

Seventh Semester BA.LL.B (Hons) 5 Yrs

Course Code 7.1

Intellectual Property Law

UNIT-I

Meaning, Nature, Classification and protection of Intellectual Property — The main forms of Intellectual Property — Copyright, Trademarks, Patents, Designs etc..

UNIT –II

Introduction to the leading International instruments concerning Intellectual Property Rights The Berne Convention — Universal Copyright Convention — The Paris Union — Patent Cooperation Treaty -- The World Intellectual Property Organization (WIPO) and the UNEESCO, International TradeAgreements concerning IPR — WTO — TRIPS.

UNIT -III

The Copy Right Act, 1957 - Historical evolution — Meaning of copyright — Copyright in literary,dramatic and musical works, computer programmes and cinematograph films
Neighbouring rights —Rights of performers and broadcasters, etc. —Registration of Copy Right
Term of Copy Right; Ownership and Assignment of copyright — Author's special rights
Notion of infringement —Criteria of infringement — Infringement of copyright in films, literary and dramatic works —Authorities under the Act — Remedies for infringement of copyright.

UNIT –IV

Intellectual Property in Trademarks and the rationale of their protection - The Trade Marks Act, 1999— Definition of Trademarks — Service Mark, Well known Trade Mark& Certification Marks; Distinction between Trademark and Property Mark - Registration — Passing off
Infringement of Trademark — Criteria of Infringement — Remedies. The Designs Act, 2000 — Definition and characteristics of Design — Law in India — Protection and rights of design holders — Copyright in design — Registration — Remedies for infringement. Trademark and Domain Name Interface

UNIT –V

Patents — Concept of Patent — Historical overview of the Patents Law in India — Patentable Inventions — Kinds of Patents — Procedure for obtaining patent — The Patents Act, 1970 Recent amendments- Rights and obligations of a patentee — Term of patent protection — Use and exercise of rights — Exclusive Marketing Rights — Right to Secrecy — The notion of ‘abuse’ of patent rights — Infringement of patent rights and remedies available.

UNIT - VI

Geographical indication.-Plant varieties-Traditional knowledge.-Bio piracy, Patentability of Biotechnology and micro organize

Suggested Readings :

- 1) G.B. Reddy – Intellectual property Rights & Law, Gogia Law agency Hyderabad.
- 2) Comish W.R. 0 Intellectual Property, Patents, Trademarks, Copyrights and Allied Rights.
- 3) Vikas Vashisht – Law and Practice of intellectual Property, (1999), Bharat Law House Delhi.
- 4) P. Narayanan – Intellectual Property Law, (1999), (ed), Eastern Law House, Calcutta.
- 5) Bibeck Debroy – (ed), Intellectual Property Rights, (1998), Rajiv Gandhi Foundation, Delhi.
- 6) U.I.F. Anderfelt – International Patent Legislation and Developing Countries, (1971).
- 7) Comish W.R. – Intellectual Property, (3rd Edn), (1996), Sweet & Maxwell.
- 8) W.R. Mann – Transfer of Technology (1982).
- 9) Mata Din – Law of Passing Off and Infringement Action of Trademarks (1986).
P.S. Sangal & Kishore Singh – Indian Patent System and Paris Convention – Legal

CASE STUDY

- 1) Arizona Cartridge Remanufacturers Association Inc. v. Lexmark International Inc. 421 F.3d 981 (9th Cir. 2005)
- 2) *Bowman v. Monsanto Co .(US.2012)*
- 3) *Catnic Components Ltd. v. Hill & Smith Ltd.* (1982) R.P.C. 183
- 4) *Diamond v. Chakrabarty*, 447 U.S. 303 (1980)
- 5) *Festo Corp. v Shoketsu Kinzoku Kogyo Kabushiki Co.*, 535 U.S. 722 (2002),
- 6) *Honeywell, Inc. v. Sperry Rand Corp., et al.* 180 USPQ 673 (D. Minn. 1973) (Case 4-67 Civil 138, 180 USPO 670)
- 7) *Cadila Healthcare Limited vs. Cadila Pharmaceuticals Limited*, Supreme Court of India (2001) 5 SCC 73
- 8) *Gramophone Co. Of India Ltd vs. Mars Recording Pvt.Ltd. & Another*, Supreme Court of India 1996 PTC (16) 252
- 9) *Amar Nath Sehgal v. Union of India*, Delhi High Court 2005 PTC (30) 253
- 10) Other Leading Cases

Course Code 7.2

Environmental Law

UNIT-I

The meaning and definition of environment – Ecology - Ecosystems-Biosphere Biomes - Ozone depletion - Global Warning - Climatic changes - Need for the preservation, conservation and protection of environment - Ancient Indian approach to environment- Environmental degradation and pollution - Kinds, causes and effects of pollution.

UNIT -II

Common Law remedies against pollution - trespass, negligence, and theories of Strict Liability & Absolute Liability - Relevant provisions of I.P.C. and Cr.P.C. and C.P.C., for the abatement of public nuisance in pollution cases - Remedies under Specific Relief Act - Reliefs against smoke and noise - Noise Pollution.

UNIT -III

The law relating to the preservation, conservation and protection of forests, wild life and endangered species, marine life, coastal ecosystems and lakes etc. - Prevention of cruelty towards animals - The law relating to prevention and control of water pollution - Air Pollution - Environment pollution control mechanism - Law relating to environment protection – National Environmental Tribunal and National Environmental Appellate Authority.

UNIT -IV:

Art. 48A and Art. 51A(g) of the Constitution of India - Right to wholesome environment - Right to development - Restriction on freedom of trade, profession, occupation for the protection of environment - Immunity of Environment legislation from judicial scrutiny(Art.31C) - Legislative powers of the Centre and State Government - Writ jurisdiction - Role of Indian Judiciary in the evolution of environmental jurisprudence.

UNIT -V

International Environmental Regime - Transactional Pollution - State Liability - Customary International Law - Liability of Multinational Corporations/Companies - Stockholm Declaration on Human Environment, 1972 - The role of UNEP for the protection of environment - Ramsar Convention 1971 – Bonn Convention (Migratory Birds) 1992 - Nairobi Convention, 1982 (CFCC) - Biodiversity Convention (Earth Summit), 1992 - Kyoto Protocol 1997, Johannesburg Convention 2002.

Suggested Readings:

1. Paras Diwan: *Studies on Environmental Cases*.
2. S.N. Jain (ed.): *Pollution Control and the Law*.
3. Armin Rosencranz and Shyam Divan: *Environmental Law and Policy in India*.
4. A. Agarwal (ed.): *Legal Control of Environmental Pollution*
5. Chetan Singh Mehta: *Environmental Protection and Law*
6. V.K. Krishna Iyer: *Environment Pollution and Law*
7. Shah : *Environmental Law*
8. Paras Diwan : *Environmental Law and Policy in India*, 1991
9. Dr. N. Maheshwara Swamy, *Environmental Law*, Asia Law House, Hyderabad

Case Study :

1. Municipal Council Ratlam v Vardhichand and ors. AIR 1980 SC 1622
2. Society for Protection of Silent Valley v Union of India [unreported [UP Nos 2949 and 3025 of 1979 of Kerala High Court]
3. B. L. Wadhwa v Union of India AIR 1996 SC 2969
4. Indian Council for Enviro-Legal Action v Union of India AIR 1996 SC 1446
5. Narmada Bachao v. Union of India AIR 2000 SC 3751
6. M. C Mehta v Union Of India AIR 1997 SC 734
7. S. Jagannath v Union of India [1997] 2 SCC 87
8. M.C.Mehta v. Union of India, 1991 (2) SCALE 222
9. Murali s. Deora vs Union of india (AIR 2002 sc 40 (2001) 8 scc 765
10. M.C.Mehata vs kamal nth 1997 1 scc 388(Doctrine of public trust)
11. Other Leading Cases

Course Code 7.3

COMPANY LAW & CORPORATE FINANCE

UNIT –I

Definition and attributes of Company — Distinction between Partnership Firm and Company
Kinds of Companies including Multinational Companies — Advantages and Disadvantages of
Incorporation — Consequences of non-compliance of the provisions of the Companies Act in
matters of incorporation.

Unit-II:

Formation of Company: Promoters- Meaning, duties and liability; Registration and
Incorporation-Memorandum and Article of Association -Various clauses of Memorandum ,
Doctrine of Ultra-vires, Alteration of Memorandum, & Article of association, , Binding force of
Memorandum and Articles of Association, Doctrine of Constructive Notice, Doctrine of Indoor
Management ; Prospectus -Meaning and contents, Statement in lieu of prospectus, Remedies for
misrepresentation,Criminal liability

UNIT –III :

Shares –Definition, Types, Dematerialized shares(DEMAT), Allotment, Statutory
restrictions, Transfer of shares and Buy back of shares- procedure, practice and Government and
SEBI guidelines; Debentures – Definition, Kinds, Fixed and Floating charges, remedies of
debenture holders, shareholders and debenture holders Shareholders' democracy- protection of
shareholders against oppression and mismanagement, globally changing profile of corporate
ownership.

UNIT- IV

Management of Company -Concept of Corporate Governance-Directors and other Managerial
persons – Position, Qualification, Disqualification, Appointment and Removal, Powers ,Duties,
Remuneration and Liability;Company Secretary – Definition, Qualification, Statutory Duties and
liabilities.; Sole Selling and Buying Agents;Meetings – Kinds, procedure, Voting;emerging
trends- E- Governance, E- Filing

UNIT-V :

Minority Protection -Protection of Minority rights , Rule in Foss vs. Harbottle ; Prevention of
Oppression and Mismanagement; Company Law Board, & its powers;

UNIT-VI

Amalgamation, Take over, Mergers - Winding up of Company
-Meaning and Types, Grounds for compulsory winding up; Appointment, Powers and Duties of Liquidator, Contributories ,Contemporary issues in Company Law

UNIT-VII

Legal liability of company – civil and criminal, Remedies against them – Civil, Criminal and Tortuous – Specific Relief Act, Writs, Liability under special statutes

UNIT-VIII

Salient features of Companies Act ,2013 – Important changes brought by the new Act in – Definitions - Incorporation- Board Meeting- Share capital- Directors & there power- Annual General Meeting – other miscellaneous changes

Books suggested for Reading:

1. Ashwin Labnnai Shah, Lectures on Company Law, Tripathi Pvt. Ltd.; Mumbai
2. Avtar Singh, Indian Company Law, Eastern Book Company,Luknow
3. Ramaiya, Guide to Companies Act (Vol. 1 & 2), Wadhwa & Company, Nagpur
4. S. M. Shah, Lectures on Company Law, Tripathi, Bombay
5. S.S. Gulshan, Company Law, Excel Books
6. Dr. N. V. Paranjape, Company Law, Central Law Agency
7. B.K. Sen Gupta, Company Law, Eastern Law House, Kolkata
8. R. R. Pennington, Company Law, Butterworths

Case Study

- 1) Salmon v salmon & co.ltd (1897) A.C.22
- 2) Kondoli tea co.ltd re (1886) I.L.R 13 cal 43
- 3) Free wheel (india) ltd v ved mitra AIR (1969) delhi 258
- 4) Damlor co.ltd vs continental tyer & rubber co.ltd 1916(2) A.C. 307
- 5) Ashbury railway carriage and iron company lt v riche 1875 LR7 HL 653
- 6) Foss vs Harbottle 1843 (2) HARI 463
- 7) Royal british bank vs Turquand 1856 6 E & B 327
- 8) Other Leading cases

Course Code 7.4

Labour Law-II

UNIT-I

The Remunerative Aspects – Wages – Concepts of wages - Minimum, Fair, Living Wages - Wage and Industrial Policies - Whitley Commission Recommendations -Provisions of Payment of Wages Act 1936 - Timely payment of wages - Authorised deductions – Claims - Minimum Wages Act 1948 - Definitions - Types of wages -Minimum rates of wages - Procedure for fixing and revising Minimum Wages – Claims -Remedy.

UNIT -II

Bonus – concept - Right to claim Bonus – Full Bench formula - Bonus Commission - Payment of Bonus Act 1965 - Application – Computation of gross profit, available, allocable surplus - Eligibility of Bonus - Disqualification of Bonus - set on – set off of allocable surplus- Minimum and Maximum Bonus-Recovery of Bonus.

UNIT -III

Employees Security and Welfare aspect - Social Security - Concept and meaning - Social Insurance - Social Assistance Schemes. Social Security Legislations - Law relating to workmen's compensation - The Workmen's Compensation Act 1923 – Definitions -Employer's liability for compensation - Nexus between injury and employment - payment of compensation - penalty for default - Employees State Insurance Act 1948 – Application - Benefits under the Act - Adjudication of disputes and claims – ESI Corporation.

UNIT -IV

Employees Provident Fund and Miscellaneous Provisions Act 1952 – Contributions -Schemes under the Act - Benefits. The Maternity Benefit Act 1961 - Definitions-Application - Benefits. The Payment of Gratuity Act 1972 – Definitions – application - Payment of gratuity - eligibility – forfeiture – Nomination - Controlling authorities.

UNIT -V

The Factories Act 1948 - Chapters dealing with Health, Safety and Welfare of Labour.Child Labour - Rights of child and the Indian Constitution - Salient features of the Child Labour(Prohibition and Regulation) Act 1986.

Suggested Readings

1. S.N.Misra, *Labour and Industrial Laws*, Central law publication-22nd edition. 2006.
2. N.G. Goswami, *Labour and Industrial Laws*, Central Law Agency.
3. Khan & Kahan, *Labour Law*-Asia Law house, Hyderabad
4. K.D. Srivastava, *Payment of Bonus Act*, Eastern Book Company
5. K.D. Srivastava, *Payment of Wages Act*
6. K.D. Srivastava, *Industrial Employment (Standing Orders) Act 1947*
7. S.C.Srivastava, *Treatise on Social Security*
8. Jidwitesukumar Singh, *Labour Economics*, Deep& Deep, New Delhi
9. V.J.Rao, *Factories Law*

Case study

- 1) Bijoy Cotton Mills vs State of Ajmer AIR 1955 SC 38
- 2) U. Unichoy Vs. State of Kerala AIR 1963 SC 12
- 3) Crown Aluminium Works Ltd Vs. Their Workmen AIR 1958 SC 30
- 4) Rashtriya Mill Mazdoor Sangh Vs. Mill Owners Association Bombay AIR 1950
- 5) Jalan Trading Co. Vs Mill Mazdoor Sabha AIR 1967 SC 691
- 6) Minakshi Mills Vs. Their Workmen AIR 1958 SC 153
- 7) Any other Leading Cases

Course Code 7.5

Clinical Paper-I

Alternative Dispute Resolution

The course will be taught through classroom instruction in association with the Practicing Lawyers. However there is no end semester theory examination for this Course. Students have to prepare a record covering the topics specified in Unit-I to III of Section - A and assigned to the students. The Student shall required to attend and observe the proceedings of Lok Adalats, Family Courts, Tribunals and other ADR Systems and shall record atleast 10 proceedings in the diary.. The record and Report shall be submitted within the stipulated time to the evaluation Committee Constituted by the College with Full Time Teacher and Practicing Advocates.

The mode of Assessment is as follows:-

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|--|-----------------|
| A) Record on Topics from Unit I to III –
(Internal marks to be awarded by the evaluation Committee) | 40 Marks |
| B) Diary on Lok Adalat, Family Court, Tribunals & other ADR Proceedings
(to be awarded by both External & Internal Examiner jointly) | 40 Marks |
| C) Viva – Voce
(to be awarded by both External & Internal Examiner jointly) | 20 Marks |

Unit-I: Alternate Dispute Resolution — Characteristics — Advantages and Disadvantages—
—Unilateral — Bilateral — Triadic (Third Party) Intervention — Techniques and processes -- Negotiation — Conciliation — Arbitration — Distinction between Arbitration, Conciliation and Negotiation.

Unit-II: The Arbitration and Conciliation Act, 1996 — Historical Background and Objectives of the Act — Definitions of Arbitration, Arbitrator, Arbitration Agreement -- Appointment of Arbitrator — Termination of Arbitrator -- Proceedings in Arbitral Tribunal -- Termination of Proceedings — Arbitral Award -- Setting aside of Arbitral Award — Finality and Enforcement of Award — Appeals – Enforcement of Foreign Awards. Conciliation – Appointment of Conciliators – Powers and Functions of Conciliator -- Procedure – Settlement of disputes through conciliation.

Unit-III: Other Alternative Dispute Resolution Systems —Tribunals -- Lokpal and Lokayukta — Lok Adalats — Family Courts. Section 89 and Order X, Rules 1A, 1B and 1C of Civil Procedure Code.

Suggested Readings:

1. O.P. Tiwari : *The Arbitration and Conciliation Act* (2nd Edition): Allahabad Law Agency.
2. Johar's : *Commentary on Arbitration and Conciliation Act, 1996*: Kamal Law House.
3. Acharya N.K.: *Law relating to Arbitration and ADR*, Asia Law House,Hyderabad
4. Tripathi S.C.: *Arbitration, Conciliation and ADR*, Central Law Agency, Allahabad.
5. Avatar Singh: *Arbitration and Conciliation*, Eastern Law Book House, Lucknow.
6. KSR Murthy: *An introduction to ADR Mechanism*, Gogia Law Agency, Hyderabad
7. P.C. Rao : *Alternate Dispute Resolution* , 2001 Edition, Universal Book Traders, New Delhi.
1. S.D. Singh: *Alternate Dispute Resolution*, Universal Book Traders, New Delhi.

Case study

- 1 k.k modi vs k.n modi (1998 (3) scc 573)
- 2Jivan kumar lohia vs Durga dutt lohia (AIR 1992 sc 188)
- 3 Wellington Asso. Vs kirti mohta (2001) I Arb . LR 690
- 4 Olympus superstructure (p0 ltd vs meena vijay khetan (1999) 5 scc 651
- 5 Amarchand vs shree Ambica mills AIR 1966 sc 1036
- 6 Manohar lala vs vinesh anand Bosh(JT 2001 (4) sc 573)
- 7 Union of India vs m/s Hanuman Prasad & Brothers
- 8 T.N electricity board vs Bridge Tunnel cost. 1997 (4) scc 121
- 9 west Bengal vs Gauranga lal (1993) 3 scc 2
- 10 Neelkantha vs suptd of engineer (1998) 1 Arb.L.R.34 (sc)
- 11 Sundaram finance ltd vs NEPC India ltd AIR 1999 sc 565
- 12 Ramji dayawala & sons vs Invert Import AIR 1981 sc 2085

Course Code 7.6

TRIBAL LAWS

Pattern of Question Paper

- ❖ The question paper shall consist of **80 marks**.
- ❖ It consists of **TWELVE QUESTIONS**, out of which Students are required to answer **EIGHT** Questions in all .
- ❖ **Question No. 1 is compulsory.**
- ❖ All Questions carry Equal Marks.

Unit—I: General Aspects of Tribal Population & Tribal Welfare:

Tribal Population in India, Characteristics of tribal population, , Socio-Economic Background of Tribal Population, Problems of Tribals— Tribals and Indigenous people--Human Rights of Tribals-- Indigenous and Tribal Peoples Convention, 1989

Unit—II Constitutional Provisions for Tribals:

Rights for Social, economic and political empowerment of tribals--Educational and Cultural Rights (Articles 15(4), 29, 46 and 350.)-- Social Rights (Articles 23 and 24)--Economic Rights (Articles 244 and 275), --Political Rights (Articles 164(1), 243, 330, 334 and 371.)-- Employment Rights (Articles 15(4), 16(4) and 16(4A).)
Scheduling and De-scheduling of Tribes—Articles 332 & 366.
Administration and control of Scheduled Areas and Scheduled Tribes-- The Fifth and Sixth Schedules of the Constitution,

Unit—III: Tribal Development Policies and Programmes in India:--

Tribal Welfare-- The Fundamental Principles of Pandit Jawaharlal Nehru-- Tribal Sub-Plan. (T.S.P.)-- Integrated Tribal Development Project (I.T.D.P.)— Tribal Welfare under Five Year Plans--National Policies for Tribal Welfare—National Commission for Scheduled Tribes (NCST)—NISTAR Rights.

Unit IV: Important Legislations relating to Tribals:

Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA)—Principal objects & Salient features.

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989—Objects and Features

The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006--Forest Rights of Forest Dwelling Scheduled Tribes & other traditional forest dwellers-- Recognition of and vesting of forest rights--Duties of holders of forest rights--Diversion of Forest Land for providing facilities to tribals--authorities for vesting forest rights--Procedure for vesting forest rights--Offences and Penalties—Rules.

Unit V: Issues and Concerns:

Impact of Land Acquisition and Mining activities on Tribals--Impact of Forest Policies and Laws on Tribals--Displacement, Restoration and Rehabilitation of tribals--Protection of traditional knowledge of tribal communities

Suggested Readings:

Vasudha Dhagamwar, *Role and Image of Law in India: The Tribal Experience*, 2006, Sage Publications Inida Pvt. Ltd, New Delhi

Pariyaram M. Chacko (edt.), *Tribal communities and social change*, 2005, Sage Publications Inida Pvt. Ltd, New Delhi

Govind Chandra Rath, *Tribal Development in India: The Contemporary Debate*

M.P.Jain, *Indian Constitutional Law*, Wadhwa & Co, Nagpur

V.N.Shukla, *Constitution of India*, Eastern Book Company, Lucknow

Granville Austin, *Indian Constitution-Cornerstone of a Nation*, OUP, New Delhi

C. J. Nirmal, *Human Rights in India*, Oxford