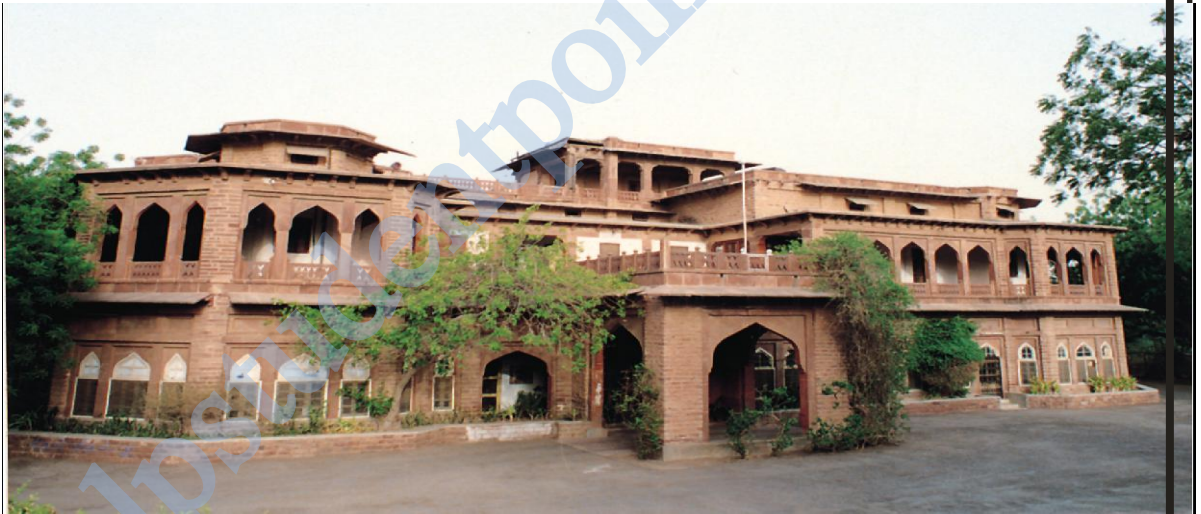


SYLLABUS

B.A. LL.B./B.B.A. LL.B. (FIDC)
(Five Year Course in Law)
Semester System Examination in Law
(VIII Semester)
(2020-21)



JAI NARAIN VYAS UNIVERSITY
JODHPUR

IMPORTANT

With a view to bring about greater reliability, validity and objectivity in the examination system and also for closer integration of teaching, learning and evaluation.

- (i) The syllabus has been divided into units. Questions will be set from each unit with provision for internal choice.
- (ii) In order to ensure that students do not leave out important portion of the syllabus, examiners shall be free to repeat the questions set in the previous examinations.

[Ref. Resolution No. 21 (c) of Academic Council dated 9-2-84]

The examinees be permitted to use their personal transistorised pocket battery operated calculators in the examinations. The calculator to be used by the candidates in the examinations should not have more than 12 digits, 6 functions and 2 memories and should be noiseless and cordless. A calculator belonging to one candidate shall not be allowed to be used by another candidate. The Superintendent of the centre will have complete discretion to disallow the use of a calculator which does not conform to the above specification.

[Ref. Res. No. 6/90 of Academic Council dated 20th July, 1990]

In Engineering and any other examinations where the use of calculators is already permitted, it shall remain undisturbed.

NOTIFICATION

In compliance of decision of the Hon'ble High Court all students are required to fulfil 75% attendance rule in each subject and there must be 75% attendance of the student before he/she could be permitted to appear in the examination.

REGISTRAR
(Academic)

FACULTY OF LAW
LIST OF TEACHING STAFF

S.No.	Name	Designation	Qualification
1.	Prof. (Miss) Chandan Bala	Professor	LL.M., Ph.D.
2.	Dr. Sunil Asopa	Associate Professor	LL.M., Ph.D.
3.	Dr. V.K. Bagoria	Assistant Professor	LL.M., Ph.D.
4.	Dr. S.P. Meena	Assistant Professor	LL.M., DCLL, Ph.D.
5.	Dr. Nidhi Sandal	Assistant Professor	LL.M., Ph.D.
6.	Dr. Dalpat Singh	Assistant Professor	LL.M., DCLL, Ph.D.
7.	Dr. P.K. Musha	Assistant Professor	LL.M., Ph.D.
8.	Dr. Kuchata Ram	Assistant Professor	LL.M., Ph.D.
9.	Dr. Vinod Kumar Meena	Assistant Professor	LL.M., Ph.D.

Helpstudentpoint.com

**Format of Question Paper
(From Examination 2017-2018)**

B.A.LL.B. & B.B.A. LL.B. – I to X Semester

Durations 3 Hours

Max. Marks : 50

Section-A

One questions from each Unit. Each question carry 3 mark. Answer of each question shall be limited upto 200 words.

- 1.
- 2.
- 3.
- 4.
- 5.

Section-B

10 Question will be asked (Two questions from each Unit with internal choice). Students will answer one question from each Unit. Each question will carry 7 marks. Answer of each question shall be limited upto 500 words.

1 Unit – 1
 Question A or B

2 Unit – 2
 Question A or B

3 Unit – 3
 Question A or B

4 Unit – 4
 Question A or B

5 Unit – 5
 Question A or B

New Pattern of Examinations 2017-18

- (i) The syllabus has been divided into five units.
- (ii) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- (iii) The question paper will be divided into two part – i.e. Part-A and Part-B.
Part-A consists of five compulsory questions. One question will be asked from each Unit. The answer of these questions will be limited upto 200 words. Each question will carry 3 marks.
Part-B : There will be ten questions in which two questions will be asked from each unit with provision of internal choice Carrying 7 marks each. The answer of these questions will be limited upto 500 words.
- (iv) Leading cases prescribed under this paper may be read under the respective unit No. shown against each case.

For a pass, a candidate must obtain :

- (a) 40 percent marks in each written, paper, i.e 20 out of 50 and in aggregate 40 percent marks in individual paper.
- (b) 50 percent marks in aggregate in all the papers.

(A) Introduction: Faculty of Law, Jai Narain Vyas University is a mission driven institution. It is among the oldest Law School of North India. Since, its inception as an erstwhile Jaswant Law Centre, it has produced a galaxy of Legal Luminaries including Judges of Supreme Court, High Court, diplomats, eminent politicians and legislators together with top beaurocrates in the Country.

Jai Narin Vyas University has already been accredited with 'B' grade status by (UGC) NAAC. Banking upon its history of quality research along with long and excellent teaching experience, it is going to introduce new five year integrated law course from the academic year 2011-2012 to prepare new generation of Law students who can successfully meet the challenges thrown by fast changing social cultural and legal milieu in a unipolar globalized world.

Apart from producing successful lawyers and legal researchers, it is dedicated to nurturing students in to leadership inculcating in them the intellectual and ethical values that will mould them into socially responsible professionals, proficient in the dynamic domain of Law. Legal education is increasingly becoming multidimensional as it requires not only procedural skill but deep understanding in various epistemologies. For this integrated degree courses like law and management or Law and Social Sciences or Law and Natural Science are becoming popular and assuming much importance in the corporate world. Legal skills are now mixed with management or scientific analytical skills to advance the rational judicial

system, with this backdrop, the new curriculum of five year integrated courses in Law is based upon these paradigms.

This course will run on Self-Finance Basis.

(B) General Instructions for the Five Year BA LL.B. & BBA LL.B. (Professional)

Degree in the Faculty of Law: Whereas the Bar Council of India in exercise of its powers under section 7(b) and (i), 24 & 49(i) of the Advocates Act, 1961 and all other powers enabling it to lay down standards of legal education in the country for the purpose of admission to the Bar, has originally prepared a new scheme for legal education in 1981-82 and has updated/revised it from time to time and directed the universities to implement the same in consonance with the rules framed, and whereas the JN Vyas University which already implemented the scheme in 1983-84 and continued it up to 1991 & then closed it for some extraneous considerations. It has again decided to reintroduce the scheme with modifications / alterations in consonance with the rules and regulations framed for the purpose by BCI.

The Degree of Bachelor of Law: There shall be a Five Year Course of the degree of BA LL.B. & BBA LL.B. (Professional) in the JN Vyas University, Jodhpur. The University shall confer the Degree of BA LL.B./BBA LL.B. (Professional) on such candidates who, being eligible for admission to the five year LL.B. Degree Course, have received regular instructions in the prescribed course of study, undergone required practical training, passed all the prescribed examinations and have fulfilled such other conditions as are laid down under the relevant Act, statutes and Regulations of the University from time to time.

The Five year course for the Degree of BA. LL.B. & BBA LL.B. (Professional) on Semester basis shall be introduced w.e.f. the Academic Session 2011-2012.

Explanation: A regular course of study includes the prescribed percentage of attendance by the candidates in the lectures, tutorials, moot courts and practical training and also study in the library, contact with the teachers as may be prescribed from time to time by the Dean, Faculty of Law.

Admission can not be claimed by any candidate as a matter of right. The Dean may refuse admission to any candidate on moral grounds. The admission of a student is liable to be cancelled if he/she at any time violates the provisions of the University Act, Statutes, Regulations, Rules or Orders of the Faculty and the University or if he/she is found to have been convicted of a crime or involved in any criminal activity or if it is discovered that he/she has furnished wrong information or false documents for the purpose of his/her admission.

Admission Requirement

Eligibility and Admission (a) A candidate who has passed 10+2 qualifying examination with 50% marks or more may opt either B.A. LL.B. Course or BBA LL.B. Courses. In both the streams in the First Four Semesters there shall be some core courses and optional courses. Candidates of both the streams i.e. B.A. LL.B. or BBA LL.B. are required to clear common

papers in addition to their optional papers. After passing the first Four Semesters of LL.B. Examination from 5th Semester of LL.B. onwards, the main regular Law papers as prescribed by the Bar Council of India shall be taught.

(b) That in the case of candidates belonging to scheduled castes or scheduled tribes a relaxation up to 5 percent in marks in qualifying examination shall be given. The candidates who have passed in supplementary of the qualifying examination shall not be eligible for admission. Admission shall be made on the basis of merit and in the manner prescribed by the University.

Number of Students to be admitted: Initially 60 students shall be given admission in the First Semester in each stream i.e. B.A. LL.B. & BBA LL.B. of 5 year integrated course in law i.e. total 120 students shall be given admission.

Attendance: In compliance of decision of the Hon'ble High Court all students are required to fulfill 75% attendance rule in each subject and there must be 75% attendance of a student before he/she could be permitted to appear in the examination.

Medium of Instruction and Examination: The medium of instruction and scheme of examination shall be English.

Scheme of Examination: Each paper shall be of 100 marks; however the scheme of examination for 100 marks is divided as under

(a) There shall be two terminal tests 30 marks are for each test. Out of these two performances marks of one best performance will be taken into consideration while preparing the result..

(b) A project report/ moot court on important topic of Law / social sciences and management discipline will be submitted and presented by each student on a date fixed by the Dean Faculty of Law in consultation with Course Coordinator.

/ Marks allotted for Project Report / Moot Courts 20

(c) Marks allotted for final written examination at the end of the semester are 50.

Total Marks $30+20+50=100$ Marks.

A Candidate has to secure 40% marks in theory paper i.e. 20 out of 50 and 40% in aggregate in each paper to clear that paper.

A candidate who has secured minimum 40% marks in aggregate in each paper and 50% in aggregate of all the subjects will be declared passed.

Division- The Division shall be awarded to a successful candidate on the basis of marks of all the examinations in respect of all the Semesters and will be given second division and who has secured 60% and more marks will be given first division.

Course Design

A candidate for the Degree of Bachelor of Law (Professional) shall undertake the following course for which the syllabus in detail is as under :

The Course is divided for students opting either B.A. LL.B. or BBA LL.B, however both categories of students are required to study certain common compulsory subjects with their optional subjects in the Semester of Five Year LL.B. Courses.

COURSE CONTENTS

For VIII-Semester

(A) Scheme of Examination: Each paper shall be of 100 marks, however the scheme of examination for 100 marks is divided as under :

- (i) There shall be two terminal tests of 15 marks each (15x2=30).
- (ii) Every student is required to participate in one Moot Court in one semester. For participation in each Moot Court, a student is entitled to obtain maximum 10 marks.

The break up of marks for award out of 10 marks shall be as follows : 6 marks for presentation, 2 marks for written submission and 2 marks for general etiquettes and dress code (6+2+2 = 10 marks).

- (iii) The cases for Moot Courts shall be selected either from the leading cases prescribed in each paper or any case or cases suggested by the concerned teacher of the concerned subject.

In Semester 5.8 (Eighth Semester)

1. Two Terminal tests instead of three Terminal Tests.
2. In place of Moot Court, students will submit Projects in 5.8.6 (Principles of Legislation), which will be of 20 marks.
3. In rest of the Papers, they will have to appear in Moot Court which will be of 20 marks.
4. In paper 5.8.6 (Principles of Legislation) will be of 40 marks and 10 marks will remain reserved for Court Visit. Division of marks will be as follows:

Part-A shall contain 10 question of 1 mark each

Part-B shall contain 10 question (two question from each Unit with internal choice) students will have to attempt 5 questions each question will carry 3 marks.

Part-C shall contain 5 questions, 1 from each unit; students will have to attempt any three questions from this part. Each question shall carry 5 marks.

10 marks will remain reserved for Court Visits Practical 5.8.6 (Principles of Legislation).

- (B) There shall be Court Visit and Training under a Lawyer of Trial Court for V & VI Semesters students. The students have to get training and required to prepared one case in each subject in each semester. One case will be of 10 marks.

French language paper is added as foreign language which is required for Five Years LL.B. students. Candidates are required to secure passing marks 40%. French language paper will be in V Semester. There shall be three tests of 10 marks each ($10 \times 3 = 30$). There will also be one project work of 20 marks. Marks allotted for final written examination at the end of the Semester are 50.

Total marks $30 + 20 + 50 = 100$ marks

Number of French language paper will not be added in the total marks of the candidates.

For VII & VIII Semesters students, there shall be Court Visit and Training under a Lawyer of Appellate to prepare one case in each subject in each semester. One case will be of 10 marks.

For IX & X Semesters students, there shall be Court Visit and Training under a Lawyer of High Court. The students have to get training and required to prepare one case in each subject in each semester. One case will be of 10 marks.

- (C) Marks allotted for final written theory examination at the end of academic session are 50.

Total marks $30+10+10+50 = 100$ marks.

- (D) Course Design : A student of VIII Semester of LL.B. 5 Year Course (Professional) shall undertake the following subjects for which the syllabus in detail is as under :-

B.A. LL.B./B.B.A. LL.B. - Semester – VIII

Course Code	Subjects	Maximum Marks	Examination Hours	Period Per Week	T/P Per Week
5.8.1	Family Law II (Mohammedan Law)	100	3	4	1
5.8.2	Company Law and Negotiable Instrument Act	100	3	4	1
5.8.3	Labour & Industrial Law	100	3	4	1
5.8.4	Law relating to Intellectual Property	100	3	4	1
5.8.5	Cyber Law, Information Technology Act and Space Law	100	3	4	1
5.8.6	Principles of Legislation and Interpretation of Statutes	100	3	4	1

Note: - Total Marks for Each Paper will be as under :-

Theory Marks	Term Test Marks	Project / Moot Court Marks	Total Marks
50	30	20	100

L Stands for Lecture of 55 minutes

T Stands for Tutorials

P Stands for Project

The Five Year Degree Course of B.A. LL.B. / BBA LL.B. will consist of Ten Semesters. One academic session of one year will be divided into two Semesters. Candidates shall be admitted to B.A. LL.B. or BBA LL.B. in First Semester only and thereafter required to qualify all Ten Semesters, consequently to earn the degree of B.A. LL.B. or BBA LL.B. After admission in Semester I, candidate shall be admitted to the next Semester only after having qualified the present Semester as per the criteria laid down in the scheme of examinations.

Note: (1) Students will be required to take admission in all respective Semesters by applying in the prescribed admission form of the University. (2) Each student will be required to submit the examination form in each Semester along with the examination fee as prescribed. (3) Semester examinations will be held in the month of December and May every year.

The Promotion: A candidate will be promoted in the next semester if he/she fails in only three papers in the examination of the semester and obtained 50 % marks in aggregate in rest of the papers or in the case of the candidates failing in the aggregate only and secured 50% percent marks in the the rest of the papers excluding the paper in which they have secured lowest marks.

Such candidates may be permitted to make-up the deficiency at subsequent but regular and scheduled programmes / examinations only. Subsequent examinations of the respective semesters will be treated as main examination. There shall be no make-up or special examination for making up such deficiency.

Also a candidates appearing at an examination to make up the deficiency shall have to appear at such examination based on the Course of Studies in force at the time, unless the paper

itself no longer forms the part of the course of the studies. In such eventuality the course of the study soon before the deletion shall be deemed to be relevant. However, the department shall have no responsibility to organize and impart teaching in the paper in which the candidate has deficiency.

Those candidates who appeared at the subsequent examination for clearing the deficiency shall be awarded actual marks obtained.

The candidate who fails at main written examination and re-appears as ex-student shall not be required to clear the written tests / Project Report / Moot Courts / Practical Training/ Legal Aid Camps respectively. If he/she was already completed the above referred requirements and passed.

In such cases the marks obtained in the previous examination shall be carried forward.

A candidate failing to pass any of the Semester Examination will be exempted to reappear in that specific paper in which he/she has obtained 60% or more. The consolidated mark sheet of B.A. LL.B. or BBA LL.B. will be issued and the degree will be awarded only after completing all the requirements i.e. passing in aggregate in all the main written examinations of all the Ten Semester, and passing the three written tests in each Semester along with Project Report / Moot Courts / Practical Training / Legal Aid Camps respectively. Thus to clear a semester a candidate is required to get minimum 50% marks in aggregate inclusive of marks obtained in the written tests, Project Report / Moot Courts / Practical Training / Legal Aid Camps respectively. However a minimum of 40% marks is required in each individual subject.

Note 1: For grace-marks and revaluation the rules and regulations declared by the University from time to time will be applicable.

Note 2: All candidates will have to complete all the requirements of the B.A. LL.B./BBA LL.B. within 10 Semesters.

B.A. LL.B. or BBA LL.B. degree will be awarded out of 6800 marks

B.A. LL.B. / B.B.A. LL.B.	Semester I	800 Marks
B.A. LL.B. / B.B.A. LL.B.	Semester II	800 Marks
B.A. LL.B. / B.B.A. LL.B.	Semester III	800 Marks
B.A. LL.B. / B.B.A. LL.B.	Semester IV	800 Marks
B.A. LL.B. / B.B.A. LL.B.	Semester V	600 Marks
B.A. LL.B. / B.B.A. LL.B.	Semester VI	600 Marks
B.A. LL.B. / B.B.A. LL.B.	Semester VII	600 Marks
B.A. LL.B. / B.B.A. LL.B.	Semester VIII	600 Marks
B.A. LL.B. / B.B.A. LL.B.	Semester XI	600 Marks
B.A. LL.B. / B.B.A. LL.B.	Semester X	600 Marks

Total 6800 Marks

B.A. LL.B./B.B.A. LL.B. Five Year VIII Semester

5.8.1 FAMILY LAW II (MOHAMMEDAN LAW)

Note :-

- (i) The syllabus has been divided into five units.
- (ii) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- (iii) The question paper will be divided into two part – i.e. Part-A and Part-B.
Part-A consists of five compulsory questions. One question will be asked from each Unit. The answer of these questions will be limited upto 200 words. Each question will carry 3 marks.
Part-B : There will be ten questions in which two questions will be asked from each unit with provision of internal choice Carrying 7 marks each. The answer of these questions will be limited upto 500 words.
- (iv) Leading cases prescribed under this paper may be read under the respective unit No. shown against each case.

Unit 1 : Will : Competence of testator and legatee, valid subject of will, testamentary limitation, Formalities of a will and Abatement of legacy .Legitimacy and acknowledgement : Legitimacy and legitimation.

.Unit 2 Presumption of legitimacy under Muslim Law and Section 112 of the Indian Evidence Act, Conditions of valid acknowledgment Maintenance: Persons entitled to Maintenance, Principles of maintenance. The Muslim Women (Protection of Rights on Divorce) Act, 1986

Unit 3 Death-Bed-Transactions: Meaning and effect of Marjulmawt Wakf : Meaning and essential of a Wakf, Beneficiaries of Wakf, the Wakf Validating Act, 1913, Formalities for creation of Wakf of Musha, kinds of Wakf,

Unit 4 : Muslim religious institutions and offices, Administration of Wakfs Inheritance: General Principles of law of inheritance, Doctrines of Aul and Radd under Hanafi and Shia Law.

Unit 5: Protection of Women Against Domestic Violence Act, 2005, Definitions: aggrieved person, child, compensation order, custody order, domestic violence, Protection Officer, protection order, residence order, service provider, shared household, Jurisdiction of the Court, Procedure for seeking relief under the Act, remedies and reliefs, Penalty for breach of protection order by respondent., Cognizance and proof. Penalty for not discharging duty by Protection Officer Cognizance of offence committed by Protection Officer.

Books Recommended:

Faize : Mohammedan Law

Mulla: Principles of Mohammedan Law

Verma, B.R. : Islamic Law

Aquil Ahmed : Mohammedan Law

5.8.2 COMPANY LAW AND NEGOTIABLE INSTRUMENT ACT

Note :-

- (i) The syllabus has been divided into five units.
- (ii) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- (iii) The question paper will be divided into two part – i.e. Part-A and Part-B.
Part-A consists of five compulsory questions. One question will be asked from each Unit. The answer of these questions will be limited upto 200 words. Each question will carry 3 marks.
Part-B : There will be ten questions in which two questions will be asked from each unit with provision of internal choice Carrying 7 marks each. The answer of these questions will be limited upto 500 words.
- (iv) Leading cases prescribed under this paper may be read under the respective unit No. shown against each case.

Unit1 : Majority power and minority rights: Prevention of Oppression and Mismanagement, Merger, Acquisitions Takeover

Unit 2 : Amalgamation and reconstruction, Meetings of company, Winding up and Dissolution: Distinction.

Unit 3: Winding up by Court, voluntary winding up, compulsory winding up, Liquidators

Unit4: Negotiable Instrument Act, 1881: essential features, Promissory note, Bill of Exchange, Cheque, Dishonour.

Unit5: Inchoate stamped, Holder, Holder in due course, Kinds of endorsement, Noting, Public Notary, Discharge from Liability, Civil Liability, Liability, Procedure for Prosecution, extent of Penalty.

BOOKS RECOMMENDED

Shah S.M. : Lectures on Company Law

Avtar Singh : Company Law

Sen, G.M. : Company Law. Cases and Materials Indian Partnership Act, 1932

Sanghal P.S. : National and Multinational Companies : Some Legal Issues

Avtar Singh: Negotiable Instrument Act, 1881

Bashyam and Adiga, The Negotiable Instruments Act (1997)

Bharath Law House, New Delhi.

5.8.3 LABOUR & INDUSTRIAL LAWS

Note :-

- (i) The syllabus has been divided into five units.
- (ii) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- (iii) The question paper will be divided into two part – i.e. Part-A and Part-B.
Part-A consists of five compulsory questions. One question will be asked from each Unit. The answer of these questions will be limited upto 200 words. Each question will carry 3 marks.
Part-B : There will be ten questions in which two questions will be asked from each unit with provision of internal choice Carrying 7 marks each. The answer of these questions will be limited upto 500 words.
- (iv) Leading cases prescribed under this paper may be read under the respective unit No. shown against each case.

ACTS FOR STUDY

1. The Trade Unions Act, 1926,
2. The Factories Act, 1948,
3. The Minimum Wages Act, 1948

Unit:1 Definition and nature of Trade Union

Registration of Trade Unions : Rights and Liabilities of Registered Trade Unions, Recognition to Trade Unions, Dissolution, Collective Bargaining.

Unit 2 :History of Factory Legislation : Objects and Reasons-Scope and applicability-Definitions of some Important terms The Inspecting Staff : Health, Safety, Welfare Provisions.

Unit 3:working hours for Adults, Employment of Young persons, Annual Leave with Wages Concept of Wages, particularly, Minimum Fair and Living wages.

Unit4:Aims and Objects of the Minimum Wages Act. Application, Fixation and revision of minimum rates of wages.

Unit5:Adjudication of claims relating to Minimum wages and Miscellaneous provisions.

BOOKS RECOMMENDED

Indian Law Institute : Law and Labour Management Relations in India

Giri, V.V.: Labour Problems in Industry

Malik, P.L. : Industrial Law (6th Ed.)

Dhingra, L.C. : Labour Law

Goswami, VG.: Labour and Industrial Law

5.8.4 LAWS RELATING TO INTELLECTUAL PROPERTY

Note :-

- (i) The syllabus has been divided into five units.
- (ii) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- (iii) The question paper will be divided into two part – i.e. Part-A and Part-B.
Part-A consists of five compulsory questions. One question will be asked from each Unit. The answer of these questions will be limited upto 200 words. Each question will carry 3 marks.
Part-B : There will be ten questions in which two questions will be asked from each unit with provision of internal choice Carrying 7 marks each. The answer of these questions will be limited upto 500 words.
- (iv) Leading cases prescribed under this paper may be read under the respective unit No. shown against each case.

- Unit1 : Patent office, controller, his functions and powers.
Working of patents, compulsory licenses, Revocation, Acquisition of patent by Central Government..
- Unit 2: Infringement, remedies, offences and penalties.
Patenting life forms and animal variety. Trade Marks Act 1999 as amended for time to time. Meaning of Trade Marks, Kinds of Trade Marks.
- Unit 3: Registration of Trade Marks, procedure, duration, renewal and effect of registration. Infringement of Trade Marks and remedies. Transfer and transmission of trade Marks. Use and registered user of trade marks.
- Unit 4: Certification of trade Marks, Textile goods and Trade marks.
Offence and Penalties. Law relating to protection of Plant Breeders Rights
- Unit 5: Geographical Indications of Goods. Bio-diversiaty Act. Trade in Intellectual Property.

SUGGESTED READINGS

- B.L. Wadhwa : Law Relating to Patents, Trade Marks, :Copyrights Designs & Geographical Indications, 1999
- GB. Reddy's Intellectual Property Rights Law, Steward, G.M. : International Copy Right and Neighbouring Rights Steward, GM.: Indian Copy Right Act, 1957
- Steward, GM.: Borne Convention Implementation Act, 1988 Vikas Vashistha : Law and Practice of Intellectual Property Vikas Vashistha: The Trade and Merchandise Marks Act, 1959 S. P. Narayan : Patent Law (1985 ed.)

5.8.5 CYBER LAW, INFORMATION TECHNOLOGY ACT AND SPACE LAW

Note :-

- (i) The syllabus has been divided into five units.
- (ii) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- (iii) The question paper will be divided into two part – i.e. Part-A and Part-B.
Part-A consists of five compulsory questions. One question will be asked from each Unit. The answer of these questions will be limited upto 200 words. Each question will carry 3 marks.
Part-B : There will be ten questions in which two questions will be asked from each unit with provision of internal choice Carrying 7 marks each. The answer of these questions will be limited upto 500 words.
- (iv) Leading cases prescribed under this paper may be read under the respective unit No. shown against each case.

Unit 1 : International Prospective of Cyber Law

United States Cyber Law
Australian Cyber Law
Japanese Cyber Law
U.K. Computer Act
French Computer Crime
Marinitius Cyber Law
SriLanka's Cyber Crime Law
Pakistan Cyber Law
Bangladesh Cyber Law
Cyber Crimes – Definition
Reasons for Cyber Crimes
Classification of Cyber Crimes
Viruses, Hacking, E-mail Spoofing, Computer Vandalism,
Cyber Terrorism, Cyber Ponography, Cyber defamation
E-mail frauds (Spam), Money Laundering, Data-diddling

Unit 2: 1. Preliminary

2. Digital Signatures
3. Electronic Governance
4. Attribution, Acknowledgment and Dispatch of Electronic Records

Unit 3 :1. Secure Electronic Records and Secure Digital Signatures

2. Regulation of Certifying Authorities.
3. Digital Signature Certificates,
4. Duties of Subscribers

Unit 4 :1. Penalties and Adjudication

2. The Cyber Regulations Appellate Tribunal
3. Offences
 - Cyber Crimes- Definitions, Classifications and types
4. Network Service Providers not to be liable in certain cases
5. Miscellaneous – e-mail frauds, money laundering, data hiding

Unit 5 : Space Law

- Definition, nature, scope and development
- Sources
- UN and Outer Space
- International co-operation for peaceful use
- Development by General Assembly resolutions
- UN space treaties : strengths and needs
- Development of law by treaties
- The space treaty 1967
- The rescue Agreement 1968
- The Liability Convention 1972
- The Registration Convention 1975
- The Moon Treaty 1979
- Partial Test Ban Treaty 1963
- Weather Modification Convention 1977
- Environmental protection
- IPR rights
- India and Space Law
- Space policy
- Need for the law in the country

BOOKS RECOMMENDED

- Azbeyratne, RIR,. Legal and Regulatory Issues in International Aviation (1996), Transnational Publishers, NY.
- Bhatt S., The New Aviation Policy of India : Liberalization and Deregulation, (1997), Lancers Books, N. Delhi.
- Bhatt S. Et. Al. (Ed.), Air Law and Policy in India (1994), Lancers Books, N. Delhi
- Blackloack, Mark. (Ed.), International Civil Aviation Organization: 50 Years Global Celebrations 1944-1994. (1995), International Systems and Communication Ltd., London
- Blackshaw, Carole, Aviation Law and Regulation-A Framework for Civil Aviation Industry (1992), Pitman Publishing, London
- Button, Kennath, (ed.), Airline Deregulation : International Experience (1991), Fulton Publishers, London
- Groenewege, A.D., Compendium of International Civil Aviation (1996), International Civil Aviation Corprn., Montreal
- Mani V.S., Et. Al., (Eds.), Recent Trends in International Space and Policy, (1997), Lancers Books, N. Delhi.
- Wassenbergh, H.A. Principales and Practices in Air Transport Regulations (1993), ITA Press, Paris

PAPER 5.8.6
PRINCIPLES OF LEGISLATION AND INTERPRETATION OF
STATUTES

Note :-

- (i) The syllabus has been divided into five units.
- (ii) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- (iii) The question paper will be divided into two part – i.e. Part-A and Part-B.
Part-A consists of five compulsory questions. One question will be asked from each Unit. The answer of these questions will be limited upto 200 words. Each question will carry 3 marks.
Part-B : There will be ten questions in which two questions will be asked from each unit with provision of internal choice Carrying 7 marks each. The answer of these questions will be limited upto 500 words.
- (iv) Leading cases prescribed under this paper may be read under the respective unit No. shown against each case.

Unit 1 : 1. Principles of Legislation

Law-making - the legislature, executive and the judiciary, Legislation as a source of law, Relation of legislation to other sources of law, Advantages of legislation over precedent and precedent over legislation and Distinction between morals and legislation.

2. Interpretation of Statutes

Meaning of the term 'statutes', Commencement, operation and repeal of statutes, and Purpose of interpretation of statutes.

Unit 2 : Aids to Interpretation

Internal aids, Title, Preamble, Headings and marginal notes, Punctuation marks, Illustrations, exceptions, provisos and saving clauses, Schedules, Non-obstante clause, External aids, Dictionaries, Statutes in pari materia, Contemporanea Exposito, Debates, inquiry commission reports and Law Commission reports

Unit 3 : 1. Rules of Statutory Interpretation

Primary Rules, Literal rule, Golden rule, Mischief rule (rule in the Heydon's case), Rule of harmonious construction, Secondary Rules, Noscitur a sociis, Eiusdem generis, Red

Nb Odendo singula singulis,

2. Presumptions in statutory interpretations

Statutes are territorial in operation, Presumption as to jurisdiction, Presumption against what is inconvenient or absurd, Presumption against intending injustice, Presumption against intending injustice, Presumption against impairing obligations or premitting advantage from one's own wrong, Prospective operation of statutes.

Unit 4 : 1. Maxims of Statutory Interpretation

Delegatus non protest delegare, Expressio unius exclusio alterius, Generalia specialibus non derogant, In pari delicto potior est conditio possidentis, Utres valet potior quam pareat, Expressum facit cessare facitum, In bonam partem.

2. Interpretation with reference to the subject matter and purpose

Restrictive and beneficial construction, Taxing statutes, Penal statutes, Welfare legislation,

Unit 5 : 1. Interpretation with reference to the subject matter and purpose

Interpretation of substantive and adjunctival statutes, Interpretation of directory and mandatory provisions, Interpretation of enabling statutes, Interpretation of codifying and consolidating statutes.

2. Principles of Constitutional Interpretation

Doctrine of pith and substance, Colourable legislation, Ancillary powers, "Occupied Field". Principle of Severability, Principle of Eclipse.

BOOKS RECOMMENDED:

G.P. Singh, Principles of Statutory Interpretation, (7th Edition) 1999, Wadhwa, Nagpur.

P.St. Langan (Ed.). Maxwell on The Interpretation of Statutes (1976) N.M. Tripathi, Bombay.

K.Shanmukham, N.S. Bindras's Interpretation of Statutes, (1997) The Law Book Co. Allahabad.

V. Sarathi, Interpretation of Statutes, (1984) Eastern, Lucknow.

M.P. Jain, Constitutional Law of India, (1994 Wadhwa & Co.

M.P. Singh, (Ed.) V.N. Sukha's Consitution of India, (1994) Eastern, Lucknow.

U.Baxi, Introduction to Justice K.K. Mathew's, Democracy Equality and Freedom (1978) Eastern, Lucknow

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