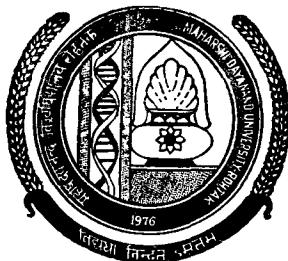


Maharshi Dayanand University Rohtak



Ordinances, Syllabus and Courses of Reading for LL.B. VIII Semester Examination

Session—2003-2004

Available from :

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Rohtak 124 001 (Haryana)

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MAHARSHI DAYANAND UNIVERSITY, ROHTAK
SCHEME OF EXAMINATION LL.B VIII SEMESTER
(2003-2004)

Name of Paper	Paper	Written	Internal	Total Marks	Time
Labour Law-II	I	80	20	100	3 hrs.
Laws of Taxation-II	II	80	20	100	3 hrs.
Intellectual Property Law-II	III	80	20	100	3 hrs.
Arbitration council- lation and Alternate Dispute resolution.	IV	80	20	100	3 hrs.
Public Interest Lawyering, Legal Aid & Para Legal Service and Professional Ethics.	V	80	20	100	3 hrs.

Note:-

The internal assessment will be evaluated by the teacher teaching the subject on the basis of assignment and presentation of assignments will be subject to the question from the teacher and the classmates and the assessment will be based on overall performance of the student in writing assignment, presentation of assignment and question put to him/her by the teachers and students during presentation

In theory there will be eight questions in four units. Two questions will be set from each unit. Candidate will be required to attempt 5 questions selecting at least one question from each unit. The examiner will be free to set the questions in problem form based on case law.

Every student will have to obtain minimum pass marks in theory paper and he will be declared successful on the basis of aggregate of theory and assessment.

VIIIth Semester

Labour Law - II

Paper-I

MM : 80

Note :- *Eight question shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all selecting at least one question from each unit.*

Unit-I

The workmen's compensation Act., 1923 main features of the act, Definitions compensation, dependent, employer, workman, partial disablement, total disablement, employer's liability for compensation (S.8), notice and claims of the accident (S.10), commissioner (Ss19 to 29), appeals (S.30). Medical Examination (S.11)

Unit-II

The Minimum Wages Act, 1948: Objects and constitutional validity of the Act, silent features, definitions: Employers cost of living index, scheduled employment, wages, minimum wage, fair wage and living wage, fixation and revision of minimum rates of wages, working hours determination of wages and claims (Ss3-20 and 21), Payment of wages Act, 1936 : Def : Employer, Industrial and other establishment wages payment and deduction from wages (Ss 3-13), inspector (s.14), authority to hear claims (S.15), appeal (S. 17).

Unit-III

The Industrial Employment (Standing Orders) Act, 1946 Procedure for Certification & adoption of standing orders. Certifying Officer (SS 2(3) 3-10, 13-A 2(c), 11). The Employee's State Insurance Act, 1948-Employees State Insurance corporation, Standing Committee, Medical Benefit Council, Contributions, Benefits, Employees Insurance Court.

Unit-IV

The Equal Remuneration Act, 1976-Def. Sec 2(d) (l)(h), Payment of remuneration at equal rates (sec.4 to 7); Sec. 8,9 and 5.11

The payment of Bonus Act, 1965-Eligibility & Disqualification for Bonus (Sec. 8,9) minimum & Maximum Bonus (5.10,11); Proportionate reduction (5.13) Recovery of Bonus due (5.21) Customary Bonus, Productivity Bonus.

The Payment of Gratuity Act, 1972-

Definitions, Eligibility, Payment, Determination, recovery and Protection of Gratuity, Sec. 2-A, 4,7, 8 & 13

Leading Cases:

1. S.S. Mfg. Co. Vs. Bal Valu Raja, A.I.R. 1958 SC 881.
2. Bijoy Cotton Mills Ltd. Vx. State of Ajmer A.I.R. 1995 SC 33.
3. M/s Mackinon Mackenzie & Co. Ltd. Vs. Andrey D'costa & another (1987) 1 LL 536 (SC).
4. Jalan Trading Co. Vs. Mill Mazdoor Sangh AIR 1967 SC 691.

Note:- Note more than one question will be set directly from the leading cases.

Recommended Books:

1. S.N. Mishra-Labour and Industrial Law.
2. Mahesh Chandra-Minimum Wages Act, 1948.
3. Dr. S.K. Puri-Labour and Industrial Laws.
4. Dr. L.c. Dhingra-Law on Industrial Adjudication in India.

Law of Taxation - II

Paper-II :

MM : 80

Note:- Eight questions shall be set with two questions from each unit. The Candidate shall be required to attempt five questions in all selecting atleast one question from each unit.

Unit-I Wealth Tax Act 1957 :

1. Definitions
2. Charge of Wealth Tax, Valuation of Assets.
3. Assesment & Return.
4. Liability to Assesment in Special cases.

Unit-II Wealth Tax Act 1957 :

1. Wealth Tax Authorities.
2. Offences and Prosecution.
3. Appeal, reference and Revision.

Unit-III Central Sales Tax Act 1956 :

1. Definitions.
2. Inter-State Sale, Export & Import.
3. Registration of Dealers.
4. Goods of Special Importance.

Unit-IV The Customs Act, 1962 :

1. Preliminary.
2. Officers of Customs.
3. Prohibition on Importation and Exportation of Goods.
4. Custom Duties.
5. Clearance of Imported Goods and Export Goods.
6. Searches, Seizure and Arrest.

Leading Case :

Cutley (India) Ltd. Vs. C.I.T. (1952 I.T.R. 268 Bombay)

VIIIth Semester
Intellectual Property Law - II

Paper--III :

MM : 80

Note:-Eight questions shall be set with two questions from each unit. The Candidate shall be required to attempt 5 questions in all selecting at least one question from each unit.

Unit-I Copyright Act, 1957 (Without Amendments) :

Ownership of copyright and the rights of the owner, Performer's Right, Rights of Broadcasting Authorities, International Copyright.

Unit-II

Registration of Copyrights, Infringement of Copy rights, Civil Remedies, Appeals.

Unit-III The Patent Act, 1970 as amended by the Patents Amendment Act, 2002 :

Patent Office & Its establishment, Procedure for obtaining Patent, Register of Patents, Rights of Patentee, Powers of Controller, Patent Agent.

Unit-IV The Designs Act, 2000 :

Preliminary, Registration of Design, Copyright in Registered Design, Powers & Duties of Controller.

Leading Cases:

1. Jagdish Prasad Vs. Parmeshwar Prasad A.I.R. 1966 Pat. 33.

2. Khemraj Vs. Garg and Co. A.I.R. 1975 Del. 130.
3. Biochem Pharmaceutical Industries Vs. Biochem Ltd. (1997) Vol. 99 (2) Bom. L.R.

Note:- Note more than one question will be set directly from the leading cases.

Books Recommended:

1. P. Narayana : Patent Law.
2. Dr, K.K. Puri : Law of Patent System in India.
3. Lyenger : Copy rights Act.
4. Dr. Faizan Mustafa : Copy Right Law : A Comparative Stuey (1999).

VIIth Semester
Arbitration, Conciliation and Alternate
Dispute resolution,

Paper-IV

MM : 80

Note:-Note:-Eight questions shall be set with two questions from each unit. The Candidates shall be required to attempt 5 questions in all selecting at least one question from each unit.

Unit-I

Introduction to Dispute Resolution: limits of Litigation, evolution of alternative Dispute Resolution (ADR): ADR in India; Advantages and Disadvantages of ADR, Mediation Arbitration (Med. Arb.), Arb. Med., Factors in choosing the Dispute Resolution process: Difference among Negotiation in Family dispute, Negotiation in Labour Disputes (Collective Bargaining), Advantages of Negotiation, Role of Law in Negotiation.

Unit-II

Mediation Conciliation, Nature and Concept, Advantages of Conciliation, Conciliation in Labour Disputes, Conciliation in Family disputes, conciliation under Civil Procedure Code 1908, Conciliation under Arbitration and Conciliation Act, 1996 (Sec. 61-81), Role of conciliator, Confidentiality in Conciliation.

Unit-III

Concept, Meaning and Growth of Lok Adalats, Position of Lok Adalats under Legal Services Authorities Act, 1987, Organization of Lok Adalats, Cognizance of cases by Lok Adalats, Award of Lok Adalats, Powers of Lok Adalats, evaluation of Lok Adalats, Disputes resolution through Legal Aid Clinics, Nyaya Panchayats: advantages, Composition and Jurisdiction.

Unit-IV

Arbitration and conciliation Act 1996 (Sec. 1-43), Definition of Arbitration, International commercial Arbitration, Objectives of the Act, Arbitration agreement, Composition and Jurisdiction of Arbitral Tribunal, Conduct of Arbitral Proceedings, awards and termination of proceedings, Recourse against arbitral awards, Finality and Enforcement of Arbitral award, Appeal, orders and Lien on Arbitral awards and Deposits as to costs.

Foreign awards- Definition and Enforcement, Arbitration and Conciliation Act, 1996 (Sec. 44-60), New York convention awards (Sec. 44-52), Geneva convention awards, conventions on recognition and enforcement of foreign arbitral awards (Schd. 1).

Leading Cases:

1. Food Corporation of India Vs. Joginder Pal Mohinder Pal, A.I.R. 1989 S.C. 1263.
2. Renusagar & Co. Vs. G.E.C. A.I.R. 1994 S.C. 860.

Note:-Not more than one question will be set directly from the leading cases.

Books Recommended

1. P.C. Juneja : Equal Access to Justice
2. P.C. Rao : Alternative Disputes Resolution
3. M.c. Chitkara : Lok Adalats and the poor Legal Services Authorities Act, 1987, Arbitration and Conciliation Act, 1996.
4. Simon Roherts : Mediation in Family Disputes Modern Law Review 1983 P. 537.

VIIIth Semester

Paper-V

Public Interest lawyering, legal Aid & Para Legal Service and Professional Ethics.

Max. Marks:80

Note:-*Eight questions shall be set with two questions from each unit. The Candidates shall be required to attempt 5 questions in all selecting at least one question from each unit.*

Unit-I

Public Interest Lawyering.

Concept, Nature and scope of public interest lawyering. Some essays of social and legal nature, clinical method and clinical theories regarding Public Interest Lawyering.

Unit-II

Public Interest Litigation.

Concept, nature and scope of public interest litigation, procedure and drafting of public interest litigation cases, writing of case law, editing of law journals and methods of researcher etc.

Unit-III

1. nature of Legal Profession.
2. Rights and privileges of an advocate.
3. duties and responsibilities of an advocate.
4. Necessity of an ethical code.

Unit-IV

Standard of professional contempt.

Professional misconduct.

Powers and procedures of disciplinary committee.

Bar-Bench-Retentions.

Contemp's Law and Practices.

Leadign cases:

1. Central for Legal Research Vs. State of kerala AIR 196 SC 1322.
2. Unni Krishnan Vs. State of A.P. AIR 1993 SC 2178.
3. Sarla Mudgil Vs. U.I.O. AIR 1915 Sc 1532.
4. P.J.Ratnam Vs. j.K. Nikeram AIR 1964 SC 244.
5. Shiv Narayan Vs. Hon'ble Judges of Hlgh Court of Allahabad AIR 1953 SC 368.
6. District Judge Vs. j.G. Gandhi AIR 1956 BOM 739.

Note:- Not more than one question will be set directly from the leading cases.

Books Recommended

- (a) Juneja P.C. : Equal Access to Justice
- (b) Sonia Hurra : Public Interest Litigation
- (c) The Legal services Authorities Act, 1987 .
- (d) Mr. Krishna Murthy Iyer's book on 'Advisory'
- (e) The contempt of Court Act.
- (f) The Bar Council Code of Ethics.
- (g) The Advocates Act, 1961.

Unit-IV

The Equal Remuneration Act, 1976-Def. Sec 2(d) (l)(h), Payment of remuneration at equal rates (sec.4 to 7); Sec. 8,9 and 5.11

The payment of Bonus Act, 1965-Eligibility & Disqualification for Bonus (Sec. 8,9) minimum & Maximum Bonus (5.10,11); Proportionate reduction (5.13) Recovery of Bonus due (5.21) Customary Bonus, Productivity Bonus.

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3. M/s Mackinon Mackenzie & Co. Ltd. Vs. Andrey D'costa & another (1987) 1 LL 536 (SC).
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2. Mahesh Chandra-Minimum Wages Act, 1948.
3. Dr. S.K. Puri-Labour and Industrial Laws.
4. Dr. L.c. Dhingra-Law on Industrial Adjudication in India.

VIIIth Semester
Intellectual Property Law - II

Paper--III :

MM : 80

Note:- Eight questions shall be set with two questions from each unit. The Candidate shall be required to attempt 5 questions in all selecting at least one question from each unit.

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