



Semester - VIII

CIVIL PROCEDURE CODE-II

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objective: The course aims to familiarize the students with the various stages involved in a civil case. This paper will acquaint the students to draft plaints, written statements, Interlocutory applications, etc. involved in civil cases which will further enhance their skills of arguments. The objective of the Code of Civil Procedure is to consolidate a code relating to the procedure which is to be followed by the Court of civil judicature and to facilitate justice and adopt a law relating to procedure followed by the civil courts, so that, justice is done to both the parties. In this subject, technical and hypo-technical objection is totally avoided which is meant to defeat justice, and the provision of this Code has been formulated to be construed liberally.

UNIT- I

FRAMING OF SUIT I

- Parties to the Suit (Order 1)-Framing of Suit (Order 2)-Recognized Agents and Pleadings (Order 3)
- Institution of Suits (Section 26, Orders 4 to 7)-Pleadings-Plaint-Amendments of the Pleadings
- Service of Summons (Section 27 to 32, Order 5) and Exemption from Personal Appearance (Section 132, 135)
- Written Statement, Counter Claims and Set-off (Order 8)

UNIT- II

FRAMING OF SUIT II

- Consequences of Appearance and Non-Appearance of the Parties and Restoration Proceedings (Order 9) & Examination of Parties by the Court (Order 10)
- Framing of Issues (Order 14) and Disposal of Suit at the First Hearing (Order 15)

B.A.LL.B. (Hons.) Semester-VIII

- Adjournments (Order 17)-Costs (Sections 35, 35A, 35B)
- Final Hearing of the Suit and Examination of Witnesses, Production & Recording of Oral & Documentary Evidences (Order 18) Judgment & Decree (Section 33, Order 20)

UNIT- III

PARTIES TO SUIT & INTERLOCUTORY ORDERS

- Death, Marriage & Insolvency of Parties (Order 22)
- Suits by or against Minors (Order 32)-Suit by Indigent Persons (Order 33)
- Suits by or against the Government (Section 79,80 and Order 27)
- Interlocutory Orders: Temporary Injunctions (Order 39)-Appointment of Receiver (Order 40)-Withdrawal of Suit (Order 23)-Arrest and Attachment before Judgment (Order 38)

UNIT- IV

PROCEDURE

- Supplemental Proceeding (Section 94 & 95)
- Special Case (Order 36)-Summary Procedure (Order 37)
- Appointment of Receiver
- Miscellaneous (Section 132-158)

UNIT- V

LAW OF LIMITATION

- Concept and Object of Law of Limitation: Extension and Suspension of Limitation-Condonation of Delay Extension and Suspension of Delay-Legal Disability
- Requisition of Easementary Rights and Ownership by way of Prescription and Efflux of Time (Sections 25 to 27)

- Laches in Writ Proceedings

Suggested Readings

1. Avtar Singh: *Code of Civil Procedure*, Central Law Publications, Allahabad.
2. C. K. Thakker & M. C. Thakker: *Civil Procedure with Limitation Act, 1963*, Eastern Book Company, Lucknow.
3. Dr. N. Maheshwara Swamy: *Law Relating to Civil Procedure and Limitation*, Asia Law House, Hyderabad.
4. Himanshi Mittal: *Law of Limitation*, Universal Law Publishing Co Pvt. Ltd., New Delhi.
5. Justice P. S. Narayana: *Code of Civil Procedure, 1908*, Asia Law House, Hyderabad.
6. Prof. M. P. Jain: *The Code of Civil Procedure (CPC)*, LexisNexis India, Gurgaon.
7. Shailender Malik: *The Code of Civil Procedure (CPC)* Universal Law Publishing Co Pvt. Ltd., New Delhi.
8. Sukumar Ray: *Textbook on the Code of Civil Procedure*, Universal Law Publishing Co Pvt. Ltd., New Delhi.
9. Vedula Venkata Ramana: *V.J. Rao's The Code of Civil Procedure, 1908*, ALT Publications, Hyderabad.
10. Vinay Kumar Gupta: *Mulla-The Key to Indian Practice (A Summary of the Code of Civil Procedure)*, LexisNexis India, Gurgaon.

INTELLECTUAL PROPERTY RIGHTS-I

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objective: Intellectual property in the modern world is not confined only to the protection of intellectual creations or inventions. Rather now it has become a powerful tool of economic growth and prosperity by stimulating creative and innovative ideas, of generating revenue, promoting investment, enhancing literary, social and cultural values of mankind. It prevents 'brain-drain', and nurture over-all economic health. Every sphere of life is getting moulded by intellectual properties. It has become an important component of business transactions. The developments in international telecommunications have increased its importance and put new challenges to the protection of intellectual property. With such an importance of IP, well-crafted IP courses require to be devised. The objective of the current draft is to impart knowledge the substantive intellectual property law and infuse with the skill of applying and construing the law to different factual situations. On theoretical level, students should be able to have the basic understanding of the IP. Subsequently they are required to engage in a critical discourse on the policy factors of each and every kinds of intellectual property to become aware of their rights for the protection of their creations and inventions. Apart from the introductory levels, students should be increasingly exposed to international aspects of IP law.

UNIT- I

INTRODUCTION

- **Intellectual Property Rights:** Concept, Nature and Kinds
- **Intellectual Property Law:** Concept & Aspects of Protection, Legal Frameworks [History & Sources]
- Principles of Treatments of IPRs

UNIT- II

INTELLECTUAL PROPERTY IN PATENT RIGHTS

- Patent –Concept, Subject Matter, Nature and Kinds, Genesis, Emergence and International Legal Frameworks
- Rights and Obligations of the Patentee:
 - Negative (Patent) Rights
 - Positive Rights
 - ‘Working the Patent’ Obligation
- **Balancing the Patent Rights:** Limitations-Geographical, Temporal and Exceptional (mainly use for Non-Commercial Purposes (Section 47, Compulsory Licensing)

UNIT- III

INTELLECTUAL PROPERTY IN COPYRIGHT

- Copyright–Concept, Subject Matter, Nature and Kinds, Genesis, Emergence and International Legal Frameworks
- Rights of the Author/Owner of Copyright:
 - Negative (Copyright) Rights
 - Positive Rights
 - Author’s Special/Moral Rights (Sec. 57)
- **Balancing the Copyright Rights:** Limitations-Geographical, Temporal and Exceptional (mainly Fair Dealings or Permitted Acts)-Non-Voluntary Licensing.

UNIT- IV

INTELLECTUAL PROPERTY IN TRADEMARKS

- Trademark Rights–Concept, Subject Matter, Nature and Kinds, Genesis, Emergence and International Legal Frameworks

- Rights of the Registered Proprietor/User of Trademark:
 - Negative (Trademark) Rights
 - Positive Rights
- **Balancing the Trademarks Rights:** Limitations-Geographical, Temporal and Exceptional (mainly the Limits on Effect of Registered Trademark (Section 30)).

UNIT- V

INTELLECTUAL PROPERTY IN DESIGN, GEOGRAPHICAL INDICATION RIGHTS, AND OF SUI GENERIS NATURE

- Design Right-Concept, Subject Matter, Nature and Kinds, Rights of the Proprietor Negative and Positive)
- Geographical Indication Right -Concept, Subject Matter, Nature and Kinds. Rights of the Registered Proprietor and Authorised User (Negative and Positive Rights)
- **Intellectual Property Rights of Sui Generis Nature:** Semiconductor Integrated Circuit Layout Design Right (Layout Design Right)-Plant Varieties Right (Plant Patent)-Biological Diversity Rights.

STATUTORY MATERIALS:

Patents:

1. (Indian) Patents Act, 1970; the Repealing & Amending Act, 1974; the Delegated Legislation Provisions (Amendment) Act, 1985; the Patents (Amendment) Act, 1976,1999, 2002, 2005; the Patent Rules, 2003 (as adopted and amended time to time, and repealing the Patent Rules, 1972).
2. Trade Related Intellectual Properties (TRIPS) Agreement 1994 (as regards patent)

3. Paris Convention for the Protection of Industrial Property (PIP), 1883 (as regards the Patent) (last amended 1976), Stockholm [member India since 1998]
4. Patent Co-operation Treaty 1970 [member India since 1998]
5. Patent Law Treaty, 2000

Copyright:

1. (Indian) Copyright Act, 1957; the Copyright (Amendment) Act, 1983, 1984, 1992 1994, 1999; the Copyright Rules (as adopted and amended time to time, and repealing the Copyright Rules, 1958).
2. Trade Related Intellectual Properties (TRIPS) Agreement 1994 (as regards copyright)
3. Berne Convention for the Protection of Literary and Artistic Works, 1886 (as revised time to time, and last amended 1979)
4. The Universal Copyright Convention, 1952 (with Protocols)
5. Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, 1961
6. Geneva Convention for the Protection of Producers of the Phonograms against Unauthorised Duplication of their Phonograms, 1971
7. Brussels Convention Relating to the Distribution of Programme Carrying Signals Transmitted by Satellite, 1974
8. Geneva Convention on International Registration of Audi-Visual Works, 1992
9. World Intellectual Property Organisation (WIPO) Copyright Treaty, 1996
10. WIPO Performances and Phonograms Treaty, 1996

Trade Marks:

1. (Indian) Trade Marks Act, 1999 (repealing the erstwhile Trade and Merchandise Marks Act, 1958, in turn, repealing the Trade Marks Act, 1940); the Trade Marks Rules, 2002 (as adopted and amended time to time, and repealing the erstwhile the Trade and Merchandise Marks rules, 1959).
2. Trade Related Intellectual Properties (TRIPS) Agreement 1994 (as regards Trade Marks)
3. Paris Convention for the Protection of Industrial Property (PIP), 1883 (as regards the Trade marks) (last amended 1976), Stockholm [member India since 1998]
4. The Nice Agreement concerning the International Classification of Goods and Services for the Registration of Marks, 1957
5. The Vienna Agreement Established on International Classification of the Figurative Elements of Marks, 1973
6. Madrid Agreement Concerning the International Registration of Marks, 1979; Protocol, 1989 relating to that Agreement
7. Common Regulations under the Madrid Agreement concerning the International Registration of Marks and the Protocol relating to that Agreement, 1998

Designs:

1. Indian Designs Act, 2000 (repealing the erstwhile the Designs Act, 1911); The Designs Rules, 2001(as adopted and amended time to time, and repealing the Designs Rules, 1933)
2. Trade Related Intellectual Properties (TRIPS) Agreement 1994 (as regards the Designs)
3. Paris Convention for the Protection of Industrial Property (PIP), 1883 (as regards the Designs) (last amended 1976), Stockholm [member India since 1998]

4. Lacarno Agreement of establishing an International classification of Industrial Designs 1968
5. Hague Agreement of Industrial Deposit of Industrial Designs, 1960

Geographical Indications:

1. (Indian) The Geographical Indications of Goods (Registration & Protection) Act, 1999; the Geographical Indications Rules (if any)
2. Trade Related Intellectual Properties (TRIPS) Agreement 1994 (as regards the Geographical Indications)
3. Agreement of Madrid for the Repression of False or Deceptive Indications of Source on Goods, 1967 (Known as the Lisbon Act)
4. Lisbon Agreement for the Protection of Appellation of Origin and their International Registration (revised 1967, Stockholm and amended 1979)

Semiconductor Integrated Circuits Layout-Designs (Topographies):

1. (India) The Semiconductor Integrated Circuits Layout-Designs Act, 2000; The Semiconductor Integrated Circuits Layout-Designs Rules (if any)
2. Trade Related Intellectual Properties (TRIPS) Agreement 1994 (as regards the Semiconductor Integrated Circuits Layout-Designs)
3. Treaty on the Intellectual Property in respect of Integrated Circuits, 1989 (Known as IPIC Treaty, 1989 done at Washington, D.C., on May 26, 1989)

Biological Diversity:

1. (India) The Biological Diversity Act, 2000; the Biological Diversity Rules (if any)
2. The United Nations Convention on Biological Diversity, 1992 (signed at Rio de Janeiro on 15th day of June, 1992) (w.e.f. 29. 12. 1993)

Plant Varieties and the Breeder's Right:

1. The Protection of Plant Varieties and Farmers' Rights Act, 2001; the Protection of Plant Varieties and Farmers' Rights Rules (if any)
2. Trade Related Intellectual Properties (TRIPS) Agreement 1994 (as regards the Plant Varieties)
3. *Union Pour Le Des Obtentions Vegetales* (UPOV) Convention, 1961 (UPOV Convention for the Protection of New Varieties of Plants, 1961) (revised 1972, 1978, 1991)

Suggested Readings:

1. Alka Chawla: *Copyright and Related Rights: National and International Perspectives*, Macmillan India Ltd., Delhi
2. Ashwani Bansal: *Law of Trade Marks in India with introduction to Intellectual Property Laws*, Institute of Constitutional and Parliamentary Studies, New Delhi.
3. Catherine Colston: *Principles of Intellectual Property Law*, Sweet & Maxwell, London
4. David Bainbridge: *Intellectual Property*, Pearson Education, Delhi.
5. Dr. B. L. Wadehra: *Law relating to Patents, Trademarks, Copyright, Design and Geographical Indications*, Universal Law Publishing Co. Ltd., New Delhi.
6. Dr. S. R. Myneni: *Law of Intellectual Property*, Asia Law House, Hyderabad.
7. Elizabeth Verkey: *Law of Patent*, Eastern Book Company, Lucknow.
8. Hilary Pearson & Clifford Miller: *Commercial Exploitation of Intellectual Property*, Blackstone Press, London.
9. Paul Torremans: *Holyoak & Torremans-Intellectual Property Law*, Oxford University Press, New York, 2010.
10. Jaya Shree Watal: *Intellectual Property Rights in the WTO & Developing Countries*, Kluwer Law International, Netherlands.

FACULTY OF LAW

11. Latha R. Nair & Rajendra Kumar: *Geographical Indications: A Search for Identity*, LexisNexis India, Gurgaon.
12. M. D. Nair: "TRIPS, WTO and IPR: Bio diversity Protection: Critical Issue", 16(1) *JIPR* 3537 (2011).
13. Mathew Thomas: *Understanding Intellectual Property*, Eastern Book Company: Lucknow
14. M. Z. M Nomani: 'Biological Diversity, IPR & Sustainable Development: A Critical Appraisal of Access & Benefit Sharing Models of U.S., Australia & India', VI (11&12) *International Journal of Environmental Consumerism*, 40-55(2010).
15. M. Z. M Nomani
- 16.
17. : 'Environment Agriculture and Challenges of Bio-Piracy: A Blue Print of Indian Sui Generis Legal Order', 1(2) *Indian Journal of Environmental Law*, Bangalore 3-22, (2000).
18. P. Narayanan: *Copyright and Industrial Designs*, Eastern Law House; Calcutta
19. P. Narayanan: *Intellectual Property Law*, Eastern Law House, Calcutta.
20. P. Narayanan: *Patent Law*, Eastern Law House, Calcutta.
21. P. Narayanan: *Intellectual Property Law in India*, Gogia Law Agency, Hyderabad
22. Philippe Cullet, "Human Rights, Knowledge and Intellectual Property Protection", 11(1) *JIPR* 7-14 (2006).
23. S. K. Tripathi: "Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore: International, Regional and National Perspectives, Trends and Strategies", 8 *JIPR* 468-477 (2003).
24. S. Venkateswaran: *The Law of Trade Marks and Passing-off*, LexisNexis, Gurgaon.
25. V. K. Ahuja: *Intellectual Property Rights in India*, Lexis Nexis, Gurgaon.
26. Vikas Vashisht: *Law and Practice of Intellectual Property in India*, Bharat Law House, New Delhi.

B.A.LL.B. (Hons.) Semester-VIII

27. W. R. Cornish: *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights*, Universal Law Publishing Co. Pvt. Ltd., Delhi.
28. W. R. Cornish: *Intellectual Property: Patents, Copyright, Trade Marks And Allied Rights*, Sweet & Maxwell, London.

CRIMINAL PROCEDURE CODE-I

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objective: Civil Procedure Code is subject of daily use by the courts and lawyers. Students cannot afford to have scant knowledge of civil procedure when he goes out to practice as a lawyer. It is necessary to have good grounding in the subject before one enters into the profession. The substantive law determines the rights of persons affected by action. The main objective of this paper is to give to a law student a thorough knowledge of procedural aspects of working and functioning of civil courts.

UNIT-I

INTRODUCTION

- **General Introduction:** Object, Extent and Scope of Criminal Procedure- Classification of Offences (Section 2 read with Schedule 1)
- **Criminal Courts:** Hierarchy (Section 6)-Sentencing Powers
- **Public Prosecutors:** Powers of Senior Police Officers-Duty of Public to Assist Magistrate

UNIT-II

POWER TO ENSURE ACCUSED PRESENCE FOR THE PURPOSE OF INVESTIGATION, INQUIRY AND TRIAL

- **Steps to Ensure Accused's Presence at Trial:** Summons (Section 61-69)- Warrants (Section 70-81)
- Proclamation and Attachment of Property (Section 82-89)
- **Meaning and Purpose of Arrest:** Powers of Arrest-Procedure of Arrest-Arrest of a Woman-Rights of Arrested Persons

UNIT-III

PROCESS TO COMPEL PRODUCTION OF THINGS

- Summons to Produce (Sections 91-92)
- **Search:** Types-With and Without Warrant-Power to Search with Warrant (Section 93-97)-Police Search during Investigation (Sections 165,166,153)-General Provisions relating to Searches-Illegalities in a Search and its Consequences
- Seizure

UNIT- IV

INVESTIGATION

- **Meaning and Purpose of Investigation & Steps Involved:** Power and Procedure of Investigation-Information to the Police (FIR, Section 154)-Evidentiary Value of F.I.R.- Commencement of Investigation (Section 157-159)
- **Police Interrogation (Section 160):** Recording of Statements by Police during Investigation (Section 161)- Evidentiary Value of Statements (Section 162-163)
- Completion of Investigation and Police Report (Section 169-170)

UNIT- V

REMAND & BAIL

- Remand (Section 167)
- **Bail:** Concept & Purpose (Section 436-440, 389-390)
- Anticipatory Bail (Section 438)

Suggested Readings

1. B. B. Mitra: Code of Criminal Procedure, Kamal Law House, Kolkata.
2. Batuk Lal: Code of Criminal Procedure, Orient Publishing Co., New Delhi.

FACULTY OF LAW

3. C. K. Thakker & M. C. Thakker: Criminal Procedure Code, LexisNexis India, Gurgaon.
4. Dr. N. Maheshwara: *Law relating to Criminal Procedure Code*, Asia Law House, Hyderabad.
5. Durga Das Basu: *Criminal Procedure Code, 1973*, LexisNexis India, Gurgaon.
6. J. K. Soonavala: *Supreme Court Criminal Digest*, LexisNexis India, Gurgaon.
7. John Woodroffe: *Commentaries on Code of Criminal Procedure*, Law Publishers (India) Pvt. Ltd, Allahabad.
8. Justice K. D. Shahi: *Princep's Commentary on the Code of Criminal Procedure, 1973*, Delhi Law House, New Delhi.
9. K. N. Chandrasekhar Pillai: *Kelkar's Criminal Procedure*, Eastern Book Co., Lucknow.
10. K. N. Chandrasekharan Pillai (ed): *Kelkar Lectures on Criminal Procedure*, Eastern Book Company, Lucknow.
11. M. P. Tandon: *Code of Criminal Procedure*, Allahabad Law Agency, Faridabad.
12. M. R. Mallick (ed.), *B.B.Mitra on the Code of Criminal Procedure*, Kamal Law House, Calcutta.
13. N. V. Paranjape: *Code of Criminal Procedure*, Central Law Agency, Allahabad.
14. R.N. Saxena: *The Code of Criminal Procedure*, Central Law Agency, Allahabad
15. Ratan Lal & Dhiraj Lal, *Code of Criminal Procedure*, LexisNexis India, Gurgaon.
16. S. C. Sarkar: *The Code of Criminal Procedure*, LexisNexis India, Gurgaon.
17. S. K. Basu & N. D. Basu: *Code of Criminal Procedure*, Ashoka Law House, New Delhi.
18. S. N. Misra: *The Code of Criminal Procedure with Probations of Offenders Act & Juvenile Justice Act*, Central Law Publications, Allahabad.
19. Surendra Malik & Sudeep Malik: *Supreme Court on Criminal Procedure Code and Criminal Trial*, Eastern Book Co., Lucknow.

20. V. R. Manohar and W. W. Chitaley: *The Code of Criminal Procedures*, AIR Commentaries-All India Reports Ltd., Nagpur.

Statutes

1. The Code of Criminal Procedure, 1973
2. The Indian Penal Code, 1860
3. The Indian Evidence Act, 1872

Relevant Cases

1. *Adambhai Sulemanbhai Ajmeri v. State of Gujarat*, (2014) 7 SCC 716.
2. *Amitabhai Anilchandara Shah v. Central Bureau of Investigation*, AIR 2013 SC 3794.
3. *Anil A. Lokhande v. State of Maharashtra*, 1981 Cri. LJ 125 (Bombay).
4. *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273.
5. *Awadesh Kumar Jha v. State of Bihar*, (2016) 3 SCC 8.
6. *Bhim Singh v. Union of India*, 2014(4) RCR (Criminal) 234.
7. *Central Bureau of Investigation v. Rathin Dandapat and Others*, AIR 2015 SC 3285.
8. *Chandra Babu v. State*, (2015) 8 SCC 774.
9. *Chandrakeshwar Prasad v. State of Bihar*, (2016) 9 SCC 443.
10. *Common Cause v. Union of India*, (2015) 42 SCD 686.
11. *Deepak Aggarwal v. Keshav Kausik*, (2013) 5 SCC 277.
12. *Devendra Kishanlal Dagalia v. Dwarkesh Diamonds Pvt. Ltd. & Others*, (2014) 1 SCC (Cri) 800).
13. *Dharam Pal v. State of Haryana*, (2014) 3 SCC 306.
14. *Dhariwal Industries Ltd. v. Kishore Wadhwani*, AIR 2016 SC 4369.
15. *Dr. Vijai Tripathi v. CBI*, [Criminal Appeal No. 752 OF 2016] 2016 SCC OnLine SC 804.
16. *Gurbax Singh Sibbia v. State of Punjab*, AIR 1980 SC 1632.
17. *Gurcharan Singh v. State (Delhi Administration)*, AIR 1978 SC 179.
18. *Hemant Yashwant Dhage v. State of Maharashtra*, (2016) 6 SCC 273.

FACULTY OF LAW

19. *Lalita Kumari v. State of U.P.*, (2014) 2 SCC 1.
20. *Mangal Herum v. State of Orissa*, 1982 CriLJ 1748.
21. *Moti Ram v. State of M.P.*, AIR 1978 SC 1594.
22. *Nandini Satapathy v. P. L Dani*, AIR 1978 SC 1025.
23. *Public Prosecutor, Madras v. George Williams*, (1952) ILR Madras 414.
24. *Rao Harnarain Singh v. State*, AIR 1958 Punjab 123.
25. *Ravi Prakash Singh @ Arvind Singh v. State of Bihar*, 2015 SC.
26. *Rini Johar v. State of M.P.*, AIR 2016 SC 2679.
27. *Shyam Lal v. State of M.P.*, AIR 1972 SC 886.
28. *State of Madhya Pradesh v. Pradeep Sharma*, 2014 (2) SCC 171.
29. *State v. Captain Jagjit Singh*, AIR 1962 SC 253.
30. *V.L.S. Finance Ltd. v. S.P. Gupta*, (2016) 3 SCC 736.
31. *Vikas Yadav v. State of U.P.*, [Criminal Appeal Nos. 1528-1530 of 2015] 2016 SCC OnLine SC 1088.
32. *Youth Bar Association of India v. Union of India*, AIR 2016 SC4136.

HEALTH LAW

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objective: This course is designed to provide students with an introduction and overview of critical issues relating to law, ethics, and public health. The course introduces the concept of Public health in respect to human rights framework. It explores the legal regime of the government to protect and support the health of the public, implementation of health policies and ensuring accessibility of medical care to all. This course examines the legal foundations of the Indian public health system .This includes recognition of the scope and limitations of authority of health organizations, regulation of professions, and tort litigation for the public's health. The course discusses current controversies in public health law and practice, including such topics as medical negligence, mental health and the health related to women and children. The course concludes by examining the laws fixing professional liability of various stakeholders in Public Health in case of default.

UNIT- I

INTRODUCTION

- **Introduction to Public Health:** Concept-Right to Health and Medicine
- **State Responsibilities for Community Health in a Welfare State:** Law and Health-Development of Inter-Relationship
- **Right to Health:** International Perspective and of Role of WHO-Health as a Human Right-Constitutional Perspective: Fundamental Rights, Directive Principles of State Policy and Fundamental Duties.
- Regulation of Public Health & Private Health

UNIT- II

LEGISLATIONS RELATING TO PUBLIC HEALTH

FACULTY OF LAW

- **Important Legislations relating to Public Health:** Aim and Objects of the Acts-The Drugs and Cosmetic Act,1940-The Environment Protection Act-1986, The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA),Epidemic Diseases Act, 1897-Indian Penal Code,1860-Insecticides Act, 1968
- The Mental HealthCare Act, 2017-Narcotic Drugs and Psychotropic Substance Act-1985-The Poisons Act,
- The Maternity Benefit Act,1961-Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994-Infanticide- Female Feticide
- Food and Safety Laws - Food Safety and Standards Act, 2006

UNIT- III

LAW & MEDICINE

- Nature and Concept of Physician-Doctor and Patient Relationship
- Medical Negligence and Medical Malpractices-Confidentiality-Consent and Informed Consent-Duty to Take Care and Duty to Treat-Code of Ethics in Medical Profession Professional Conduct and Duties.
- Euthanasia-Mercy Killing-Role of Doctor-Patient Rights-Issue of Right to Die
- Role of Judiciary in Regulating the Medical Profession-Need for Public Health Insurance in India

UNIT- IV

HEALTH RELATING TO WOMEN AND CHILDREN

- **Health relating to Women and Children:** Reproductive Rights And Family Planning, Mortality Rate- Maternal and Infant, Infant Milk Substitutes,

Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 2003.

- AIDS and the Law
- Organ Transplantation-The Transplantation of Human Organs Act-1994 and Rules 1995
- Reproductive Technology: Right to Womb and Surrogacy-Right to Abortion and Paternity Test-The Medical Termination of Pregnancy and Pre-Natal Diagnostic Techniques Act, 1994

UNIT- V

LAW & PROFESSIONAL LIABILITY

- Legal Regulation of Medical Establishment-Registration with Medical Council, Clinical Establishments (Registration and Regulation) Act, 2010.
- **Professional Liability of Hospital Administration and Management:** Civil Liability under Tort and Contractual Liability, Criminal Liability-Indian Penal Code-, Statutory Liability -Consumer Protection Act,1986
- **Medical Waste Disposal:** The Bio-Medical Waste (Management and Handling) Rules 1998.

Suggested Readings

1. Dr. Jagdish Singh: *Medical Negligence and Compensation*, Bharat Law Publications, Jaipur.
2. Dr. Lily Srivastava: *Law & Medicine*, Universal Law Publishing, New Delhi.
3. Krishan Pal Singh Mahalwar: *Medical Negligence and the Law*, Deep & Deep Publications, New Delhi.
4. Mohammad Naseem & Saman Naseem: *Medical Law in India*, Kluwer Law International, Netherlands.

5. B. K. Das & S Sodhi: *Negligence: Medical and Non-Medical*, Sodhi Publication, Allahabad.
6. Davies Michael: *Textbook on Medical Law*, Oxford University Press, Oxford.
7. Kennedy Ian and Grubb Andrew: *Principles of Medical Law*, Oxford University Press, London.
8. J. K. Mason, R. A. McCall Smith and G. T. Laurie: *Law and Medical Ethics*, Lexis Nexis, UK.
9. Bredan Greene: *Understanding Medical Law*, Cavendish Publishing Limited, London.
10. Md. Zafar Mahfooz Nomani: *Right to Health: A Socio-Legal Perspective*, Uppal Publishing, House, New Delhi.

Relevant International Instruments on Public Health

1. Universal Declaration of Human Rights (1948)
2. International Covenant on Economic, Social and Cultural Rights (1966)
3. Declaration of Alma Ata (1978)
4. The Convention on the Elimination of All Forms of Discrimination against Women including drug addiction and related problems (CEDAW, 1979).
5. The Convention on the Rights of the Child (CRC, 1989)
6. International Health Regulations (IHR, 2005)
7. WHO Framework Convention on Tobacco Control (FCTC)
8. UN Convention on Rights of Persons with Disabilities (UNCRPD, 2008)
9. The Declaration of Istanbul on Organ Trafficking and Transplant Tourism, 2008

LAW RELATING TO ELECTION

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objective: The course aims to make the students understand the different aspects of democracy and its implications in the overall development of the state to the postulate of free and fair elections

UNIT-I

DEMOCRACY & ELECTION SYSTEM

- Evolution of Democracy & Election System-Types of Election-Direct and Indirect, General, Bye & Mid-Term Election-Types of Representation-General Principles of Election-
- Election of President & Vice-President
- Qualification and Disqualification of Members of Parliament and State Legislature under the Constitution and Appropriate Legislations Special Provisions for Scheduled Castes and Scheduled Tribes-Reservation for Scheduled Castes-Scheduled Tribes-Women
- **Local Bodies Election:** Rural Level-at Village (Gram Panchayat), Intermediate or Block (*Panchayat Samiti*) and District (*Zilla Parishad*) Levels; Urban Local Self-Government-*Nyaya Panchayat*

UNIT-II

ADMINISTRATIVE SET UP

- **Election Commission:** Composition, Powers and Functions of the Election Commission-General Electoral Roll-Preparation and its Revision-Supervisory Powers of the Election Commission-Process of Removal of Member

FACULTY OF LAW

- **Chief Election Commissioner:** Political Parties-Registration and Recognition as National & State Parties-Symbols-Election Expenses-Auditing of Party Funds-Public Financing of Elections-State Election Commissions-Monitoring of Electoral Expenditure of the Political Parties
- **Elections Officers:** Returning, Presiding and Polling Officers
- **Delimitation Commission:** Constituencies & Delimitation and its Commission

UNIT- III

RIGHT TO VOTE AND CONTEST ELECTION

- Universal Adult Suffrage-System of Voting-Compulsory Voting/NOTA
- Right to Vote & Contest-Candidates and their Eligibility to Contest-Notification of Election
- Withdrawal of Candidature-Grounds for Rejection-Effect of Death
- Election Campaign-Code of Conduct-Poll-Ballot Papers including Postal Ballot & Electronic Voting Machine (EVM)-Declaration of Result

UNIT- IV

ELECTORAL OFFENCES

- Anti-Defection Law-Defection-Tenth Schedule of the Constitution of India
- Criminalization of Electoral Process
- Corrupt Practices-Electoral Offences under I.P.C-Bribery, Undue Influence, Appeal on Grounds of Caste, Religion etc., Electoral Fraud and Other Crimes against Electoral System-Safeguard against Impersonation-Publication of False or Defamatory Statements-Corporate Funding of Political Parties
- Jurisdiction of Courts-Election Petitions

UNIT- V

ELECTORAL REFORM

- Office of Profit-Electoral Reforms-Model Code of Conduct- Opinion and Exit Polls-Free and Fair Election
- **Media and Elections**-Use of Government/Private Electronic Media and Social Media by Political Parties
- **Freedom of Expression**-Right to Reject-Right to Recall-NRI Voting Options
- **Political Empowerment of Women**-Women Reservation

Suggested Readings

1. Atul Kohli: *The Success of India's Democracy*, Foundation Books, New Delhi.
2. B. C. Chowdhury: *Political Theory Traditional and Modern Theory*, National Publishing House, New Delhi
3. Doabia & Doabia: *Law of Elections and Election Petitions*, LexisNexis, Gurgaon.
4. Herman Finer: *Theory and Practice of Modern Government*, Greenwood, Westport.
5. Manoranjan Mohanty: *Theorizing India's Democracy*, in Rajendra Vohra (ed.) *Indian Democracy: Meanings and Practices*, Sage, New Delhi.
6. Rajni Kothari: *Rethinking Democracy*, Orient Longman, New Delhi.
7. SK Mendiratta: *All You Want to Know About Indian Elections*, LexisNexis, Gurgaon
8. Thomas Feliner and Lidija R. Basta: *Constitutional Democracy in a Multicultural Globalised World*, Springer, Berlin.
9. V S Rama Devi & S K Mendiratta: *How India Votes–Election Laws, Practice and Procedure*, LexisNexis, Gurgaon.
10. Andre Blais: The Debate over Electoral Systems, 12(3) *International Political Science Review* 239-260 (1991).
11. Arora Dolly: *State Funding of Elections-Some Posers*, 35(7) *EPW* 3283 (2000)
12. B. Venketesh Kumar: *Power to Allot Symbols*, *EPW Commentary*, Sept. 16, 2000.

FACULTY OF LAW

13. Bikash Chandra Dash: Civil Society Initiatives in Electoral Reforms, *EPW Commentary*, Sept.11, 2004.
14. Jagdeep S. Chhokar: *Reforming the Electoral System*, 521 Seminar, p. 61 (2003).
15. Lauri Karvonen: *Preferential Voting: Incidence and Effects*, 25(2) International Political Science Review 203-226 (2004).
16. S Aarthi Anand & Celia Joanne Jenkins: Exit Polls: Debating Freedom or Fairness, *EPW Commentary*, Nov. 20, 2004.
17. Samuel Paul: Right to Information on Candidates How Will the Voters Know? *EPW Commentary*, April 12, 2003.
18. Vinod Bhanu: Right to Recall Legislator-The Chhattisgarh Experience, 43(40) *EPW* 15 (2008).

CLINICAL COURSE-II

(PLEADING, DRAFTING AND CONVEYANCING)

(The objective of the course is to provide practical orientation and develop necessary acumen in drafting legal documents. This course covers essential skills required for an Advocate i.e. the skill of drafting conveyances and pleadings. Developing the ability to draft effectively requires development of skills of writing purposefully, articulation, legal research, and of qualities of language, its clarity and precision. All of these develop by practice).

Outline of the Course:

- (i) Drafting: General Principles of Drafting and Relevant Substantive Rules shall be taught.
- (ii) Pleadings:
 - Civil: Complaint, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution Petition, Memorandum of Appeal and Revision, Petition under Article 32 and 226 of the Constitution of India.
 - Criminal: Complaint, Criminal Miscellaneous petition, Bail Application, Memorandum of Appeal and Revision.
 - Conveyance: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed.
 - Drafting of writ petition and PIL petition.

Formats and Drafting of the following:

- Writ Petition(s) [Civil]
- Writ Petition(s) [Criminal]
- Pro-bono Public Petitions
- Company Petitions
- Petitions under the Industrial Disputes Act, 1947
- Appeals and their essentials (Format and the Material Part)

FACULTY OF LAW

- Appeals Application for issuance of Succession Certificates and Probates
- Application for Reference, Review and Revision
- Petitions for Execution and Transfer of Decrees
- Component Parts of a Deed
- Essential and necessary ingredients of a Conveyance Deed; Rules for interpretation of Deeds and Documents
- Will(s), Gift, Power of Attorney [Special and General]
- Agreement to Sell/Sale-deed, Receipt and Acknowledgement, Exchange, Release Deeds
- Mortgages - Simple, Usufructury, Equitable, Anomalous and by Conditional Sale
- Lease and Licence deeds, Notices of Attornment, Rent Agreements, Notice for Termination of Tenancy, Revocation of Licences etc.
- Security and other Bonds [Administration, Bottomry, Indemnity, Customs, Respondentia Bonds etc.
- Advertising Agreement, Building/Engineering Agreements, Copyright
- Agreements, Underwriting and Brokerage Agreements, Agency Agreements;
- Contracts of Guarantees and Indemnities
- Agreement to Sell a Patent/ Assignment of Patent, Joint Venture and Foreign Collaboration Agreements
- Partnership Deeds, Deeds of Dissolution (simple and with Stipulations) and Model Forms of Notices under the Partnership Act.

The Course will cover class instruction and simulation exercise, preferably with assistance of practicing lawyers/ retired judges/

B.A.LL.B. (Hons.) Semester-VIII

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

Suggested Readings:

1. G. M. Kothari and Arvind G. Kothari: *Drafting, Conveyancing and Pleadings*, N.M. Tripathi (P.) Ltd., Bombay.
2. P. C. Mogha: *The Indian Conveyancer*, Eastern Law House, Kolkatta.
3. Nitin Khanna & A.C. Moitra: *The Indian Draftsman; Guide to Legal Drafting*, University Book Agency, Allahabad.
4. S. K. Verma: *Conveyancing Drafting & Interpretation of Deeds*, Law Publishers, Allahabad.
5. Dr. J. C. Verma: *Commercial Drafting & Conveyancing*, Bharat Law House, New Delhi.
6. Justice K. N. Goyal: *The Law of Pleadings in India*, Eastern Law House, Calcutta.
7. Rodney D. Ryder: *Drafting Corporate & Commercial Agreements*, Universal Law Publishing Co., Delhi.