84, and 85)
- 2.7 Right of the arrested person.
- 2.8 Right to know grounds of arrest (Section 50(1), 55, 75)
- 2.9 Right to be taken to magistrate without delay (Section 56, 57)
- 2.10 Right to not being detained for more than twenty-four hours (Section 57) : 2.9 Article 22(2) of the Constitution of India.
- 2.11 Right to consult legal practitioner, legal aid and the right to be told of rights to bail.
- 2.12 Right to be examined by a medical practitioner (Section 54).

### **Unit -3. Pre-trial process : Search and Seizure.**

- 3.1. Search warrant (Section 83, 94, 97, 98) and searches without warrant (Section 103).
- 3.2. Police search during investigation (Section 165, 166, 153).
- 3.3. General principles of search (Section 100).
- 3.4. Seizure (Section 102).
- 3.5. Constitutional aspects of validity of search and seizure proceedings.
- 3.6. Magisterial Powers to take Cognizance.

### **Unit -4. Trial Process.**

- 4.1 Commencement of proceedings : (Section 200, 201, 202), Dismissal of complaints (Section 203, 204).
- 4.2 Bail: concept, purpose : constitutional overtones, Bailable and Non-Bailable offences (Section 436, 437, 439), Cancellation of Bail (Section 437 (5) ), Anticipatory bail (Section

438), Appellate bail powers (Section 389(1), 395(1), 437(5) ), General principles concerning bond (Sections 441-450).

4.3. **Fair Trial.:** Conception of fair trial. Presumption of innocence, Venue of Trial, Right of the accused to know the accusation (Section 221-224), The right must generally be held in the accused's presence (Section 221-224), Right of cross-examination and offering evidence in defence : the accused's statement, Right to speedy trial.

4.3.1 **Charge :** Framing of charge, Form and content of charge (Section 211, 212, 216), Separate charges for distinct offence (Section 218, 219, 220, 221, 223). Discharge – pre-charge evidence.

4.4. **Preliminary pleas to bar the trial :** Jurisdiction(Section 26, 177-188, 461, 462, 479), Time limitations : rationale and scope (Section 468-473), Pleas of autrefois acquit and autrefois convict (Section 300, 22D), Issue-Estoppel, Compounding of offences.

4.4 **Judgement :** Form and content (Section 354), Summary trial, Post-conviction orders in lieu of punishment : emerging penal policy. (Section 360, 361, 31), Compensation and cost (Section 357, 358), Modes of providing judgement (Section 353, 362, 363).

4.5 **Appeal, Review, Revision.**

4.5.1 No appeal in certain cases (Section 372, 375, 376).

4.5.2 The rationale of appeals, review, revision.

4.5.3 The multiple range of appellate remedies :

4.5.3.1. Supreme Court of India (Section 374, 379, Articles 31, 132, 134, 136).

4.5.3.2 High Court (Section 374).

4.5.3.3 Sessions Court (Section 374).

4.5.3.4 Special right to appeal (Section 380).

4.5.3.5 Governmental appeal against sentencing (Section 377, 378).

4.5.3.6 Judicial power in disposal of appeals (Section 368).

4.5.3.7 Legal aid in appeals.

4.5.4 Revisional jurisdiction (Sections 397-405).

4.5.5 Transfer of cases (Section 406, 407).

**Unit -5. Juvenile delinquency.**

5.1 Nature and magnitude of the problem.

5.2 Causes.

5.3 Juvenile court system.

5.4 Treatment and rehabilitation of juveniles.

5.5 Juveniles and adult crime.

5.6 Legislative and judicial protection of juvenile offender.

5.7 Juvenile Justice Act 1988.

**Probation :**

5.1.1 Probation of offenders law.

5.1.2 The judicial attitude.

- 5.1.3 Mechanism of probation : standards of probation services.
- 5.1.4 Problems and prospects of probation.
- 5.1.5 The suspended sentence.

**Text Books:**

1. Ratanlal Dhirajlal, Criminal Procedure Code (1999) University, Delhi.
2. Chandrasekharan Pillai (ed.) Kelkar's Outlines of Criminal Procedure (2001), Eastern, Lucknow.

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**Bhakta Kavi Narsinh Mehta University, Junagadh**

**Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	5	Core		Civil Procedure Code	5	30	70	-	Two Hours Thirty Minutes

**2. Civil Procedure Code & Limitation Act**

**Course Objectives:**

- The Code of Civil Procedure in India has a chequered history and lays down the details of procedure for redressal of civil rights.
- Many questions may prop up when one goes to indicate one's civil rights.
- The court where the suit is to be filed, the essential forms and procedure for institution of suit, the documents in support and against, evidence taking and trial, dimensions of an interim order, the peculiar nature of the suits, the complexities of executing a decree and provisions for appeal and revision are all matters which a lawyer for any side is to be familiar with.
- A delay in filing the suit, besides indicating the negligence of the plaintiff in effectively agitating the matter on time, may place courts in a precarious situation. They may not be in a position to appreciate the evidence correctly. Evidence might have been obliterated. Hence, the statute of limitation fixes a period within which a case has to be filed.

**Course Contents:**

**Unit - 1. Introduction :** Concepts, Affidavit, order, judgement, decree, plaint, restitution, execution, decree-holder, judgement-debtor, mesne profits, written statement, Distinction between decree and judgement and between decree and order.

1.1. Kinds.

1.1.1. Hierarchy of courts.

1.2 Suit of civil nature – scope and limits.

1.3 Res-subjudice and Resjudicata.

1.4 Foreign judgment – enforcement.

1.5 Place of suing.

1.6 Institution of suit.

1.6.1. Parties to suit : joinder, mis-joinder or non-joinder of parties : representative suit.

1.6.1.1. Frame of suit : cause of action.

1.6.2 Alternative disputes resolution (ADR).

1.6.3 Summons.

1.1.1. **Pleadings.**

1.1.1 Rules of pleading, signing and verification.

1.1.2 Alternative pleadings.

1.1.3 Construction of pleadings.

1.1.4 Plaint : particulars.

1.1.5 Admission, return and rejection.

1.1.6 Written statement : particulars, rules of evidence.

1.1.7 Set off and counter claim : distinction.

- 1.1.8 Discovery, inspection and production of documents.
- 1.1.9 Interrogatories.
- 1.1.10 Privileged documents.
- 1.1.11 Affidavits.

**Unit -2. Appearance, examination and trial.**

- 2.1. Appearance.
- 2.2. Ex-parte procedure.
- 2.3 Summary and attendance of witnesses.
- 2.4 Trial.
- 2.5 Adjournments.
- 2.6 interim orders : commission, arrest or attachment before judgement, injunction and appointment of receiver.
- 2.7 Interests and costs.

**Execution.**

- 2.1.1 The concept.
- 2.1.2 General principles.
- 2.1.3 Power for execution of decrees.
- 2.1.4 Procedure for execution (ss.52-54).
- 2.1.5 enforcement, arrest and detection(ss.55.59).
- 2.1.6 Attachment (ss.60-64).
- 2.1.7 Sale(ss.65-97).
- 2.1.8 Delivery of property.
- 2.1.9 Stay of execution.

**Unit -3. Suits in particular cases.**

- 3.1 By or against government (ss.79-82)
- 3.2 By aliens and by or against foreign rulers or ambassadors (ss.83-87A).
- 3.3 Public nuisance (ss.91-93).
- 3.4 Suits by or against firm.
- 3.5 Suits in forma pauperism.
- 3.6 Mortgages.
- 3.7 Interpleader suits.
- 3.8 Suits relating to public Charities.

**Appeals.**

- 3.1.1 Appeals from original decree.
- 3.1.2 Appeals from appellate decree.
- 3.1.3 Appeals from orders.
- 3.1.4 General provisions relating to appeal.
- 3.1.5 Appeal to the Supreme Court.

**Unit -4. Review, reference and revision.**

**Miscellaneous.**

- 4.1. Transfer of cases.
- 4.2 Restitution.
- 4.3. Caveat.
- 4.4 Inherent powers of courts.
- 4.1.1 Law reform : Law Commission on Civil Procedure-amendments.

**Unit -5.            Law of Limitation.**

- 5.1.1    The concept – the law assists the vigilant and not those who sleep over the rights.
- 5.1.2    Object.
- 5.1.3    Distinction with laches, acquiescence, prescription.
- 5.1.4    Extension and suspension of limitation.
- 5.1.5    Sufficient cause for not filing the proceedings.
- 5.1.6    Illness.
- 5.1.7    Mistaken legal advice.
- 5.1.8    Mistaken view of law.
- 5.1.9    Poverty, minority and Purdha.
- 5.1.10   Imprisonment.
- 5.1.11   Defective vakalatnama.
- 5.1.12   Legal liabilities.
- 5.1.13   Foreign rule of limitation : contract entered into under a foreign law.
- 5.1.14   Acknowledgement – essential requisites.
- 5.1.15   Continuing tort and continuing breach of contract.

**Select Bibliography:**

1.        Mulla, code of Civil Procedure (1999), Universal, Delhi.
2.        C.K. Thacker, code of Civil Procedure (2000), Universal, Delhi.
3.        M.R..Mallick(ed.), B.B.Mitra on Limitation Act (1998), Eastern, Lucknow

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**Bhakta Kavi Narsinh Mehta University, Junagadh**

**Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	5	Core		Law of Evidence	5	30	70	-	Two Hours Thirty Minutes

**3. Law of Evidence**

**Course Objectives:**

- The law of evidence, is an indispensable part of both substantive and procedural laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to 'facts' before the forum.
- This paper enables the student to appreciate the concepts and principles underlying the law of evidence and identify the recognized forms of evidence and its sources. The subject seeks to impart to the student the skills of examination and appreciation of oral and documentary evidence in order to find out the truth. The art of examination and cross-examination, and the shifting nature of burden of proof are crucial topics.
- The concepts brought in by amendments to the law of evidence are significant parts of study in this course.

**Course Contents:**

**Unit - 1. Introductory.**

- 1.1 The main features of the Indian Evidence Act 1861, Other acts which deal with evidence (Special reference to CPC, Cr.PC), Problem of applicability of Evidence Act., Administrative., Administrative Tribunals, Industrial Tribunals, Commissions of Enquiry, Court-martial, Disciplinary authorities in educational institutions.
- 1.2 **Central Conceptions in Law of Evidence** : Facts : section 3 definition : distinction – relevant facts / facts in issue, Evidence : oral and documentary, Circumstantial evidence and direct evidence, Presumption (Section 4), “Proving”, “not providing” and “disproving”, Witness, Appreciation of evidence.
- 1.3 **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 facts for proof of custom (Section 13), Facts concerning bodies & mental state (Section 14, 15).

**Unit - 2. Admissions and confessions.**

- 2.1 General principles concerning admission (Section 17, 23).
- 2.2 Differences between “admission” and “confession”.
- 2.3 The problems of non-admissibility of confessions caused by “any inducement, threat or promise (Section 24).
- 2.4 Inadmissibility of confession made before a police officer (Section 25).
- 2.5 Admissibility of custodial confessions (Section 26).
- 2.6 Admissibility of “information” received from accused person in custody; with special reference to the problem of discovery based on “joint statement” (Section 27).

- 2.7 Confession by co-accused (Section 30).
- 2.8 The problems with the judicial action based on a “retracted confession”.
- 2.9 **Dying Declarations** : The justification for relevance on dying declarations (Section 32), The judicial standards for appreciation of evidentiary value of dying declarations.

**Unit - 3. Other statements by Persons who cannot be called as Witnesses** : General principles, Special problems concerning violation of women’s rights in marriage in the law of evidence.

- 3.1 Relevance of Judgements** : General principles, Admissibility of judgements in civil and criminal matters (Section 43), “Fraud” and “Collusion” (Section 44).
- 3.2 Expert Testimony** : General principles, Who is an expert ? : types of expert evidence., Opinion on relationship especially proof of marriage (Section 50), The problems of judicial defence to expert testimony.
- 3.3 Oral and 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).

**Unit - 4. Witnesses, Examination and Cross Examination.**

- 4.1 Competency to testify (Section 118).
- 4.2 State privilege (Section 123).
- 4.3 Professional privilege (Section 126, 127, 128).
- 4.4 Approval testimony (Section 133).
- 4.5 General principles of examination and cross examination (Section 135-166).
- 4.6 leading questions (Section 141-143).
- 4.7 lawful questions in cross-examination (Section 146).
- 4.8 Compulsion to answer questions put to witness.
- 4.9 Hostile witness (Section 154).
- 4.10 Impeaching of the standing or credit of witness (Section 155).
- 4.1.1 Burden of Proof.**
  - 4.1.1.1 The general conception of onus probandi (Section 101).
  - 4.1.1.2 General and special exceptions to onus probandi.
  - 4.1.1.3 The justification of presumption and of the doctrine of judicial notice.
  - 4.1.1.4 Justification as to presumptions as to certain offences (Section 111A).
  - 4.1.1.5 Presumption as to dowry death (Section 113-B).
  - 4.1.1.6 The scope of the doctrine of judicial notice (Section 114).

**Unit - 5. Estoppels.**

- 5.1 Why estoppel ? the rationale (Section 115).
- 5.2 Estoppel, res judicata and waiver and presumption.
- 5.3 Estoppel by deed.
- 5.4 Estoppel by conduct.
- 5.5 Equitable and promissory estoppel.
- 5.6 Questions of corroboration (Section 156-157).
- 5.7 Improper admission and of witness in civil and criminal cases.

**Select Bibliography:**

- 1. Avtar Singh, Principles of the Law of Evidence (1992), Central Law Agency, New Delhi.
- 2. Rattan Lal, Dhiraj Law: Law of Evidence (1994), Wadhwa, Nagpur.
- 3. Polein Murphy, Evidence (5th Edn. Reprint 2000), Universal, Delhi.
- 4. Indian Evidence Act, (Amendment up to date)

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**Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	5	Core		Public International Law	5	30	70	-	Two Hours Thirty Minutes

**4. Public International Law**

**Course Objectives:**

- There need not be an attempt to teach the whole gamut of international law in this course.
- This course is to be confined to deliberation of international law topics relevant to the growth of law and how international norms and directions are applied in the municipal law of the country.
- In ancient times, the interaction between different States was not so common
- The industrial revolution, scientific and technological advancement brought the States close, the interaction between different States became very frequent.
- All these necessitated creation, acceptance and recognition of international law.

**Course Contents:**

**Unit -1. Definition, Nature and Basis of International law.**

Is International Law a true Law ? Weakness of International Law. Codification and development of International Law. Relation between international Law and State Law. Sources of International Law, Subjects of International Law, Place of Individual in International Law, Nationality. Extradition and Asylum, Human Rights.

**Unit -2 State in general.**

Kinds of States and Non-States entities, Acquisition and loss of State Territory. Territorial water, Continental shelf, Contiguous Zone and exclusive economic zone. Recognition of states and Governments. Recognition of insurgency and belligerency, de facto and de-jure recognition. State succession. State Jurisdiction, Territorial sovereignty, Criminal jurisdiction in International Law. Intervention. Freedom of the High Sea, Piracy.

**Unit -3 Diplomatic agents, Consultants**

Classification and Functions of diplomatic agents. Privileges and immunities with reference to Vienna Convention on Diplomatic relation 1961. Treaties definition, basis, classification and formation of treaties, Interpretation and revision of treaties, principles of jus cogens and pacta sunt servanda, termination of treaties, Vienna convention on the law of treaties, Pacific and compulsive means of settlement of International disputes. International court of justice Jurisdiction and contribution towards development of international law.

**Unit -4 International institution :**

League of Nations. United Nations, History and formation of United Nations, organs of United Nations with specific reference to General Assembly, Security council and International Court of Justice. International Law Commission. War, its legal character and effects, enemy character, Armed conflicts and other hostile relations. Belligerent occupation. War Crimes, Termination of war and doctrine of postliminium Prize courts.

## Unit -5 **The Law of Neutrality**

Basis of neutrality. Rights and duties of neutral states, neutrality, neutrality and U.N. Charter. Right of Angray. Contraband, Blockade Un-neutral service. Right of visit and search.

### **Select bibliography :**

1. S.K.Varma, Public International Law (1998), Prentice-Hall, New Delhi
2. Starke : An Introduction to International Law
3. Briggs : Law of Nations.
4. S.K. Varma, Public International Law (1998), Prentice-Hall, New Delhi.

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## Bhakta Kavi Narsinh Mehta University, Junagadh

### Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	5	Elective		Intellectual Property Law	5	30	70	-	Two Hours Thirty Minutes

Copy Right	21	+	09
Trade Mark	21	+	09
Patent	21	+	09
Design	07	+	03
Total	70	+	30

### 5. Intellectual Property Law

#### Course Objectives:

- Unlike other forms of property, intellectual property refers to regimes of legal recognition of, primarily, the products of the mind or imagination.
- The subject matter of property relations is here pre-eminently based on mental labour.
- The law relating to intellectual property protects the right to mental labour.
- Both from the standpoint of human resource development, modernization and justice it is important to study the subject in detail.

#### Course Contents:

##### Unit-1 Introductory.

- 1.1. The meaning of intellectual property.
- 1.2. Competing rationales of the legal regimes for the protection of intellectual property.
- 1.3. The main forms of intellectual property : copyright trademarks, patents, designs.
- 1.4. The competing rationales for protection of rights in : Copyright, Trade marks, Patents, Designs, Trade secrets, Other new forms such as plant varieties and geographical Indians.
- 1.5. Introduction to the leading international instruments concerning intellectual property rights: the Berne Convention, Universal Copyright Convention, the Paris Union TRIPS the World Intellectual Property Rights Organisation (WIPO) and the UNESCO.

##### Unit-2 Select aspects of the law of copyright in India.

- 2.1. Historical evolution of the law, Meaning of copyright, Copyright in literary, dramatic and musical works, Copyright in sound records and cinematograph films, Copyright in computer programme.
- 2.2. Ownership of copyright, Assignment of copyright, Author's special rights.
- 2.3. Notion of infringement, Criteria of infringement, Infringement of copyright by films of literary and dramatic works.Importation and infringement.
- 2.4. Fair use provisions.
- 2.5. Piracy in internet.
- 2.6. Aspects of copyright justice.
- 2.7. Remedies, especially, the possibility of Anton pillar injunctive relief in India.

### Unit-3 Intellectual Property in Trademarks.

- 3.1. The rationale of protection of trademarks as (a) an aspect of commercial and (b) of consumer rights.
- 3.2. Definition and concept of trademarks.
- 3.3. Registration.
- 3.4. Distinction between trademark and property mark.
- 3.5. The doctrine of honest Current User.
- 3.6. The doctrine of deceptive similarity.
- 3.7. Protection of well-known marks.
- 3.8. Passing off and infringement.
- 3.9. Criteria of infringement.
- 3.10. Standards of proof in passing off action.
- 3.11. Remedies.

### Unit-4

- 4.1 **The law of intellectual property : Patents :** Concept of patent, Historical view of the patents law in India., Patentable inventions with special reference to biotechnology products entailing creation of new forms of life.
- 4.2 . Patent protection for computer programme, Process of obtaining a patent : application, examination, opposition and sealing of patents : general introduction.
- 4.3 Procedure for filing patents, Patent co-operation treaty.
- 4.4. **Some grounds for opposition :** The problem of limited locus standi to oppose, specially in relation to inventions having potential of ecological and mass disasters, Wrongfully obtaining the invention, Prior publication or anticipation, Obviousness and the lack of inventive step, Insufficient description.
- 4.5. **Rights and obligations of a patentee :** Patents as chose in action, Duration of patents : law and policy considerations, Use and exercise rights, Right to secrecy, The notion of “abuse” of patent rights, Compulsory licenses.
- 4.6. **Special Categories :** Employee Invention : Law and Policy Consideration., International Patents, Transfer of Technology, know-How and problems of self reliant development.
- 4.7. Infringement :
  - 4.7.1. Criteria of infringement.
  - 4.7.2. Onus of Proof.
  - 4.7.3. Modes of Infringement : the Doctrine of Colourable Variation.
  - 4.7.4. Defense in suits of infringement.
  - 4.7.5. Injunctions and related remedies.

### Unit – 5

- Design :**
- 5.1 Registration
  - 5.2 Entitlement of Registration
  - 5.3 Piracy of Design
  - 5.4 Amendment Bill of Design 1999

### Select bibliography :

1. Cormish W.R., Intellectual Property, Patents, Trade Marks, Copy Rights and Allied Rights (1999), Asia Law House, Hyderabad.
2. Vikas Vashishth, Law and Practice of Intellectual Property (1999), Bharat Law House, Delhi.
3. Narayanan, Intellectual Property Law (1999), (ED) Eastern Law House, Calcutta.

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## Semester – 6

No.	Course Code	Course Title	C	IM	EM	TM
3.	Practical	Clinical Paper (Drafting of Pleadings etc.)	5	90	10 viva	100
4.	Practical	Clinical Paper (Professional Ethics)	5	80	20 viva	100
3.	Practical	Clinical Paper (Alternative Dispute Resolution)	5	100	-	100
4.	Practical	Clinical Paper (Moot Court etc.)	5	90	10	100
2.	Core	Legal Language	5	00	100	100

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**EM=External Marks**

**TM=Total Marks**

**CCT=Core Course**

**SO=Sill Oriented Course**

**ICT=Interdisciplinary Course**

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**DP=Dissertation / Project Work**

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LL.B.	6	Practical		Clinical Paper [DPC]	5	90	10	-	

<b>1. CLINICAL PAPER</b>	<b>Internal</b>	<b>Viva</b>	<b>Total</b>
<b>Drafting Pleading and Conveyance</b>	<b>90</b>	<b>+</b> <b>10</b>	<b>= 100</b>

**Syllabus :**

Outline of the course : (a) Drafting :- General principles of drafting and relevant substantive rules shall be taught.

(b) **Pleadings :-**

- (i) **Civil :** Complaint, Written Statement, Interlocutory Application, Original Petition, affidavit, Execution Petition, memorandum of Appeal and Revision, Petition under article 226 and 32 of the Constitution of India.
- (ii) **Criminal :** Complaint, Criminal Miscellaneous petition, Bail Application, memorandum of Appeal and Revision.
- (iii) **Conveyance :** Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, trust Deed.
- (iv) Drafting of writ petition and PIL petition.

The course will be taught class instructions and simulation exercises, preferably with assistance of practising lawyers / retired judges.

Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in drafting carrying a total of 45 marks (3 marks for each) and 15 exercises in conveyancing carrying another 45 marks (3 marks for each exercise) remaining 10 marks will be given for viva voce.

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LL.B.	6	Practical		Clinical Paper [Professional Ethics & Pro. Accounting System	5	80	20	-	

**2. CLINICAL PAPER  
Professional Ethics &  
Professional Accounting system.**

<b>Internal</b>		<b>Viva</b>	<b>Total</b>
<b>80</b>	<b>+</b>	<b>20</b>	<b>= 100</b>

**Syllabus :**

Outline of the course : Professional Ethics, Accountancy for Lawyers and Bar-Bench Relations.

- (i) Mr. Krishnamurthy Iyer's book on "Advocacy".
- (ii) The contempt Law and Practice.
- (iii) The Bar Council code of Ethics.
- (iv) 50 selected opinions of the Disciplinary committees of Bar councils and 10 major judgments of the Supreme Court on the subject.
- (v) other reading material as may be prescribed by the University.

Examination rules of the University shall include assessment through case-study, viva, and periodical problem solution besides the written tests.

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**Bhakta Kavi Narsinh Mehta University, Junagadh**

**Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	6	Practical		Clinical Paper [ADR]	5	100	-	-	

**3. CLINICAL PAPER ADR  
Alternative Dispute Resolution  
Legal Aid Clinic – Lock Adalat)**

**Internal  
100**

**Course Objectives:**

- The study of ADR is highly significant in moulding the students of law to act as soldiers of justice in the ever-changing socio-economic scenario.
- The course aims to give the students an insight into the processes of arbitration, conciliation and mediation in areas where the traditional judicial system had its sway in the past and in the new areas of conflicts that demand resolution by alternative methods.
- No doubt, the course has to be taught with comparative and international perspectives with a view to bringing out the essential awareness of the national and international systems emerging at the present context.

**Course Contents:**

**Unit-1.**

- 1.1 Arbitration : meaning, scope and types units :** Distinctions, 1940 law and 1996 law: UNCITRAL model law, Arbitration and conciliation, Arbitration and expert determination, Extent of judicial intervention, International commercial arbitration.
- 1.2 Arbitration agreement units :** Essential, Kinds, Who can enter into arbitration agreement, Validity,, Reference to arbitration, Interim measures by court.

**Unit -2. Arbitration Tribunal units :** Appointment,, Challenge, Jurisdiction of arbitral tribunal, Powers, Grounds of challenge, Procedure, Court assistance

**Unit -3. Award units :**

- 3.1. Rules of guidance, Form and content, Correction and interpretation.
- 3.2. Grounds of setting aside an award : Can misconduct be a ground?, Incapacity of a party, invalidity of arbitration agreement, Want of proper notice and hearing, Beyond the scope of reference.
- 3.3. Contravention of composition and procedure, Breach of confidentiality, Impartiality of the arbitrator, Bar of limitation, res judicata, Consent of parties.
- 3.4. Enforcement
- 3.5. Appeal and revision units

**Unit - 4. Conciliation units**

- 4.1. Distinction between "Conciliation", "negotiation", "mediation", and "arbitration".
- 4.2. Appointment
- 4.3. Statements to conciliator
- 4.4. Interaction between conciliator and parties : Communication, Duty of the parties to co-operate, Suggestions by parties, Confidentiality.
- 4.5. Resort to judicial proceedings

- 4.6. Costs

**Unit -5. Rule -making power units**

- 5.1. High Court
- 5.2. Central Government
- 5.3. Enforcement of foreign awards units :
  - 5.3.1. New York convention awards
  - 5.3.2. Geneva convention awards
- 5.4. Legal Services Authorities Act : Scope units

**Select Bibliography:**

1. B.P.Saraf and M.Jhunjhunwala, Law of Arbitration and Conciliation (2000), Snow white, Mumbai
2. A.K.Bansal, Law of International Commercial Arbitration (1999) , Universal, Delhi.
3. G.K. Kwatra, The Arbitration and Conciliation Law of India (2000), Universal, Delhi.
4. Basu.N.D., Law of Arbitration and Conciliation (9<sup>th</sup> Edition reprint 2000), Universal, Delhi.

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**Bhakta Kavi Narsinh Mehta University, Junagadh**

**Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	6	Practical		Clinical Paper [Moot Court Exercise and Internship]	5	10	90	-	

					Internal		Viva		Total
4.	<b>CLINICAL PAPER</b>				90	+	10	=	100
	<b>Moot Court Exercise and Internship</b>								

**Syllabus :**

This paper may have three components of 30 marks each and a viva for 10 marks.

- (a) Moot Court (30 Marks).

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

- (b) Observance of Trial in two cases, one Civil and one Criminal (30 marks) :

Students may be required to attend two trials in the course of the last two or three years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.

- (c) Interviewing techniques and Pre-trial preparations and Internship diary (30 marks):

Each student will observe two inter viewing sessions of clients at the Lawyer's office / Legal Aid office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit / petition. This will be recorded in the diary, which will carry 15 marks.

- (d) The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.

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**Bhakta Kavi Narsinh Mehta University, Junagadh**

**Faculty of Law**

Name of Course	Semester	Core/Elective/ Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	6	Elective Compulsory		Legal Language	5	00	100	-	Three Hours

**5. Legal English**

**Course Objectives:**

Command of language is an essential quality of a lawyer for presentation of not only pleadings but also arguments before a court of law. Efficiency of advocacy depends upon communication skill to a substantial extent. No doubt, he should be conversant with the legal terminology. Precision, clarity and cogence are governing principles of legal writing and dialogue. A student of law should get an opportunity to be familiar with the writings of eminent jurists of the past. This exposition will stand him in good stead in understanding the intricate problems of law and will equip him with the faculty of articulation and sound writing.

**Course Contents:**

1	Legal Essay	20
2	Legal Maxims.	20
3	Reference to Context.	20
4	Drafting, Pleading.	20
5	Translations.	10
6	Comprehension or Pricier Writing.	10

**Select Bibliography:**

1. Selection in English.
2. Legal Language.
3. Legal English.

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**BHAKTA KAVI NARSINH MEHTA UNIVERSITY – JUNAGADH**

**Faculty :**

**Subject :**

**Semester : L.L.B. Semester –5**

**ACADEMIC YEAR : 2020-21**

Sr. No.	Level UG or PG	Semester	Course Group Core Elective – 1 Elective – 2 / Allied / SEC / DEC	Course (paper) Title	Paper No.	Credit	Teaching Hours	Internal Marks	External Marks	Practical Internal Marks	Practical External Marks	Total Marks
5	UG	5	Core	Law of Crime – 2 & Juvenile Justice Act	1	5	1	30	70	-	-	100
			Core	Civil Procedure Code & Limitation Act	2	5	1	30	70	-	-	100
			Core	Law of Evidence	3	5	1	30	70	-	-	100
			Core	Public International Law	4	5	1	30	70	-	-	100
			Elective	Intellectual Property Law	5	5	1	30	70	-	-	100

**Note : As Per BCI & UGC Regulations**

**BHAKTA KAVI NARSINH MEHTA UNIVERSITY – JUNAGADH**

**Faculty :**

**Subject :**

**Semester : L.L.B. Semester –6**

**ACADEMIC YEAR : 2020-21**

Sr. No.	Level UG or PG	Semester	Course Group Core Elective – 1 Elective – 2 / Allied / SEC / DEC	Course (paper) Title	Paper No.	Credit	Teaching Hours	Internal Marks	External Marks	Practical Internal Marks	Practical External Marks (Viva)	Total Marks
6	UG	6	Practical	Clinical Paper (Drafting of Pleadings etc.)	1	5	---	---	---	90	10	100
			Practical	Clinical Paper (Professional Ethics)	2	5	---	---	---	80	20	100
			Practical	Clinical Paper (Alternative Dispute Resolution)	3	5	---	---	---	100	---	100
			Practical	Clinical Paper (Moot Court etc.)	4	5	---	---	---	90	10	100
			Core	Legal Language	5	5	1	---	100	---	---	100

**Note : As Per BCI & UGC Regulations**