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UNIVERSITY OF MUMBAI

No.UG/ 324 of 2005

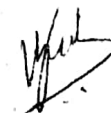
CIRCULAR :

A reference is invited to the Ordinances, Regulations and syllabi relating to the Post-Graduate Diploma course in Criminal Law, Procedure and Practice and the Post-Graduate Diploma course in Intellectual Property Right and the Head, University Department of Law and the Principals of the affiliated colleges in Law are hereby informed that the recommendation made by the joint meeting of the Board of Studies in Law and Faculty of Law at its meeting held on 12th May, 2005 has been accepted by the Academic Council at its meeting held on 14th June, 2005 vide item No.4.43 and that in accordance therewith Post-Graduate Diploma course in Criminal Law, Procedure and Practice and the Post-Graduate Diploma course in Intellectual Property Rights have been introduced by the University from the academic year 2005-2006.

Further that in exercise of the powers conferred upon the Management Council under Section 54(1) and Section 55(1) of the Maharashtra Universities Act 1994, it has made the Ordinances 5552, 5553, 5554 and 5555 and Regulations 5235, 5236, 5237, 5238, 5239, 5240, 5241, 5242, 5243 and 5244 relating to the Post-Graduate Diploma course in Criminal Law, Procedure and Practice and the Post-Graduate Diploma course in Intellectual Property Rights including scheme of papers and syllabi is passed as per Appendix and that the same has been brought into force with effect from the academic year 2005-2006.

Mumbai 400 032

9th August, 2005

 10/8
for REGISTRAR.

To,

The Head, University Department of Law and the Principals of the affiliated colleges in Law.

A.C. 4.43 14.06.05

No.UG/ 324-A of 2005

9th August, 2005

Copy forwarded with compliments to the Chairman, Board of Studies in Law and the Dean, Faculty of Law for information.

 10/8
for REGISTRAR.

Enclosure to Item No. 4-43

14/6/05

UNIVERSITY OF MUMBAI

**Post Graduate Diploma in
Criminal Law, Procedure and Practice.**

**Ordinances, Regulations, Scheme of Papers
and Syllabus for the Post-Graduate Diploma
in Criminal Law, Procedure and Practice.**

(Introduced from the academic year 2005-2006)

UNIVERSITY OF MUMBAI

O. 5552 Title of the Course : Post-Graduate Diploma in Criminal Law,
Procedure and Practice.

O. 5553 Eligibility : Graduate from any faculty.

R. 5235 Duration of the Course : One Academic Year.

R. 5236 Fees Structure : Rs.8000/-

Examination : To be held at the end of every Academic Year.

Number of Papers : Four Theory Papers and One Paper on Practical Training.

Paper – I Criminal Jurisprudence

Paper – II Criminal Procedure and Stages of a Criminal Trial.

Paper – III Criminal Law and Court Practice.

Paper – IV Study of Current Issues.

Paper – V Practical Training and Project Work.

Each Paper will be of 100 Marks

R. 5237 Intake Capacity : 50

Weekly Lectures : Two Lectures of 50 minutes duration for each paper.

Faculty : Post Graduation in Law/LLB with 10 years professional
experience .

Lecture will include :

a) Class room instruction b) Seminars C) Workshops d) Guest Lectures

R. 5238 Teacher Qualification : Post Graduation in Law/LLB with 10 years professional
experience.

R. 5239 Standard of Passing :

- a) To pass the Diploma examination a student must obtain 45% of marks in each paper and 50% in aggregate.
50% but not less than 50%
- b) Candidate who secures 50% to 59% marks in aggregate shall be declared to have passed the examination in the Second Class.
- c) Candidate who secures an aggregate of 60% and above marks on the whole shall be declared to have passed the Examination in the First Class.
- d) In addition to (a) (b) and (c) above, a candidate who secures 70% and above marks on the whole shall be declared to have passed the Examination with Distinction.

P.G. DIPLOMA IN CRIMINAL LAW, PROCEDURE & PRACTICE

Paper 1 Criminal Jurisprudence

I. HISTORY OF CRIMINAL LAW

II. BASIC CONCEPTS

Offence
Offender/Criminal/ Accused
Police Investigation
Punishment: Theories of punishment
Trial
Judgment

III. BASIC PRINCIPLES

The prosecution has to prove its case beyond all reasonable doubts
The accused is not guilty till he is proved so.
Let nine guilty may go free but no single innocent be punished
The Principles of Natural justice
Personal Liberty and Law of Bails

IV. MAJOR LAWS:

i) Constitutional Guarantees:

Arts. 14, 19
Arts. 20, 21, 22
Art. 32
Arts. 226 & 227

ii) Indian Penal Code ,

Scheme Of the Act
Special Features of the Act
Classification of Offences
Definitions
Exceptions
Punishment

iii) Criminal Procedure Code, 1973 .

iv) Indian Evidence Act, 1872

iv) Juvenile Justice Act , 2000

vi) Protection of Human Rights Act, 1993

- V. PENAL PROVISIONS UNDER OTHER LAWS
Company Law- Companies Act, 1956
Tax Laws- Income Tax Act, 1961
Copy Right Act, 1957
Trade Marks Act, 1999
- VI. SPECIAL ACTS
POTA
MCOCA
MPDA
✓(1) CYBER CRIMES AND CYBER LAWS
- + VII. MINOR ACTS
The Bombay Police Act,
The Bombay Prohibition Act,
- XVIII. ^{Foreign} INTERPRETATION OF PENAL LAWS
- X IX. COMPARATIVE STUDY OF I.P.C AND OTHER SPECIAL LAWS
- X X. COMPARATIVE STUDY OF INDIAN & INTERNATIONAL
CRIMINAL LAW WITH SPECIAL REFERENCE TO THE CONCEPT
OF EVIDENCE AND PROOF

Paper II

CRIMINAL PROCEDURE AND STAGES OF A CRIMINAL TRIAL

I COURT HIERARCHY, POWERS AND JURISDICTION

II. POLICE INVESTIGATION

III. KINDS OF TRIALS

1. Investigation and Inquiry
2. Summary Trial
3. Summons Trial
4. Warrant Trial
5. Sessions Trial

Writ Petitions

IV. APPEALS & REVISIONS REVIEW AND REFERENCE SPECIAL LEAVE PETITION

V. INHERENT POWERS OF HIGH COURT U/S 482 OF CRI. PRO. CODE 1973

VI. CRIMINAL MANUAL

**SUPREME COURT RULES AND GUIDELINES
HIGH COURT CRIMINAL MANUAL
PRISON MANUAL
POLICE MANUAL**

Paper III

CRIMINAL LAW & COURT PRACTICE

I. IMPORTANT DOCUMENTS AND THEIR SIGNIFICANCE:

i) Police Papers

1. F.I.R./Complaint
2. Police Papers
3. Expert Reports
4. Police Diary
5. Identification Parade Report
6. Panchnama
7. Statements u/s 161 & 164 of Cr.P.C
8. Post Mortem Report
9. Medical Report including Injury/Treatment Certificate
10. Age Certificate
11. Handwriting Report
12. Foot and Finger prints
13. Ballistic Report
14. Age of the Ink (Document)

ii) Other Papers

1. Vakalatnama

II. CLIENT COUNSELLING

III. TRIAL:

Framing of the Charge

Examination of witnesses

S.137 to 143 of Evidence Act

S. 161 of Cri.Pro.Code

Demeanour of witnesses

Recall of witness

Cross Examination .

Accused statement u/s 313, ^{C.P.C} defence witnesses

(S.137 to 145 of Evidence Act, S. 161 of Cri. Pro. Code, Demeanour of witness, Recall of witness etc.)

False Evidence

Argument

Judgment

OTHER APPLICATIONS:

Adjournment Application

Exemption Application

Discharge Applications: S.227, S.239 and S.245

Local Inspection Application

Closing of Evidence Application

Written Argument

II. SPECIAL PROCEEDINGS:

1. Disputes regarding water and land
2. Maintenance Proceedings
3. Bail & Bail Bonds
4. Anticipatory Bail Application
5. Quashing Proceedings

MISCELLANEOUS:

Filing Writs, Certified copies etc.; Process: summons, execution, Non-Returnable Warrant cancellation, etc.

PAPER IV: STUDY OF CURRENT ISSUES

1. Capital Punishment
2. Rape Current scenario
3. Police Administration and the enhancement of the powers of police
4. Jail Administration
5. Judicial Discretion
6. Media & Reporting of crime
7. Land Mark Judgements
8. Separation of Powers under the Constitution
9. Law & Order Concept
10. White Collar Crimes
11. Economic Offences
12. Election Offences
13. Links Among Underworld, Politicians, Police & Bureaucracy
14. Corruption
15. Films & Censorship
16. Drug Addiction
17. Prostitution
18. Blackmail
19. Pornography *→ Extortion*
20. Offences Against Elders
21. Juvenile Offender
22. Law Education
23. Spreading of legal Awareness
24. Criminal law & legal aid
25. Rights & Protection of Public
26. Cyber Crimes
27. Land Mark Criminal Trials
28. Cost of a Criminal Trial
29. Crime and Criminal
30. Reformation Theory
31. Legal issues relating to protection and security of witnesses
32. Rehabilitation of sex victim
33. Delay in getting justice
34. Depiction of court system in mass media with special reference to films/movies
35. Critical evaluation of judicial system in democracy
36. Speedy trial *& Fast track Courts*
37. Political interference in administration of justice
38. Crimes against women - 498-A etc. & Abuse of 498-A, 354, 376 by women
39. Juvenile Justice Act, 40. Court Martial Proceedings

PAPER V

PRACTICE TRAINING & Project Work

- Forensic Lab. Juvenile Court
1. VISITS Police Station, Prison, Remand Homes, NCQS Court
 2. MOOT COURT observing minimum 2 trials before Magistrate & 2 before Sessions Court.
 3. LEGAL AID Centre

4. PROJECTS/ASSIGNMENTS:

Case Study

Presentations

Group Discussion

5. SEMINARS

Standard of Passing :-

- a) Candidates who secure minimum 50% marks in each subject to be declared to have passed the examination.
- b) The candidate has to pass separately in each paper. The candidate who secures a minimum of 50 marks in each paper and an aggregate of 60% and above marks on the whole shall be declared to have passed the examination in the First Class.
- c) If a candidate secures 70% and above marks on the whole shall be declared to have passed the examination with distinction

Enclosure to Item No. 4-43 (2)
14/6/05

UNIVERSITY OF MUMBAI

**Post Graduate Diploma in
Intellectual Property Rights.**

**Ordinances, Regulations, Scheme of Papers
and Syllabus for the Post-Graduate Diploma
in Intellectual Property Rights.**

(Introduced from the academic year 2005-2006)

UNIVERSITY OF MUMBAI

O. 555A Title of the Course : Post-Graduate Diploma in Intellectual Property Rights.

O. 555S Eligibility : Graduate from any faculty from a recognized University.

R. 5240 Duration of the Course : One Academic Year

R. 5241 Fees Structure : Rs. 8000/-

Examination : To be held at the end of every Academic Year.

Number of Papers : Four Theory Papers and One Paper on Practical Training.

Paper – I introduction to Legal Concepts and Legal Systems

Paper – II Law of Trade Marks

Paper-III Law of Copy Rights

Paper-IV Law of Patents

Paper-V Practical Training and Project Work

No student will be allowed to appear for the examination unless he/she has attended 75% of the total number of Lectures/Seminars/Practical conducted for the course.

Each Paper will be of 100 Marks

R. 5242 Intake Capacity – : 50.

Weekly Lectures : Lectures for Eight Hours every week.

R. 5243 Teacher Qualification : Post Graduate in Law or Graduate in Law with five to ten years teaching experience or five to ten years professional/service experience in the subject of IPR

R. 5244 Standard of Passing :

- a) To pass the Diploma examination a student must obtain 45% of marks in each paper and 50% in aggregate.

- 3
- b) Candidate who secures 50% to 59% marks in aggregate shall be declared to have passed the examination in the Second Class.
 - c) Candidate who secures an aggregate of 60% and above marks on the whole shall be declared to have passed the Examination in the First Class.
 - d) In addition to (a) (b) and (c) above, a candidate who secures 70% and above marks on the whole shall be declared to have passed the Examination with Distinction.

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**POST GRADUATE DIPLOMA COURSE IN
INTELLECTUAL PROPERTY LAW**

Paper-I – Introduction to Legal Concepts & Legal Systems.

Working knowledge of Concepts and practice relating to :-

(1) Sources of Law

Constitution
Statutory
Common Law
International treaties & Laws
Customary
Equality

(2) Natural & Legal persons

Individuals - Citizens
Association of persons
Partnership
H.U.F.
Co-owners
Trusts - Private
Public
Formation - dissolution
Registration - Partnership ... - Trust ...
Dissolution

Legal entities

Companies

Statutory corporations

Registered Societies

Registration - Memorandum - Articles

Management - vesting of property Winding up - Liquidation

(3) Property

Movable

Movable - immovable - tangible - intangible

Ownership - Possession

Legal/equitable rights

Statutory rights

Creation / acquisition - abandonment

Holding - enjoyment - maintenance

Monopoly rights

Transfer - assignment - sale - gift - succession - extinguishment

abandonment

Renewal

(4) Contracts

Proposal
Offer - acceptance - consideration, damages

Creation - continuation - obligations

Agency - licence - power of attorney

Franchise agreements

(5) Torts

Infringement / passing off / deception, standard of care, negligence, strict-liability.

(6) Jurisdiction

Civil - criminal - international

Arbitration

Registration - disputes

Courts.

(7) International Instruments & Organisations Over view of IPR & Cyber Law.

Paper II- Law of Trade Marks

Evolution and Development of Intellectual Property Rights, National and International Law of Trade Marks including Passing Off; Unfair Competition; Law of Domain Names; and the Geographical Indications of Goods (Registration and Protection) Act; International Conventions relating to Trade Marks, TRIPs, Law relating to marks & emblems of trade. Search importance of procedures for Trade Marks registration. (III) Examination of trade mark application, opposition, etc., Rights of registered Trade Mark owners - Civil and Criminal Remedies, Infringement proceeding and Defenses - passing off and infringement, Remedies in Trade Mark proceedings - Anton pillar order, miscellaneous proceedings ratification, Trafficking in Trade Mark, Yardstick for Damages, public interest in Trade marks laws, Domain name issues and concerns.

Reference

1. The Trade Marks Act, 1999 & Rules.
2. Geographical Indications of Goods (Registration and Protection) Act.
3. Kerly's Law of Trade Marks and Trade Names,
Thomas A. Balanco White and Robin Jacob (Sweet & Maxwell)
4. The Modern Law of Trade Marks by Christopher Morcom, Ashley
Roughton and James Graham, 1st edition; 1999 edition (Butterworths)
5. K.S. Shavaksha on Trade and Merchandise Marks Act, 1958 3rd Edition (1999
edition) Butterworths, India.
6. McCarthy on Trade Marks and Unfair Competition (1999 Edition)
(West Group, U.S.A.).
7. Intellectual Property by W.R. Cornish (Sweet & Maxwell).
8. Narayanan on Trade Marks and Passing Off - Fourth Edition.

Paper III - Law of Copyright :

- (I) Evolution and Development of Copy Rights.
- (II) Introduction to law of copy rights meaning and content, Diversity in copy right, its History - Test of originality, exercise of ownership Rights, Rights of copy right holder - Tests of determining Infringement, Infringement and remedies, Copy Rights and Computer Software. The administration of Copy Right System in India, International Copy Rights Law.
- (III) Law of Copyright including Cable, Broadcasting; Satellite; Copyright infringement on the internet, WCT, WPPT, Law relating to Industrial designs, Layout designs in Integrated Circuits, Treaty on Intellectual Property in respect of integrated circuits, Washington, D.C. 1989. International Conventions relating to Copyright, Including the TRIPs Agreement.
 - 1) Evolution and development of Copy Rights Law.
 - National Law
 - International Law
 - 2) Rights of Copy Rights Owners
 - Economic Rights
 - Moral Rights
 - 3) Copy Rights & Public interest
 - Duration of Copy Rights
 - Permitted uses
 - Compulsory licences
 - 4) Remedies for infringement of Copy Rights
 - Civil remedies
 - Administrative remedying
 - Criminal remedies
 - 5) ^uNeighboring rights
 - Reformers Rights
 - Rights of Producers
 - Of phonograms
 - Rights of broadcasting organisations
 - 6) Copy rights & Technological development.
 - International convention on Copy rights
 - Future of Copy Rights in India.

Reference:

1. The Copyright Act, 1957.
2. Copinger and Skone James on Copyright, (Sweet & Maxwell).
3. The Modern Law of Copyright and Designs by Hugh Laddie, Peter Prescott and Mary Vitoria (Butterworths).
4. Nimmer on Copyright in 10 volumes (edition 2000) Mathew Bender)

Paper IV – Law of Patents

Patent Co-operation Treaties; TRIPs, The Protection of Plant Varieties and Farmers' Rights Act 2000, International Treaties, Patent and Pharmaceuticals Patent and Public Interest, Infringement of Patents History of Indian Patent System. Conditions for a valid patent concepts like Novelty, utility, non-obviousness subject matter patentable under the statute..

Application procedure - mandatory forms - check list in preparing applications - provisional and complete specification, provisional and complete specification - concept of priority, Examination of patent application - first examination report, opposition to grant of patents/sealing of patents / Renewal of Patents/life span etc; Infringement of patents misc. proceedings, Revocation, compulsory licensing, Nationalization in public interest, Rights of patente inventions.

Designs Act, Trade Secrets & Confidential Information

Reference :

1. The Patents Act, 1970 & Rules
2. Terrell on Law of Patents by Simon Thorley, Richard Miller, Guy Burkill and Colin Birss (Sweet & Maxwell);
3. Patent Law by P. Narayanan.
4. Patent Co-Operation Treaty Handbook by Chartered Institute of Patent Agents (Sweet & Maxwell)
5. Patent for Inventions and the Protection of Industrial Designs By Thomas A. Balanco White, 1974 Edition (Stevens & Sons).
6. Patent for invention and the Protection of Industrial Designs - 5th Edition (1983) by T.A. Balanco White (Stevens & Sons).
7. The Protection of Plant Varieties and Farmers' Rights Act.

PAPER – V – Practical Training & Project Work

Visit to: (Diary to be signed by the concerned officer in charge)

- Patent Office
- Trade Mark Office
- Copyright Board/Society
- 2 weeks at IP Lawyers – office for observing and recording Court cases.
- 2 weeks Opposition Proceedings Patents/Trade marks.
- A Project on contemporary issues vis a vis IP(15000 words.)

Note – Each paper will be to 100 marks. Paper V will be of practical training (40 marks) + Project work (60 words)

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