

8/10/13

Roll No.

Third LL.B Semester V

Courses	Course Code	Subjects	Credits		
			Lectures	others	Total
Core Compulsory	CC - 501	Civil Procedure Code & Law of Limitation	3	1	4
Core Compulsory	CC - 502	Criminal Procedure Code	3	1	4
Core Compulsory	CC - 503	Law of Evidence	3	1	4
Core Compulsory	CC - 504	Legal English	3	1	4
Core Compulsory	CC - 505	Land Laws	3	1	4
Subject Elective	CC 506 EC	Right to Information	1	1	2
Foundation	CC 507 FC	Paper Writing & Paper Presentation	1	1	2

(For five CC papers 30 Marks internal is divided in to 20 Marks test and 10 marks assignment, Internal structure of exam and assignment is left out on colleges to decide on their own, at the end of the semester, marks out of 30 is to be sent to the University as internal marks of the particular paper)

5th Semester

Core Compulsory Course CC 501- Civil Procedure Code & Law of Limitation 4 Credits

Objective of the Course:

In the mid Nineties the Bar Council of India moved in and made striking reforms in the LL.B. programme with more academic inputs and practical courses. The papers are identified with the object for making a professional lawyer essential to meet the high demands of the society & Corporate. The syllabus deals both with substantive Laws & Procedural Laws, if a person has studied the substantive Law he cannot afford to have scant knowledge of procedural Laws like Civil Procedure, Criminal Procedure or Evidence Act, it is necessary for one to have good grounding of procedural Laws before entering in to the Legal profession. The substantive law determines the rights of the parties whereas the procedural law sets down the norms for enforcement.

Syllabus

University Examination Marks

Civil Procedure Code

50 Marks

Law of Limitation

20 Marks

1. Introduction:

1.1 Concepts

1.1.1 Affidavit, Order, Judgment decree, Plaintiff, restitution, execution, decree-holder
Judgment –debtor, mesne profits, Written Statement.

1.1.2 Distinction between decree and judgment and between decree and order.

2. Jurisdiction

2.1 Kinds

2.1.1 Hierarchy of courts

2.2 Suit of Civil nature-scope and limits

2.3 Res-subjudice and Resjudicata

2.4 Foreign judgment –enforcement

2.5 Place of suing

2.6 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 pleading

3.1.2. Construction of pleadings

3.2 Plaintiff: 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-prate procedure

4.3 Summary and attendance of witnesses

4.4 Trial

4.5 Adjournments

4.6 Interim orders: commission, arrest or attachment before judgment, 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 Attachment (Ss.60-64)

5.7 Sale (Ss.65-97)

5.8 Delivery of property

5.9 Stay of execution

6. Suit 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 paupers

6.6 Mortgages

6.7 Interpleaded 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. Objet.

- 11.3. Distinction with laches, acquiescence, prescription.
- 11.4. Extension and suspension of limitation
- 11.5. Sufficient causes for not filing the proceedings.
 - 11.5.1 Illness
 - 11.5.2 Mistaken legal advise
 - 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.

Suggested Readings

- Mulla Code of Civil Procedure in 3vol. 18th Edition 2012.
- C.K. Thaker: Code of Civil Procedure(2012), Universal, Delhi
- M.R. Mallick: B.B. Mitra on Limitation Act(1998), Eastern, Lucknow
- Majumdar P.K. & Katariya R.P.: Commentary on the Code of Civil Procedure, 2006, Universal, Delhi
- Saha A.N. : The Code of Civil Procedure(2011), Universal, Delhi
- Sarkar's: Law of Civil Procedure Code Vols(2011), Universal, Delhi.
- Universal's Code of Civil Procedure (2000)
- Takwani C. K. Code of Civil Procedure, (2013) Eastern Book Company, Lucknow.
- Woodroffe & Amir Ali Commentary on Code of Civil Procedure 5th Edition, R. Cambray &c
- Pandey Dr. D.N. Limitation Act 2010.
- Narayana P.S Law of Limitation 6th Edition 2012.
- Swamy Dr. N.M. Law relating to Limitation in 2 vol. 2nd Edi.
- Rustomji Law of Limitation & Adverse Possession 9th ed.

Object of the Course:

Like the Civil procedure Code Criminal procedure is equally important for the practicing Advocate. The Criminal Process involves increasing expenditure of Government resources. At the same time it confronts a crisis of intrusion into individual rights in order to protect the common weal. Obviously criminal procedure has to be just, fair & reasonable to the accused as well as to the victims. Undoubtedly the process is to be carried out in an objective manner. Criminal procedure thus makes a balance of conflicting interests. Code of Criminal Procedure, originally enacted years ago, had undergone many trials and experiments, too enormous to be placed within a classroom discussion. However, the students should obtain a fair idea how the code works as the main spring of the criminal justice delivery system and should be exposed to the significant riddles of the procedure.

Syllabus**University Examination 70 Marks****1. Introductory :**

- 1.1 The rationale of Criminal Procedure : the importance of fair trial
- 1.2 Constitutional Perspectives
- 1.3 The variety of Criminal Procedure (the class should examine in particular the procedure of trial for Specific offences especially, offences under the Prevention of Corruption Act and the Narcotic Drugs and Psychotropic Substances Act)
- 1.4 The organization of Police, Prosecutor, defense counsel and prison authorities and their duties, functions and powers.

2. Pre-trial process : arrest

- 2.1 The distinction between cognizable and non-cognizable offences: relevance and adequacy problem
- 2.2 Steps to ensure accused's presence at trial: warrant and summons.
- 2.3 Arrest with and without warrant (Section 70-73 and 41)
- 2.4 The absconder status (Section 82, 83, 84 and 85)
- 2.5 Right of the arrested person
- 2.6 Right to know grounds of arrest (Section 50(1), 55, 75)
- 2.7 Right to be taken to magistrate without delay (Section 56, 57)
- 2.8 Right of not being detained for more than twenty-hours (Section 57): 2.9. Article 22(2) of the Constitution of India
- 2.9 Right to consult legal practitioner, legal aid and the right to be told of rights to talk
- 2.10 Right to be examined by a medical practitioner (Section 54)

3. Pre-trial process : Search and Seizure

- 3.1 Search warrant (Section 83, 94, 97, 98) and searches without warrant (Section 103)
- 3.2 Police search during investigation (Section 165, 166, 153)
- 3.3 General principles of search (Section 100)
- 3.4 Seizure (Section 102)
- 3.5 Constitutional aspects of validity of search and seizure proceeding

4. Pre-trial Process; FIR

- 4.1 F.I.R. (Section 154)
- 4.2 Evidentiary value of F.I.R. (See Sections 145 and 157 of Evidence Act)

5. Pre-trial Process: Magisterial Powers to take Cognizance**6. Trial process**

- 6.1.1 Commencement of proceedings : (Section 200, 201, 202)
- 6.1.2 Dismissal of complaints (Section 203, 204)

- 6.1.3 Bail: concept, purpose: constitutional overtones
 - 6.1.3.1 Bailable and Non-Bailable offences (Section 436, 437, 439)
 - 6.1.3.2 Cancellation of bail (Section 437(5))
 - 6.1.3.3 Anticipatory bail (Section 438)
 - 6.1.3.4 Appellate bail powers (Section 389(1), 395(1), 437(5))
 - 6.1.3.5 General principles concerning bond (Section 441-450)
- 7. Fair Trial**
 - 7.1 Conception of fair trial
 - 7.2 Presumption of innocence.
 - 7.3 Venue of trial
 - 7.4 Right of the accused to know the accusation (Section 221-24)
 - 7.5 The right must generally be held in the accused's presence (Section 221-224)
 - 7.6 Right of cross examination and offering evidence in defence: the accused's statement.
 - 7.7 Right to speedy trial
- 8. Charge**
 - 8.1 Palming of charge
 - 8.2 Form and content of charge (Section 211, 212, 216)
 - 8.3 Separate charges for distinct offence (Section 218, 219, 220, 221, 223)
 - 8.4 Discharge- pre-charge evidence
- 9. Preliminary pleas to bar the trial**
 - 9.1 Jurisdiction (Section 26, 177-188, 461, 462, 479)
 - 9.2 time limitations: rationale and scope (Section 468-473)
 - 9.3 Pleas of autrefois acquit and autrefois convict (Section 300, 22D)
 - 9.4 Issue-Estoppel
 - 9.5 Compounding of offences
- 10. Trial Before a Court of Sessions: Procedural Steps and Substantive Rights.**
- 11. Judgment**
 - 11.1 Form and content (Section 354)
 - 11.2 Summary trial
 - 11.3 Post-conviction orders in lieu of punishment: emerging penal policy (Section 360, 361, 31)
 - 11.4 Compensation and cost (Section 357, 358)
 - 11.5 Modes of providing judgement (Section 353, 362, 363)
- 12. Appeal, Review, Revision**
 - 12.1 No appeal in certain cases (Section 372, 375, 375)
 - 12.2 The rationale of appeals, review, revision.
 - 12.3 The multiple range of appellate remedies:
 - 12.3.1 Supreme Court of India (Section 374, 379, Artic. 31, 132, 134, 136)
 - 12.3.2 High Court (Section 374)
 - 12.3.3 Sessions court (Section 374)
 - 12.3.4 Special right to appeal (Section 380)
 - 12.3.5 Government appeal against sentencing (Section 377-378)
 - 12.3.6 Judicial power in disposal of appeals (Section 368)
 - 12.3.7 Legal aid in appeals.
 - 1.24 Revisional Jurisdiction (Section 397-405)
 - 1.25 Transfer of cases (Section 406, 407)
- 13. Reform of Criminal Procedure.**

Suggested Readings:

Ratanlal – Dhirajlal: Criminal Procedure Code(2012) Universal, Delhi

K. Chandrashekhan Pillai (ed.) Kelkar Lectures on Criminal Procedure(2007) 4th edi., Eastern, Lucknow

Principel: Commentaries on the Code of Criminal Procedure, 2 vol.(2000) Universal, Delhi.

Woodroff: Commentaries on Code of Criminal Procedure, 3rd Edi. 2 vol(2012), Universal, Delhi.

K. Chandrashakhan Pillai: Kelkar's Outlines of Criminal Procedure(2001), Eastern, Lucknow.

Kelkar Criminal Procedure Code 5th edi. 2011.

Malik & Malik Supreme citation on Criminal Procedure in 3 Vol. 2011.

O. P. Shrivastava's Principels of Criminal Law, 5th Edi.2010.

Vibhute K. I. Criminal Justice: A Human rights prespective of the Criminal Justice Process in India, 2004 Edi.

Myneni S. R. Criminal Procedure Code 2nd Edi.

Basu D.D. Criminal Procedure Code 4th Edi. In 2 Vol. 2010.

Tandon Criminal Procedure Code 18th edi. 2012.

The Law of Evidence is an indispensable part of both substantive and procedural Laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to facts before the forum. This paper enables the student to appreciate the concepts and principles underlying the law of evidence and identify the recognized forms of evidence and its sources. The subject seeks to impart to the student the skills of examination and appreciation of oral and documentary evidence in order to find out the truth. The art of examination & cross-examination and the shifting nature of burden of proof are crucial topics. The concepts brought in by amendments to the law of evidence are significant parts of study in this course.

Syllabus**University Examination 70 Marks****1. Introductory :**

- 1.1 The main features of the Indian Evidence Act, 1861.
- 1.2 Other acts which deal with evidence (special reference to CPC, Cr. P.C)
- 1.3 Problem of applicability of Evidence At
 - 1.3.1 Administrative
 - 1.3.2 Administrative Tribunals
 - 1.3.3 Industrial Tribunals
 - 1.3.4 Commissions of Enquiry
 - 1.3.5 Court Martial
- 1.4 Disciplinary authorities in educational institutions.

2. Central Conceptions in Law of Evidence

- 2.1 Facts: Section 3 definition : distinction relevant facts / facts in issue
- 2.2 Evidence : Oral and documentary
- 2.3 Circumstantial evidence and direct evidence
- 2.4 Presumption (section 4)
- 2.5 "Proving", "not providing" and "disproving"
- 2.6 Witness
- 2.7 Appreciation of evidence

3. Facts : relevancy

- 3.1 The Doctrine of res gestae (Section 6,7,8,10)
- 3.2 Evidence of common intention (Section 10)
- 3.3 The problems of relevancy of "Otherwise" irrelevant facts (Section 11)
- 3.4 Relevant facts for proof of custom (Section 13)
- 3.5 Facts concerning bodies & mental state (Section 14,15)

4. Admissions and confessions

- 4.1 General principles concerning admission (Section 17, 23)
- 4.2 Differences between "admission" and "confession"
- 4.3 The problems of non-admissibility of confessions caused by "any inducement, threat of promise" (Section 24)
- 4.4 Inadmissibility of custodial made before a police officer (Section 25)

- 4.5 Admissibility of custodial confessions (Section 26)
- 4.6 Admissibility of "information" received from accused person in custody; with special reference to the problem of discovery based on "joint statement"(Sec.27)
- 4.7 Confession by co-accused (Section 30)
- 4.8 The problem with the judicial action based on a "retracted confession"

5. Dying Declarations

- 5.1 The justification for relevance on dying declarations (Section 32)
- 5.2 The judicial standards for appreciation of evidentiary value of dying declarations

6. Other Statements by Persons who cannot be called as witnesses

- 6.1 General principles.
- 6.2 Special problems concerning violation of women's rights in marriage in the law of evidence

7. Relevance of Judgments

- 7.1 General principles
- 7.2 Admissibility of judgments in civil and criminal matters (Section 43)
- 7.3 "Fraud" and "Collusion" (Section 44)

8. Expert Testimony

- 8.1 General principles
- 8.2 Who is an expert? : types of expert evidence
- 8.3 Opinion on relationship especially proof of marriage (Section 50)
- 8.4 The problem of judicial defence to expert testimony.

9. Oral and Documentary Evidence

- 9.1 General principles concerning oral evidence (Section 59-60)
- 9.2 General principles concerning Documentary Evidence (Section 67-90)
- 9.3 General Principles Regarding Exclusion of Oral by Documentary Evidence
- 9.4 Special problem: re-hearing evidence
- 9.5 issue estoppel
- 9.6 Tenancy estoppel (Section 116)

10 Witnesses, examination and Cross Examination

- 10.1 Competency to testify (Section 118)
- 10.2 State privilege (Section 123)
- 10.3 Professional privilege (Section 126, 127, 128)
- 10.4 Approval testimony (Section 133)
- 10.5 General principles of examination and cross examination (Section 135-166)
- 10.6 Leading questions (Section 141-143)
- 10.7 Lawful questions in cross-examination (Section 146)
- 10.8 Compulsion to answer questions put to witness
- 10.9 Hostile witness (Section 154)
- 10.10 Impeaching of the standing or credit of witness (Section 155)

11. Burden of Proof

- 11.1 The general conception of onus probandi (Section 101)
- 11.2 General and special exceptions to onus probandi
- 11.3 The justification of presumption and of the doctrine of judicial notice
- 11.4 Justification as to presumptions as to certain offences (Section 111A)
- 11.5 Presumption as to dowry death (Section 113-B)
- 11.6 The scope of the doctrine of judicial notice (Section 114)

12 Estoppel

- 12.1 Why estoppel? The rationale (Section 115)
- 12.2 Estoppel, res judicata and waiver and presumption
- 12.3 Estoppel by deed

- 12.4 Exstoppel by conduct
- 12.5 Equitable and promissory estoppel
- 12.6 Questions of corroboration (Section 15-157)
- 12.7 Improper admission and of witness in civil and criminal cases.

Suggested Readings

- Sarkar and Manohar : Sarkar on Evidence(2011), 17th Edi.
Indian Evidence Act (Amendment up to date)
Ratanlal-Dhirajlal : Law of Evidence (2012), 23rd Edi. Wadhawa & Co; Nagpur
Polein Murphy: Evidence (5th Edn. Reprint 2000) Universal, Delhi
Alberts, Osborn: The Problem of Proof (First Indian Reprint 1998) Universal, Delhi
Avtar Singh: Principal of the Law of Evidence(2011), 19th Ed. Central Law Agency, New Delhi.
Woodroff & Ameer Ali Law of Evidence, 19th Edi. In 4 Vol. 2013.
Tyagi S.P. Law of Evidence 2nd edi. In 3 Vol. 2013.
DLH: Law on burden of Proof 2nd. Edi. 2011.
Mason Stephen Electronic Evidence, 2nd Edi. 2010
MLJ: Law of Evidence 12th edi. In 2 Vol.
Sarathi: Law of Evidence 6th Edi. 2012.

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Core Compulsory Course CC 504-Legal English

4 Credits

Objective of the Course:

Command of language is an essential quality of a Lawyer for presentation of not only pleadings but also arguments before a Court of Law; efficiency of advocacy depends upon communication skill to a substantial extent. No doubt, he should be conversant with the Legal terminology; Precision clarity and cogence are governing principles of legal writing and dialogue. These exposition will stand him in good stead in understanding the intricate problems of Law and will equip him with the faculty of articulation and sound writing.

Syllabus

University Examination 70 Marks

Legal essay	10 Marks
Legal Terms	10 Marks
Legal Maxims	10 Marks
Comprehension	10 Marks
Precise writing or	
Translation	10 Marks
Drafting:	
Pleading	10 Marks
Conveyance	10 Marks
Total	70 Marks

Text: Selected papers from:
Roses of December By Justice M.C.Chagla
Law & Lawyers By Gandhiji.

(Syllabus for Maxims and Terms is restricted to the syllabus of (IInd Semester FC- 207 Legal Terms, Phrases and Latin Terms and Latin Maxims) the rest of the syllabus of Legal Language of old Course is continued as it is in the CBCS.)

Suggested Readings:

Gandhi, B.M. Legal Language, Legal Writing & Legal English 2009 Ed.

Jain, R.L. Legal Language Writing 4th Ed. 2010

Trayner's Latin Maxims Fourth Ed. 2008.

Sridhar, Dr. Madabhushi, Legal Language 2nd Ed. 2008..

Objective of the Course:

Land Law is a substantive Law under the Core Course and covers almost all the important Laws presently needed for the professional career, the another important Law covered under the Elective Course is Right to Information which is in high demand looking to the present scenario of accountability of different government officers to the public. With the substantive and procedural Law the demand is mounting towards the research in different subjects and multidisciplinary subjects hence the research writing and skill of paper presentation is selected as a Foundation Course for third year students, to open up their skill of writing & boost up research work.

Syllabus

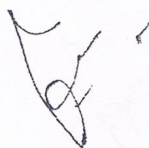
University Examination 70 Marks

Statutory Legislations & marks Confined for each Act

1.	The Gujarat Land Revenue Code	22 Marks
➤	Revenue officer and Courts Jurisdiction powers	
➤	Survey and Settlement	
➤	Assessment of Land Revenue	
➤	Tenure Holder- His rights and obligations	
➤	Lease-tenants	
➤	Devolution of Right in Land	
2.	The Agriculture Land Ceiling Act	12 Marks
3.	The Land Acquisition Act	12 Marks
4.	The Gujarat Tenancy and Agricultural Lands Act.	12 Marks
5.	The Mamlatdar Courts Act	12 Marks
Total		70 Marks

Suggested Readings:

- Aggarwala, O.P. Commentaries on the Land Acquisition Act, 8th Edi. 2009
Beverly H: Land Acquisition Act 9th Edi. In 2 Vol. 2008.
Sarkar P.K. Law of Acquisition of Land in India 3rd. Ed.2012
Row, S: Land Acquisition & Compensation Act 8th ed. 2001.
Bhattacharya R. Land Reforms Referencer, 1st Ed. 2010.
Supreme Court on Tenancy & Land Laws (1950-1990) 1991 Ed. Malik Surendra.



Elective Course EC- 506 Right To Information Act

2 Credits

Objective of the Course:

Accountability of the Administrative officers to the general public is deteriorating in last many years; the introduction of the RTI has made them accountable to every citizen for every effort they put in for rendering their services. Dealing with the public offices is day today integral part of the society, however when the improper guidance and lack of functioning from the different administrative offices puts the individual in distress & agony it becomes his right to ask where the problems have arose in the functioning and within how many days he will get his work done. Thus this Act has opened doors for general public to fight battle with the public offices. The complete knowledge of the Act helps the student of Law to serve the society in better way.

College internal test 35 Marks

Assignment. 15 Marks

Total 50 Marks

Syllabus

The Right to Information Act, 2005.

Suggested Readings:

- Awasthy, S. K. The Right to Information Act, 3rd Edi.2011
Das: Hand Book on The Right to Information Act, 2011
Kumar Niraj, The Right to Information Act, 3rd Ed. 2011
Ryder, Rodney, Right to Information, 2006
Sudhir, Right to Information Act, A Hand book, 1st Ed. 2011
Yadav, A.S. Right to Information Act, 2nd Ed. 2012
Jain N.K. Right to Information Concept Law & Practice. 2007
Narayana & Reddy, Rights to Information & Law, 4th Ed. 2011.
Joga Rao, S.V. Right to Information 2 Vol. 2009.
Raval. Dimpal, Mahiti AdhiKar No Kaydo 2012.
Shukla, Haresh Mahiti AdhiKar No Kaydo 2012.
Sridhar, M. Right to Information 1stEd. 2007
Kumar, Niraj Treatise on Right to Information 1st Ed. 2007

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Foundation Course FC 507

2 Credits

Objective of the Course:

The Paper Writing and presentation skill brings perfectness and in-depth clarity of concept in the subject. The skill facilitate the student with representing his case in better way in the form of **Plaint or Appeal Memo**, presentation of the paper brings lucidity in narrating the facts and arguing before the **Hon'ble Courts**, this way the apprentice get wide exposure before entering into the profession

One paper writing and one paper presentation/ one paper writing and the same paper can be presented in the class for **2 Credits**. (Method to be left out on individual colleges to decide.)