

INTEGRAL UNIVERSITY, LUCKNOW**FACULTY OF LAW****LL.B.****SCHEME OF EVALUATION****w.e.f. 2020 -2021****Year-II****Semester-III**

S.N.	SUBJECT CODE	SUBJECT	PERIOD (PER WEEK)			CREDIT	EVALUATION SCHEME				
			L	T	P	C	Sessional (CA)			EXAM	SUJECT TOTAL
							CT	TA	TOTAL	ESE	
1.	LW 221	Jurisprudence and Legal Theory-I	3	1	0	4	40	20	60	40	100
2.	LW 222	Administrative Law	3	1	0	4	40	20	60	40	100
3.	LW 223	Civil Procedure Code-I	3	1	0	4	40	20	60	40	100
4.	LW 224	Criminal Procedure Code–I	3	1	0	4	40	20	60	40	100
5.	LW 225	The Indian Evidence Act	3	1	0	4	40	20	60	40	100
6.	LW241	Intellectual Property Laws	3	1	0	4	40	20	60	40	100
Total			18	06	00	24	240	120	360	240	600

L = Lecture, P = Practical, T = Tutorials, C = Credit, CT = Class Test, TA = Teacher's Assessment, ESE = End Semester Examination, Subject Total = Sessional Total (CA) + End Semester Exam (ESE)

LW 221**JURISPRUDENCE AND LEGAL THEORY - I**

COURSE OBJECTIVES

1. This Course aims at developing an Analytical Approach to understand the Nature and Development of Law.
2. To make the students understand Working of a Legal System in different dimensions with reference to popular Legal Theories.

UNIT I 10

Jurisprudence: Its Meaning, Nature and Scope, Meaning and Definition of Jurisprudence, Scope of Jurisprudence: Relationship of Jurisprudence with other Sciences, Natural Law Theory with Indian Perspective, Historical School with Indian Perspective.

UNIT II 10

Schools of Jurisprudence: Analytical Positivism with Indian Perspective, Realist School with Indian Perspective, Sociological School of Law with Indian Perspective

UNIT III 07

Sources of Law: Custom as a Source of Law, Legislation as a Source of Law, Judicial Precedent

UNIT IV 10

Legal Rights and Duties, Definition and Meaning of Legal Rights, Classification of Rights Relation between Right and Duty, Legal Personality, Status of Unborn Person, Minor, Lunatic, Corporate Personality

UNIT V 08

Possession and Ownership, Definition and Meaning of Possession, Kinds of Possession, Meaning of Ownership , Kinds of Ownership, Difference between Possession and Ownership, Administrative Justice

Suggested Books:

- R.W.M. Dias, Jurisprudence (LexisNexis, 5th edn., Reprint 2014).
- John Austin, The Province of Jurisprudence Determined (Universal Law Publishing Co., Indian Economy Reprint 2010).
- W. Friedmann, Law and Social Change (Universal Law Publishing Co., 2nd edn., Reprint, 2012).
- S.N. Dhyani, Fundamentals of Jurisprudence the Indian Approach (Central Law Agency, 3rd edn., Reprint 2015).
- P.J. Fitzgerald, Salmond on Jurisprudence (Universal Law Publishing Co., 12th edn., 1966).
- Dr. N.V. Paranjpe, Studies in Jurisprudence and legal theory (Central Law Agency, 7th edn.)

COURSE OBJECTIVES

1. The Purpose of this paper is making Students Aware of Various aspects of Administrative Law Including Quasi-legislative, Quasi-judicial and other Ministerial Function of Administration and Control thereof.
2. To make the students analyze the Administrative Law with the basic Constitutional principles.

UNIT I

08

Definition, Nature and Scope of Administrative Law, Sources, Conceptual Objections to the Growth of Administrative Law, Rule of the Law, Separation of Powers, Administrative Discretion: Meaning, Need and Judicial Control.

UNIT II

07

Legislative Power of Administration: Necessity, Merits and Demerits; Delegated Legislation: Meaning, Constitutionality, Legislative and Judicial Control of Delegated Legislation.

UNIT III

10

Principles of Natural Justice and their Exceptions: Rule Against Bias, Concept of Fair Hearing, Judicial Review of Administrative Action through Writs, Judicial Control through Suits for Damages, Injunction and Declaration; Administrative Tribunals: Need and Reasons for their Growth, Characteristics, Jurisdiction and Procedure of Administrative Tribunals.

UNIT IV

10

Government Privilege to withhold Evidence in Public Interest, Liability of the Administration: Contractual and Tortious Liability, Public undertakings: Their Necessity and Liabilities.

UNIT V

10

- Ombudsman: Lokpal and Lokayukta
- Right to Information Act, 2005 (S.1-S.20)

Suggested Books:

- I.P. Massey, Administrative Law (Eastern Book Company, 2nd edn., 2012).
- S. P. Sathe, Administrative Law (LexisNexis, 7th edn., 2004).
- C.K. Takwani, Lectures on Administrative Law (Eastern Book Company, 5th edn., Reprint 2014).
- U.P.D. Kesari, Administrative Law (Central Law Publication, 21st edn., 2016).
- K.C. Joshi, Administrative Law (Central Law Publication, 2nd edn., 2012).
- M.P.Jain, Principles of Administrative Law, Universal, Delhi.

LW 223

CIVIL PROCEDURE CODE - I

L T P C

3 1 0 4

COURSE OBJECTIVES

1. The paper will focus on the Civil Procedure followed in instituting a suit.
2. The student will be familiarized with certain concept and practical skill development activity will provide insights into the actual working for the court procedures.

UNIT I-Introduction **10**

- Concepts: - Affidavit, order, judgment, decree, plaint, restitution, execution, decree-holder, judgment debtor, legal representative, written statement, mesne profit.
- Distinction between decree and judgment and between decree and order.

UNIT II-Jurisdiction **09**

- Kinds of Jurisdiction
- Hierarchy of Courts
- Suit of civil nature, scope and limits (Section 9)
- Res subjudice and Res judicata (Section 10 and 11)
- Foreign judgment- enforcement (Section 13 and 14)
- Place of suing (Section 15-20)
- Institution of suit
- Parties to suit: Joinder, mis-joinder and non-joinder, representative suit (Order I)

UNIT III-Pleading **08**

- Rule of Pleading
- Plaint: Particulars, admission, return and rejection (Section 26, Order 4 and 7)
- Summon (Section 27, Order 5)
- Written statement: Particulars and rules of evidence (Order 8)
- Setoff and Counter claim: Distinction
- Discovery, inspection and production of documents (Order 11)
- Admission and Affidavits (Order 12)

UNIT IV-Appearance, Examination and Trial **08**

- Appearance (Order 9)
- Ex-parte procedure
- Summary and attendance of witnesses
- Trial
- Adjournments (Order 17)
- Interim Orders: commission (Section 75-78, Order 26), arrest, attachment before judgment (Order 38), injunction (Order 39), appointment of receiver (Order 40)
- Interest and Costs (Section 34-35A, Order 20A, 24, and 25)

UNIT V-Execution **10**

- The concept and general principles
- Power for execution of decrees (Section 36-51)
- Procedure for execution (Section 52-54)
- Enforcement, arrest and detention (Section 55-59)
- Delivery of property (Section 51, Order 21 and Rule 31)
- Stay of execution (Order 21, Rule 26, 36 and 54)

Suggested Books:

- M.P. Jain, *The Code of Civil Procedure* (LexisNexis, 3rd edn., Reprint 2015).
- D.N. Mathur, *The Code of Civil Procedure* (Central Law Publication, 3rd edn., 2015).
- Mulla, *Code of Civil Procedure* (Universal Law Publishing, 1999)
- C.K. Takwani, *Civil Procedure with Limitation Act, 1963* (Eastern Book Company, 7th edn., Reprint 2016).

LW 224

CRIMINAL PROCEDURE CODE -I

L	T	P	C
3	1	0	4

COURSE OBJECTIVE:

1. This paper provides the students a thorough knowledge of procedural aspects of working of Criminal Courts and Other Machineries operative in the criminal justice system.
2. The paper is aimed at driving home the students how pre-trial, trial and the subsequent process are geared up to make administration of criminal justice effective.

UNIT I-

07

- Introduction
- Object, scope and extent of Criminal Procedure Code, 1973
- Definitions (Section 2)
- Constitution of Criminal Courts and Powers (Section 6-35)

UNIT II-

10

- Provision for Investigation
- Arrest, search and seizure (Section 41-57)
- Process to compel appearance (Section 61-90)
- Information to Police (Section 154-155)
- Power to investigate (Section 156-176)

UNIT III-

10

- Proceedings before Magistrate
- Jurisdiction of Criminal Courts in Inquiries and Trials (Section 177-189)
- Cognizance and initiation of proceeding before magistrate (Section 190-199)
- Complaints to magistrate (Section 200-203)
- Commencement of proceedings (Section 204-210)

UNIT IV-

08

- Maintenance of Public Order and Tranquility (Section 129-148)
- Security for Peace and Good behavior (Section 106-124)

UNIT V-

10

- Maintenance of Wife, Children and Parents (Section 125-128)
- Plea Bargaining (Section 265A -265L)

Suggested Books:

- M.D. Chaturvedy, The Code of Criminal Procedure, 1973 (Allahabad Law Agency Publication, 5th edn., 2015).
- C.K. Thakkar & M.C. Thakkar, Takwani Criminal Procedure (LexisNexis, 4th edn., 2015).
- K.N. Chandrashekhra Pillai, R.V. Kelkar's Criminal Procedure (Eastern Book Company, 6th edn., 2014).
- K.D. Gaur, Leading Cases on Criminal Law (Universal Law Publishing Co., 2015 edn.).
- Batuk Lal, The Code of Criminal Procedure (Central Law Agency, 2nd edn., Reprint 2011).

LW 225

THE INDIAN EVIDENCE ACT

L T P C

COURSE OBJECTIVES

1. This Paper is to orient students with importance of evidence for establishment of claims and the related rules and principles on contemporary basis.
2. It will develop legal, scientific and factual understanding among students relating to evidence law

UNIT I**10****Introduction:**

- Evidence and its relationship with the Substantive and Procedural Laws.
- Definition: Facts, Facts in Issue, Relevant, Evidence Proved, Disproved, not Proved, Oral and Documentary Evidence (Sec. 3).
- Relevancy and Admissibility (Sec. 5)
- Doctrine of res gestae (Sec. 6,7,8,9)
- Conspiracy (Sec. 10)

UNIT II**10**

- Admission (Sec. 17-23), Confessions (Sec. 24-30), Dying Declaration (Sec. 32).

UNIT III**10****Modes of Proving the Facts:**

- Presumptions (Sec. 4, 41, 79-90, 105, 107, 108, 112, 113-A, 114 and 114A)
- Oral and Documentary Evidence (Sec. 59-78)
- Rules Relating to Burden of Proof (Sec. 101, 102, 103, 104, 105)

UNIT IV**08****Facts Prohibited from Proving:**

- Estoppel (Sec. 115, 116, 117)
- Privileged Communications (Sec. 122, 123, 124, 125, 126, 127, 128, 129)

UNIT V**07****Presumptions Regarding Discharge of Burden of Proof:**

- Evidence by Accomplice (Sec. 133 with 114b)
- Judicial Notice (Sec. 114)
- Dowry Death (Sec. 113B)
- Certain Offences (Sec. 111-A)

Suggested Books:

- Ratan Lal and Dheeraj Lal, The Law of Evidence (LexisNexis, 25th edn., Reprint 2015).
- S.R. Myeni, The Law of Evidence (Asia Law House, 2nd edn., Reprint 2015).
- Avtar Singh, Principles of the Law of Evidence (Central Law Publication, 21st edn., 2014).
- Batuklal, The Law of Evidence (Central Law Agency, 21st edn., 2015).

LW 226**INTERNATIONAL LAW & INSTITUTIONS**

COURSE OBJECTIVES

1. To help the students understand the legal aspects and the premise of Public International law and its principles in comparison to the Municipal Law.
2. To make the students analyse the different aspects relating to the International boundaries of air, space and sea.

UNIT I

10

Introduction to Public International Law: Definition, Nature and Basis of International Law; Sources of International Law – International Conventions, International Customs, General Principles of Law recognized by Civilized States, Decisions of Judicial Tribunals, Juristic Works, Decisions or Determinations of Organs of United Nations, Other Sources; relationship between International and Municipal Law; Subjects of International Law: States, Individuals, Non State Entities, Importance of Individuals under International Law.

UNIT II

10

State: Definition of State, State Jurisdiction; recognition of States, Governments, Insurgency and Belligerency; Theories and Modes of Recognition; Legal Effects of Recognition; Acquisition and Loss of Territory – Occupation, Prescription, Accredition, Cession, Annexation, State Succession; Intervention.

UNIT III

05

Law of Sea: Territorial Sea, Contiguous Zone, Continental Shelf, Exclusive Economic Zone; Law of Air and Outer Space, Air Craft Hijacking under Air Law, Development of Outer Space Law.

UNIT IV

10

Settlement of International Disputes: Peaceful Settlement of International Dispute: Negotiations, Mediation, Conciliation, Good Offices, Arbitration, Judicial Settlements of Dispute under ICJ; Modes of Short of War for Settlement of International Disputes: Retorsion, Intervention, Embargo, Pacific Blockade.

UNIT V

10

War and Its Effects: Definition of War and Total War; International Armed Conflict and Non International Conflict; Effects of Outbreak of War; War Crimes, Paws; Asylum, Extradition.

Suggested Books:

- S.R. Myneni, Public International Law (Asia Law House, 1st edn., 2013).
- K.C. Joshi, International Law and Human Rights (Eastern Book Co., 3rd edn., 2016).
- H. O. Agarwal: International Law and Human Rights (Central Law Publication, 20th edn. Reprint 2015).
- S. K. Kapoor: International Law and Human Rights (Central Law Agency, 20th edn., 2016).
- S.P. Gupta: International Law and Human Rights (Allahabad Law Agency, 2nd edn. Reprint 2017).

Course Objective:

1. The aim of this paper is to introduce the basic concepts of Intellectual property laws to the students for the first time
2. To familiarize the students with the kind of rights, remedies and licensing regime associated with each kind of intellectual property

UNIT

I

08

Introduction: Basic concept of Intellectual Property; Characteristics and Nature of Intellectual Property right; Justifications for protection of Intellectual Property; IPR and Economic Development; Major International Instruments relating to the protection of Intellectual Property i. Berne Convention ii. Paris Convention iii. TRIPS

UNIT

II

10

Copyright: Meaning; Subject matter i. Original literary, dramatic, musical, artistic works ii. Cinematograph films iii. Sound recordings; Ownership of copyright; Term of copyright; Rights of owner i. Economic Rights ii. Moral Rights; Assignment and license (including basic concept of statutory and compulsory license) of rights; Performers rights and Broadcasters rights; Infringement of copyright; Fair use and Fair Dealing concepts

UNIT

III

10

Patent: Meaning; Criteria for obtaining patents i. Novelty ii. Inventive step iii. Utility; Non patentable inventions ; Procedure for registration; Term of patent , Rights of patentee; Basic concept of Compulsory license and Government use of patent ; Infringement of patents and remedies in case of infringement

UNIT

IV

10

Meaning of mark, trademark ; Categories of Trademark: Certification Mark, Collective Mark and Well known Mark and Non-conventional Marks ; Concept of distinctiveness ; Absolute and relative grounds of refusal; Doctrine of honest concurrent user; Procedure for registration and Term of protection; Assignment and licensing of marks; Infringement and Passing Off

UNIT

V

07

Designs: Meaning design protection; Concept of original design; Term of protection
Geographical Indication: Meaning of GI; Difference between GI and Trade Marks; Concept of Authorized user; Homonymous GI
Plant Variety Protection and Farmer's Right: Meaning; Criteria of protection

Suggested Books

1. Lionel Bentley & Brad Sherman, Intellectual Property Law, Oxford.
2. P. Narayanan, Intellectual Property Law, Eastern Law House
3. Dr. Avtar Singh, Intellectual Property Laws, Eastern Book Company
4. Dr. S.K.Singh, Intellectual Property Rights Laws, Central Law Agency
5. The Copyright Act, 1957
6. The Patent Act, 1970
7. The Trade Marks Act, 1999
8. The Designs Act, 2000
9. The Geographical Indication of Goods Act, 1999

LW 256

PARA LEGAL TRAINING AND COURT ETIQUETTES

L T P C

0 0 4 2

Course objective

This course seeks to enable the students to acquaint themselves with the court etiquette

The course trains the students with the legal practices and the basic etiquette of the court room. The entire course period would involve basic practical sessions of the problems given to the students to identify the laws applicable, the procedure to be applied and the practical matters to be considered by a lawyer in the regular sessions of a proper court room