

LAW OF EVIDENCE

Paper 9.41

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20 (10 Internal Exam
10 Project & Viva)

Objectives of the course:

The law of evidence is an indispensable part of both substantive and procedural laws. It imparts credulity to the adjudicatory process by indicating the degree of veracity to be attributed to facts before the form. This paper enables the students to appreciate the concept and principle underlying the law of evidence and identify the recognized forms of evidence and its sources. The subjects seek to impart to the student the skill of the 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 in by amendments to the law of evidence are significant parts in this course.

Module No.- 1

- (a) Main Features of Indian Evidence Act, 1872
 - i. Other Acts which deals with evidence (C.P.C & Cr.P.C.)
 - ii. Extent and Applicability
- (b) Fact—(Sections-3 to5)
 - i. Evidence –oral and documentary, circumstantial and direct evidence Presumption – (Section-4)
 - ii. Witness
 - iii. Appreciation of evidence

Module No.- 2

- (a) The doctrine of RES-GESTAE—(Sections 6, 7, 8, 9)
 - i. Evidence of common intention – (Section-10)
- (b) Relevancy of 'otherwise' irrelevance facts – (Sections-11, 12)
 - i. Relevance of facts for proof of customs—(Section-13)
 - ii. Fact concerning State – (Sections-14, 15)

Module No.- 3

- (a) Admission and confession—
 - i. General principles concerning admission – (Sections 17-23)
 - ii. Different between 'admission' and 'confession'
 - iii. Non admissibility of confession caused by inducement threats or promise – (Section-24)
- (b) Inadmissibility of confession made before police (Section-25)
 - i. Admissibility of custodial confess (Section-26)
 - ii. Admissibility of 'information' received from accused person in custody (Sections 27, 28, and 29)
 - iii. Confession by co-accused (Section -30)

Module No.- 4

- (a) Dying declaration
 - i. Justification for relevance on dying declaration (Section-32)
 - ii. Judiciary standard for appreciation of evidentiary value of dying declarations
- (b) Statement made under special circumstances— (Sections 34 to 39)

Module No.- 5

- (a) Relevancy of judgments
 - i. General principles
 - ii. Admissibility of judgments in civil and criminal matters (Section-43)
 - iii. Fraud and Collusion (Section-44)
- (b) Expert opinion
 - i. General principle
 - ii. Who is an expert? Types of expert evidence
 - iii. Opinion on relationship especially proof of marriage (Section-50)
 - iv. The problems of judicial defense to expert testimony

Module No.- 6

- (a) Oral and documentary Evidence
- i. General principals of concerning oral evidence (Sections- 59, 60)
 - ii. Documentary evidence (Sections 67 to 90)
 - iii. Principals regarding exclusion of oral by documentary evidence-(Sections 91 to 100)
- (b) Burden of Proof-
- i. General conception of onus probandi (Section-101)
 - ii. General and special exceptions to onus probandi
 - iii. Justification as to dowry death (Section 113-B)
 - iv. The Scope of the doctrine of judicial notice (Section 114)

Module No.- 7

- (a) Estoppels
- i. Estoppel, the rational (Section-115)
 - ii. Tenancy and bill of exchange Estoppels (Section-116)
 - iii. Estoppel and res judicata and promissory estoppels
 - iv. Witnesses
- (b) Approval testimony (Section-133)
- i. Examination and cross-examination (Sections-135, 136)
 - ii. Leading question (Section-141-143)
 - iii. Lawful question in cross-examination (Section-146)
 - iv. Compulsion to answer question put to witness.
 - v. Hostile witness (Section-154)
 - vi. Impeaching of the credit of witness (Section-155)
 - vii. Improper Admission and Rejection of Evidence (Section-167)

Selected cases

1. Limbaji v. State of Maharashtra, AIR 2002 SC 491
2. State of M.P. v. Paltan Mallah, AIR 2005 SC 733
3. State of Punjab v. Gian Kaur, AIR 1998 SC 2809
4. Bikan Panday v. State of Bihar, AIR 2004 SC 997
5. Ram Swaroop v. State of U.P., AIR 2000 SC 715
6. Manjoor Ali v. Kishmat Ali, AIR 2004 SC 384
7. Dault Ram v. Sodha, AIR 2004 SC 233
8. Dastagir Singh v. State of Karnatka, AIR 2004 SC 2638
9. State of Orissa v. Mangalam Timber Products Ltd., AIR 2004 SC 297
10. Ramadhar Basu v. State of W.B., AIR 2005 SC 908.

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CRIMINAL PROCEDURE CODE

Paper : 9.42

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20 (10 Internal Exam
10 Project & Viva)

Objectives of the course:

The criminal procedure code is very important subject for law students. Criminal procedure has to be just, fair and reasonable to the accused as well as to the victims. This imposes duty upon those connected with the criminal process to abide by 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, two enormous to be placed with in a class room discussion.

Juvenile Justice and Probation of Offenders Act are combined with the study of Criminal Procedure. These topics also do have their roots in Criminal Procedure. The rubrics under their head are intended to render an essential grasp of the areas.

Module No.- 1

- (a) i. Definition (sec-2)
- ii. Constitution of Courts (sec 6-25)
- (b) i. Power of Courts (sec 26-36)
- ii. Arrest of Persons (41-60)

Module No.- 2

- (a) Process to compel appearance (sec 61-94)
- (b) Security for Keeping Peace (sec 106-124)

Module No.- 3

- (a) Maintenance of wives (sec 125-128)
- (b) Maintenance of Public order (sec 129-148)

Module No.- 4

- (a) Information to police and their power to investigate (sec 154-176)
- (b) i. conditions requisite for initiation of proceedings (sec 190-199)
- ii. Commencement of proceedings before Magistrate (sec 204-210)

Module No.- 5

- (a) i. The charge (sec 211-224)
- ii. Trial before Court of Sessions (sec 225-237)
- iii. Trial of warrant cases by Magistrate (sec.238-250)
- (b) i. Summary Trial (sec 260-265)
- ii. Appeals (372-394)

Module No.- 6

- (a) Reference, Revision (395-405)
- (b) Bail (436-450)

Module No.- 7

- (a) Juvenile Delinquency
 - i. Treatment and Rehabilitation of Juveniles
 - ii. Juveniles and Adult Crimes
- (b) i. Mechanism of Probation : Standards of Probation Services
- ii. Problems and Prospects of Probation

Judgments :

1. Khatri v. State of Bihar (1981) SCC 193
2. Sanjay Suri v. Delhi Admn., AIR 1988 SC 444
3. Ram Chander v. State of Haryana AIR 1981 SC 1036
4. Dagdu v. State of Maharashtra, AIR 1977 SC 1579
5. Dr. Vijaya Manohar Arbat v. Kashirao (1987) 1 SCJ 524
6. Madhu Limaya v. SDM Monghar, AIR 1971 SC 2486
7. Moti Ram & Ors v. State of M.P., AIR 1978 SC 1594
8. Madhu Limaya v. State of Maharashtra, AIR 1982 SC 47
9. Arnit Das v. State of Bihar AIR 2000 SC 2264
10. State of Maharashtra v. Jagmohan Singh & Ors (2004) 7 SCC 659
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Suggested Readings:

1. Rattanlal Dhirajlal, Criminal Procedure Code
2. R.V. Kelkar, Criminal Procedure Code
3. S.N. Mishra, he Code of Criminal Procedure Code
4. D.D. Basu, Criminal Procedure Code
5. Chandershekhar Pillai (ed)., Kelkar's Outlines of Criminal Procedure Code.

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PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING

Paper : 9.43

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20 (10 Internal Exam
10 Project & Viva)

This Course comprises of seven Modules of eight hour teaching duration. Each Module has been divided in to two units again to be discussed in four hours in one week.

Module No.- 1

- (i) Professional conduct of a lawyer
- (ii) Professional conduct
- (ii) Professional misconduct

Module No.- 2

- (i) Professional responsibility of advocates
- (ii) Conduct of advocate in general
- (iii) Arguments in appeals and revisions

Module No.- 3

- (i) Skill of attracting clients
- (ii) Persuasion through arguments

Module No.- 4

- (i) Preparation of brief
- (ii) Future problems of advocacy

Module No.-5

- (i) Fee structure
- (ii) Maintaining accounts of clients fee

Module No.- 6

- (i) Contempt of courts and lawyers
- (ii) Strikes, protests and demonstrations by legal professions

Module No.- 7

- (i) Information technology and legal profession
- (ii) Advocates and political activities

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BANKING LAW

Paper 9.44

Total Marks: 100 (80-20)

External Exam: 80

Internal Marks: 20 (10 Internal Exam
10 Project & Viva)

Objectives : To acquaint student with operational parameters of Banking law
To teach General Principles of Banking law

Module No.-1

History of Banking in India
Social control of the Banking companies
Licensing of Banking Companies

Module No.-2

Reserve Bank of India –Structure and Functions
Types of Banking Institution –Commercial Bank Regional Bank Rural Bank

Module No.-3

Promissory Note Bills of Exchange Hundis Cheques Bank Draft
Dishonor of Cheques and criminal Liability on Dishonor of Cheques

Module No.-4

Banker and Customer relationship
Loans and Advances and Different Kinds of Accounts

Module No.-5

Securities for Bankers Loan
Guarantee pledge Lien Mortgage
Banking ombudsman

Module No.-6

Modern Aspect of Banking
Internet Banking ATM, RBI Guidelines for Internet Banking E- Commerce
Frauds In Banking Copying Hacking Fund Transfer Duplication Credit Card Abuse

Module No.-7

History of Micro Finance Micro Finance in India Microfinance and Social Intervention Standard and
Principals Role of Foreign Donors

Leading cases :

- 1 Bharat Bank Ltd vs Kashyap Industries
- 2 Uco Bank vs Hem Chandra Sarkar
- 3 Claytons case
- 4 Pramod Malhotra vs Union of India
- 5 Yuan -Kun -Yau vs AG of Hong Kong

Suggested Readings:

Banking Law	Advocate BDutta
Banking Law	RN Choudhary
Banking Law	CA Ketan M Bhatt

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INTELLECTUAL PROPERTY LAW

Paper 9.45

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20 (10 Internal Exam
10 Project & Viva)

Module No.-1

Basic Concept:

- (a) Overview of the concept of property; Industrial property and non-industrial property;
- (b) Historical background of IPR;
- (c) Importance of human creativity in present scenario;
- (d) Different form of IP and its conceptual analysis

Module No.-2

Copyright:

- (a) Nature and Meaning
- (b) Scope of protection
- (c) Procedure for protection
- (d) Enforcement and Remedies

Module No.-3

Patents:

- (a) Nature and Meaning
- (b) Scope of protection
- (c) Procedure for protection
- (d) Enforcement and Remedies

Module No.-4

Trademarks:

- (a) Nature and Meaning
- (b) Scope of protection
- (c) Procedure for protection
- (d) Enforcement and Remedies
- (d)

Module No.5

Designs:

- (a) Nature and Meaning
- (b) Scope of protection
- (c) Procedure for protection
- (d) Enforcement and Remedies

Module No.-6

Geographical Indications:

- (a) Nature and Meaning
- (b) Scope of protection
- (c) Procedure for protection
- (d) Enforcement and Remedies

Module No.-7

Information Technology Related Intellectual Property Rights:

- (a) Computer Software and Intellectual Property-Objective, Copyright Protection, Reproducing, Defences, Patent Protection.
- (b) Database and Data Protection-Objective, Need for Protection, UK Data Protection Act, 1998, US Safe Harbor Principle, Enforcement.
- (c) Protection of Semi-conductor Chips-Objectives Justification Protection, Criteria, Subject-matter of Protection, WIPO Treaty, TRIPs, SCPA.
- (d) Domain Name Protection-Objectives, domain name and Intellectual Property, Registration of domain names, disputes under Intellectual Property Rights, Jurisdictional Issues, International Perspective.

Text Books / Compulsory Readings (latest editions only):

1. Paris Convention for the Protection of Industrial Property, 1883
2. Berne Convention for the Protection of Literary and Artistic Works, 1886
3. Indian Copyrights Act, 1957
4. Indian Patents Act, 1970
5. Agreement on Trade-Related Aspects of Intellectual Property Rights, 1994 (the TRIPS Agreement)
6. Indian Trademarks Act, 1999
7. Indian Designs Act, 2000
8. Patents Amendment Ordinance, 2004

Reference :

1. Gornish, W.R., Intellectual Property (London Sweet & Maxwell, 1996)
2. Dhar et al. Regime of Intellectual Property Protection for Brochette Developing Country Perspective (N. Delhi RIS, 2001).

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