



C. U. SHAH UNIVERSITY
Wadhwan City

FACULTY OF:- LAW (B.A.LL.B.OR B.COM.LL.B.)

SEMESTER: -10

CODE: 4LW10ADM1

NAME: – ADMINISTRATIVE LAW

Teaching & evaluation scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
4LW10ADM1	ADMINISTRATIVE LAW	5	0	0	5	5	30	1.5	70	3	---	---	---	100

Syllabus :

1. Introduction.

1.1. Concepts.

1.1.1. Affidavit, order, judgement, decree, plaint, restitution, execution, decree-holder, judgement-debter, mesne profits, written statement.

1.1.2. Distinction between decree and judgement and between decree and order.

2. Jurisdiction.

2.1. Kinds.

2.1.1. Hierarchy of courts.Suit of civil nature – scope and limits.

2.2. Res-subjudice and Resjudicata.

2.3. Foreign judgment – enforcement.

2.4. Place of suing.

- 2.5. Institution of suit.
- 2.6.1. Parties to suit : joinder, mis-joinder or non-joinder of parties : representative suit.
- 2.6.1.1. Frame of suit : cause of action.
- 2.6.2. Alternative disputes resolution (ADR).
- 2.6.3. Summons.

3. Pleadings.

- 3.1. Rules of pleading, signing and verification.
- 3.1.1. Alternative pleadings.
- 3.1.2. Construction of pleadings.
- 3.2. Complaint : particulars.
- 3.2.1. Admission, return and rejection.
- 3.3. Written statement : particulars, rules of evidence.
- 3.3.1. Set off and counter claim : distinction.
- 3.4. Discovery, inspection and production of documents.
- 3.4.1. Interrogatories.
- 3.4.2. Privileged documents.
- 3.4.3. Affidavits.

4. Appearance, examination and trial.

- 4.1. Appearance.
- 4.2. Ex-parte procedure.

- 4.3 Summary and attendance of witnesses.
- 4.4 Trial.
- 4.5 Adjournments.
- 4.6 interim orders : commission, arrest or attachment before judgement, injunction and appointment of receiver.
- 4.7 Interests and costs.

5. Execution.

- 5.1. The concept.
- 5.2. General principles.
- 5.3. Power for execution of decrees.
- 5.4. Procedure for execution (ss.52-54).
- 5.5. enforcement, arrest and detection(ss.55.59).
- 5.6. Attachement (ss.60-64).
- 5.7. Sale(ss.65-97).
- 5.8. Dilivery of property.
- 5.9. Stay of execution.

6. Suits in particular cases.

- 6.1. By or against government (ss.79-82)
- 6.2. By aliens and by or against foreign rulers or ambassadors (ss.83-87A).
- 6.3. Public nuisance (ss.91-93).
- 6.4. Suits by or against firm.
- 6.5. Suits in forma pauperis.
- 6.6. Mortgages.
- 6.7. Interpleader suits.

6.8. Suits relating to public Charities.

7. Appeals.

7.1. Appeals from original decree.

7.2. Appeals from appellate decree.

7.3. Appeals from orders.

7.4. General provisions relating to appeal.

7.5. Appeal to the Supreme Court.

8. Review, reference and revision.

9. Miscellaneous.

9.1. Transfer of cases.

9.2. Restitution.

9.3. Caveat.

9.4. Inherent powers of courts.

10. Law reform : Law Commission on Civil Procedure-amendments.

11. Law of Limitation.

- 11.1. The concept – the law assists the vigilant and not those who sleep over the rights.
- 11.2. Object.
- 11.3. Distinction with laches, acquiescence, prescription.
- 11.1. Extension and suspension of limitation.
- 11.2. Sufficient cause for not filing the proceedings.
- 11.5.1. Illness.
- 11.5.2. Mistaken legal advice.
- 11.5.3. Mistaken view of law.
- 11.5.4. Poverty, minority and Purdha.
- 11.5.5. Imprisonment.
- 11.5.6. Defective vakalatnama.
- 11.6. Legal liabilities.
- 11.7. Foreign rule of limitation : contract entered into under a foreign law.
- 11.8. Acknowledgement – essential requisites.
- 11.9. 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.



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FACULTY OF:- LAW (B.A.LL.B.OR B.COM.LL.B.)

SEMESTER:- 10

CODE: 4L10CDL1

NAME:- COPYRIGHT AND DESIGN LAW

Teaching & evaluation scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
4LW10CDL1	COPYRIGHT AND DESIGN LAW	5	0	0	5	5	30	1.5	70	3	---	---	---	100

Syllabus.

1. Introduction to Copyright

(a) Historical development of the law of copyright (b) Nature and Scope of Copyright Law and Neighbouring Rights

2. International Conventions/Treaties on Copyright

(a) Berne Convention (b) Universal Copyright Convention (c) Rome Convention, 1961 (d) Phonogram Convention, 1971 (e) TRIPs Agreement (f) WIPO Copyright Treaty, 1996 (g) WIPO performance and Phonogram Treaty, 1996

Unit– II

1. Subject matter of copyright works

(a) Literacy, Computer, Dramatic, Musical, Cinematograph film etc. (b) Provisions under Indian Law and International Convention

2. Ownership, duration and assignment of copyright

(a) Ownership of literary, dramatic, artistic and computer generated works etc. (b) Economic and moral rights of copyright owners (c) Terms of copyright (d) Assignment of copyright and licenses

Unit– III

1. Performers rights under the Indian Copyright Law and under International Conventions

(a) Historical development of performers rights: Nature and Scope (b) Economic and moral rights of performers and Exception of performers rights

2. Broadcast Reproduction Rights and Public Interest

(a) Satellite broadcasting and by cable television (b) Exception under Indian law and under international convention

LL.M. Programme

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Unit– IV

1. Infringement of copyright

(a) Mode of infringement of various copyright works (b) Infringement of neighbouring rights (c) Statutory exception under Indian law and international convention

2. Remedies of infringement of copyright under national and international perspective

(a) Preventive and compensatory civil remedies (b) Criminal remedies (c) Administrative remedies

Compulsory Readings:

1. Copyright Act, 1957 2. Berne Convention for protection of literary and artistic works 3. Universal Copyright Convention 4. Rome Convention 5. Convention for the protection of producers of phonograms 6. TRIPs Agreement 7. WIPO Copyright Treaty 8. WIPO Performance and Phonograms Treaty

Suggested Readings: 1. International Copyright and Neighbouring Rights; Stephen M. Steward (London, 1983) 2. Copinger and Skare James on Copyright; E.P. Skare James (London, 1991) 3. How Copyright Works in Practice; Kala Thairani (Bombay, 1996) 4. Law of Copyright: From Gutenberg's Invention to Internet; (Delhi, 2001)

Design

Unit-I 1. Historical Background. (a) Introduction (b) Industrial Designs before TRIPs (c) Industrial Designs after TRIPs 2. Emerging Issues. (a) Protection of Security of India (b) International Reciprocal Arrangement. Unit-II 1. Registration (a) Registration of Designs. (b) Copyright in Registered Designs. (c) Refusal to Register a Designs.

2. Infringement & Remedies (a) Piracy of Registered Designs. (b) Remedies. (c) Power & Duties of Controller.

Part-B (Geographical Indication)

Unit III 1. Historical Background (a) Introduction (b) International Evolution of Geographical Indication. i. Indication of Source ii. Appellations of Origin. (c) Paris Convention. (d) Madrid Agreement (e) Lisbon Agreement (f) NAFTA (g) TRIPs

2. Emerging Issues (a) Genericide of Geographical Indication. (b) TRIPs Article 23 Controversy

Unit-IV 1. Registration (a) Registration of Geographical Indication (b) Effect of Registration

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2. Infringement & Remedies (a) Infringement and Passing off of Geographical Indication. (b) Remedies & Procedure.

3. Comparative Analysis (a) Comparative Analysis of Geographical Indication Law in India & France

Suggested Reading: [1] Narayanan P., Trademarks & Passing off, Eastern Law House, 6th edition, 2006. [2] Gravis Daniel, The TRIPs Agreement: Drafting History and Analysis, 2nd edition, Sweet & Maxwell. [3] Nair. R. Latha, Geographical Indications: A Search for Identity, Lexis Nexis, Butterworth, 2005 [4] Guide to the International Registration of Industrial Designs under the Hague Agreement, WIPO. [5] R. Basant (1998), "Intellectual Property Rights: A Note", IIMA, Mimeo. [6] R A Mashelkar "Intellectual Property Rights and the Third World". CSIR, New Delhi [7] S. Khoury (1998), "Valuing Intellectual Properties", in P.H. Sullivan (1998), Profiting from Intellectual Capital: Extracting value from Innovation, John Wiley & Sons.



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FACULTY OF:- LAW (B.A.LL.B.OR B.COM.LL.B.)

SEMESTER: -10

CODE: 4LW10ADR1

NAME: – Alternate Dispute Resolution

Teaching & evaluation scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/tw	VIVA	Pr	
4LW10ADR1	Alternate Dispute Resolution	5	0	0	5	5	--	--	--	--	100	---	---	100

Syllabus.

1. Arbitration : meaning, scope and types.

- 1.1. Distinctions.
 - 1.1.1. 940 law and 1996 law : UNCITRAL model law.
 - 1.1.2. Arbitration and conciliation.
 - 1.1.3. Arbitration and expert determination.
- 1.2. Extent of judicial intervention.
- 1.3. international commercial arbitration.

2. Arbitration agreement.

- 2.1. Essentials.
- 2.2. Kinds.

- 2.3. Who can enter into arbitration agreement.
- 2.4. Validity.
- 2.5. Reference to arbitration.
- 2.6. Interim measures by court.

3. Arbitration Tribunal.

- 3.1. Appointment.
- 3.2. Challenge.
- 3.3. Jurisdiction of arbitral tribunal.
 - 3.3.1. Powers.
 - 3.3.2. Grounds of challenge.
- 3.4. Procedure.
- 3.5. Court assistance.

4. Award.

- 4.1. Rules and guidance.
- 4.2. Form and content.
- 4.3. Correction and interpretation.
- 4.4. Grounds of setting aside an award.
 - 4.4.1. Can misconduct be a ground ?
 - 4.4.2. Incapacity of a party, invalidity of arbitration agreement.
 - 4.4.3. Want of proper notice and hearing.
 - 4.4.4. Beyond the scope of reference.
 - 4.4.5. Contravention of composition and procedure.
 - 4.4.6. Breach of confidentiality
 - 4.4.7. Impartiality of the arbitrator.
 - 4.4.8. Bar of limitation, res judicata.

- 4.4.9. Consent of parties.
- 4.5. Enforcement.

5. Appeal and revision.

6. Enforcement of foreign awards.

- 6.1. New York convention awards.
- 6.2. Geneva convention awards.

7. Conciliation.

- 7.1. Distinction between “Conciliation”, “negotiation”, “mediation”, and “arbitration”.
- 7.2. Appointment.
 - 7.1. Statements to conciliator.
 - 7.2. Interaction between conciliator and parties.
 - 7.4.1. Communication.
 - 7.4.2. Duty of the parties to co-operate.
 - 7.4.3. Suggestions by parties.
 - 7.4.4. Confidentiality.
 - 7.5. Resort to judicial proceedings.
 - 7.6. Costs.

8. Rule-making power.

- 8.1. High court.
- 8.2. Central Government.

9. Legal Services Authorities Act : Scope.

Select Bibliography.

- 1. G.K. Kwatra, The Arbitration and Conciliation Law of India. (2000), Universal, Delhi.
 - 2. Legal Services Authorities Act 1987.
 - 3. Lavadi Ane Suleh Kaydo – Ashwin Kariya.
 - 4. Kanuni Seva Satta Mandal Dharo – 1987.
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SEMESTER:- 10

CODE: 4LW10MCE1

NAME: – Moot Court Exercise and Internship

Teaching & evaluation scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/tw	Viva	Pr	
4LW10MCE1	Moot Court Exercise and Internship	5	0	0	5	5	--	--	--	--	90	10	---	100

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 interviewing 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.

