

B.A.LL.B-VIIIth Semester (5 yrs)

Course Code 8.1

CIVIL PROCEDURE CODE AND LIMITATION ACT

Pattern of Question Paper

- ❖ The question paper shall consist of **80 marks**.
- ❖ It consists of **TWELVE QUESTIONS**, out of which Students are required to answer **EIGHT** Questions in all .
- ❖ **Question No. 1 is compulsory** and it shall consist of **TEN Objective/Multiple Choice Questions**.
- ❖ All Questions carry Equal Marks.

UNIT-I : Codification of Civil Procedure and Introduction to CPC — Principal features of the Civil Procedure Code — *recent Amendments* in CPC -Hierarchy of courts--Suits — Parties to Suit — Framing of Suit — Institution of Suits — Bars of Suit - Doctrines of *Sub Judice* and *Res Judicata* — Place of Suing — Transfer of suits — Territorial Jurisdiction — ‘Cause of Action’ and Jurisdictional Bars — Summons — Service of Foreign summons.

UNIT -II

Pleadings — Contents of pleadings — Forms of Pleading — Striking out / Amendment of Pleadings - Plaint— Essentials of Plaint - Return of Plaint—Rejection of Plaint—Production and marking of Documents— Written Statement — Counter claim — Set off — Framing of issues.

UNIT -III

Appearance and Examination of parties & Adjournments — *Ex-parte* Procedure — Summoning and Attendance of Witnesses — Examination — Admissions — Production, Impounding, Return of Documents — Hearing — Affidavit — Judgment and Decree — Concepts of Judgment, Decree, and Interim Orders and Stay — Injunctions — Appointment of Receivers and Commissions — Costs -- Execution — Concept of Execution — General Principles of Execution — Power of Execution — Power of Executing Courts — Procedure for Execution — Modes of Execution -- Arrest and detention — Attachment and Sale.

UNIT -IV

Suits in Particular Cases — Suits by or against Government — Suits relating to public matters;— Suits by or against minors, persons with unsound mind, - Suits by indigent persons – Interpleader suits — Incidental and supplementary proceedings - Appeals, Reference, Review and Revision — Appeals from Original Decrees — Appeals from Appellate Decrees — Appeals

from Orders — General Provisions Relating to Appeals.

UNIT –V

Law of Limitation — Concept of Limitation — Object of limitation - General Principles of Limitation — Extension — Condonation of delay — Sufficient Cause — Computation of limitation -- Acknowledgment and Part-payment — Legal Disability — Provisions of the Limitation Act, 1963 (Excluding Schedule)

Suggested Readings:-

1. Mulla, Code of Civil Procedure Code (1999) Universal, Delhi.
2. C.K. Thakkar, Code of Civil Procedure Code (2000) Universal, Delhi.
3. M.R. Mallik (ed) B.B. Mitra, On Limitation Act (1998) Eastern, Lucknow.
4. P.K. Majumdar and R. P. Kataria, Commentary On The Code of Civil Procedure Code- 1908, Universal, Delhi.
5. P.K. Mukharjee, Limitation Act, Allahabad Law Agency.
6. Shailendra Malik, Code Of Civil Procedure, 27 th Edition, 2011, Allahabad Law Agency.
7. Dr. Avtar Sing, Code of Civil Procedure, Central Law Publication, Allahabad.
8. Sarkars Commentary on The Civil Procedure Code, Dwivedi, Allahabad Law Agency.
9. *AIR Commentaries on Limitation Act*, W.W. Chitale, AIR Ltd., Nagpur

Course Code 8.2

CRIMINAL PROCEDURE CODE, PROBATION OF OFFENDERS ACT AND JUVENILE JUSTICE ACT

Pattern of Question Paper

- ❖ The question paper shall consist of **80 marks**.
- ❖ It consists of **TWELVE QUESTIONS**, out of which Students are required to answer **EIGHT** Questions in all .
- ❖ **Question No. 1 is compulsory** and it shall consist of **TEN Objective/Multiple Choice Questions**.
- ❖ All Questions carry Equal Marks.

UNIT-I : The Code of Criminal Procedure, 1973 : The rationale of Criminal Procedure — The importance of fair trial — Constitutional Perspectives : Articles 14, 20 & 21 — The organization of Police, Prosecutor and Defence Counsel — Pre-trial Process — Arrest — Distinction between “cognizable” and “non-cognizable” offences — Steps to ensure presence of accused at trial -- Warrant and Summons cases — Arrest with and without Warrant — The absconder status — Rights of arrested persons under Cr.P.C. and Article 22 (2) of the Constitution of India.

UNIT II: Search and Seizure — Search with and without warrant — Police search during investigation — General Principles of Search — Seizure — Constitutional aspects of validity of Search and Seizure proceedings.

UNIT -III : Trial Process: Commencement of Proceedings — Dismissal of Complaint — Bail, Bailable and Non-bailable Offences — Cancellation of Bails — Anticipatory Bail — General Principles concerning Bail Bond — Preliminary pleas to bar trial — Jurisdiction — Time Limitations — Pleas of *Autrefois Acquit and Autrefois Convict* — Fair Trial — Concept of fair trial — Presumption of innocence — Venue of trial — Jurisdiction of Criminal Courts — Rights of accused -- Constitutional Interpretation of Article 21 as a right to speedy trial — Charge — Form and content of Charge — Trial before a Court of Session : Procedural steps and substantive rights.

UNIT -IV: Judgment: Form and content -- Summary trial — Post-conviction orders in lieu of punishment — Modes of providing judgment copy — appeals, review and revisions- Reforms in Criminal Procedure Code

UNIT-V Preventive Measures- removal of Public Nuisance- Security Provisions-Maintenance of wife, children & parents

UNIT -VI: Probation and Parole: Authority granting Parole — Supervision — Conditional release -- suspension of sentence — Procedure under Probation of Offenders Act, 1958 -- Salient features of the Act. Juvenile Justice System -- Juvenile Justice (Care

and Protection of Children) Act of 2000 -- Procedure under Juvenile Justice...Act — Treatment and Rehabilitation of Juveniles — Protection of Juvenile Offenders — Legislative and Judicial Role.

Suggested Readings:-

- 1.Ratanlal &Dhirajlal- Criminal procedure Code,Universal, Delhi.
2. Chandrashekar Pillai,Kelkal Lectures on Criminal Procedure Code,Eastern,Lucknow.
- 3.ShailedraMalik,The Code Of Criminal Procedure Code,Eighteen edition,2011,Allahabad law Agency.
- 4.R.N. Choudhari,Juvenile Justice In India,II nd Edition,Orient publishing Compony,Allahabad.
- 5.K.L.Sethi,The Probation of offender Act,1958,3 rd Edition,Unique Law House,Ahemadabad.

Course Code 8.3

Law of Evidence

Pattern of Question Paper

- ❖ The question paper shall consist of **80 marks**.
- ❖ It consists of **TWELVE QUESTIONS**, out of which Students are required to answer **EIGHT** Questions in all .
- ❖ **Question No. 1 is compulsory** and it shall consist of **TEN Objective/Multiple Choice Questions**.
- ❖ All Questions carry Equal Marks.

UNIT-I:

The Indian Evidence Act, 1872 — Salient features of the Act – Meaning and kinds of Evidence — Interpretation clause — May Presume, Shall presume and Conclusive proof - Fact, Fact in issue and Relevant facts — Distinction between Relevancy and Admissibility - Doctrine of *Res Gestae* — Motive, preparation and conduct — Conspiracy — When Facts not otherwise relevant become relevant — Right and custom — Facts showing the state of mind etc.

UNIT -II :

Admissions & Confessions: General Principles concerning Admissions — Differences between "Admission" and "Confession" — Confessions obtained by inducement , threat or promise – Confessions made to police officer - Statement made in the custody of a police officer leading to the discovery of incriminating material — Admissibility of Confessions made by one accused person against co-accused. Dying Declarations and their evidentiary value — Other Statements by persons who cannot be called as Witnesses — Admissibility of evidence of witnesses in previous judicial proceedings in subsequent judicial proceedings.

UNIT -III :

Relevancy of Judgments — Opinion of witnesses — Expert's opinion — Opinion on Relationship especially proof of marriage — Facts which need not be proved — Oral and Documentary Evidence - General Principles concerning oral evidence and documentary evidence — Primary and Secondary evidence — Modes of proof of execution of documents — Presumptions as to documents — General Principles regarding Exclusion of Oral by

Documentary Evidence.

UNIT -IV:

Rules relating to Burden of Proof - Presumption as to Dowry Death — Estoppel — Kinds of estoppel — Res Judicata, Waiver and Presumption.

UNIT -V :

Competency to testify — Privileged communications - Testimony of Accomplice — Examination in Chief, Cross examination and Re-examination — Leading questions — Lawful questions in cross examination — Compulsion to answer questions put to witness — Hostile witness — Impeaching the credit of witness — Refreshing memory — Questions of corroboration — Improper admission and rejection of evidence.

Suggested Readings:

1. Batuk Lal: *The Law of Evidence*, 13th Edition, Central Law Agency, Allahabad, 1998.
2. M. Munir: *Principles and Digest of the Law of Evidence*, 10th Edition (in 2 vols), Universal Book Agency, Allahabad, 1994.
3. Vepa P. Saradhi: *Law of Evidence* 4th Edn. Eastern Book Co., Lucknow, 1989.
4. Avtar Singh: *Principles of the Law of Evidence*, 11th Edn. Central Law Publications.
5. V. Krishnama Chary: *The Law of Evidence*, 4th Edn. S.Gogia & Company, Hyderabad.

Course Code 8.4

Labour Law-II

Pattern of Question Paper

- ❖ The question paper shall consist of **80 marks**.
- ❖ It consists of **TWELVE QUESTIONS**, out of which Students are required to answer **EIGHT** Questions in all .
- ❖ **Question No. 1 is compulsory** and it shall consist of **TEN Objective/Multiple Choice Questions**.
- ❖ All Questions carry Equal Marks.

UNIT-I

The Remunerative Aspects – Wages – Concepts of wages - Minimum, Fair, Living Wages - Wage and Industrial Policies - Whitley Commission Recommendations -Provisions of Payment of Wages Act 1936 - Timely payment of wages - Authorised deductions – Claims - Minimum Wages Act 1948 - Definitions - Types of wages -Minimum rates of wages - Procedure for fixing and revising Minimum Wages – Claims -Remedy.

UNIT -II

Bonus – concept - Right to claim Bonus – Full Bench formula - Bonus Commission - Payment of Bonus Act 1965 - Application – Computation of gross profit, available, allocable surplus - Eligibility of Bonus - Disqualification of Bonus - set on – set off of allocable surplus- Minimum and Maximum Bonus-Recovery of Bonus.

UNIT -III

Employees Security and Welfare aspect - Social Security - Concept and meaning - Social Insurance - Social Assistance Schemes. Social Security Legislations - Law relating to workmen's compensation - The Workmen's Compensation Act 1923 – Definitions -Employer's liability for compensation - Nexus between injury and employment - payment of compensation - penalty for default - Employees State Insurance Act 1948 – Application - Benefits under the Act - Adjudication of disputes and claims – ESI Corporation.

UNIT -IV

Employees Provident Fund and Miscellaneous Provisions Act 1952 – Contributions -Schemes under the Act - Benefits. The Maternity Benefit Act 1961 - Definitions-Application - Benefits.

The Payment of Gratuity Act 1972 – Definitions – application - Payment of gratuity - eligibility – forfeiture – Nomination - Controlling authorities.

UNIT -V

The Factories Act 1948 - Chapters dealing with Health, Safety and Welfare of Labour. Child Labour - Rights of child and the Indian Constitution - Salient features of the Child Labour(Prohibition and Regulation) Act 1986.

Suggested Readings

1. S.N.Misra, *Labour and Industrial Laws*, Central law publication-22nd edition. 2006.
2. N.G. Goswami, *Labour and Industrial Laws*, Central Law Agency.
3. Khan & Kahan, *Labour Law*-Asia Law house, Hyderabad
4. K.D. Srivastava, *Payment of Bonus Act*, Eastern Book Company
5. K.D. Srivastava, *Payment of Wages Act*
6. K.D. Srivastava, *Industrial Employment (Standing Orders) Act 1947*
7. S.C.Srivastava, *Treatise on Social Security*
8. Jidwitesukumar Singh, *Labour Economics*, Deep& Deep, New Delhi
9. V.J.Rao, *Factories Law*

Course Code 8.5

TRIBAL LAWS

Pattern of Question Paper

- ❖ The question paper shall consists of **80 marks**.
- ❖ It consists of **TWELVE QUESTIONS**, out of which Students are required to answer **EIGHT** Questions in all .
- ❖ **Question No. 1 is compulsory** and it shall consists of **TEN Objective/Multiple Choice Questions**.
- ❖ All Questions carry Equal Marks.

Unit—I: General Aspects of Tribal Population & Tribal Welfare:

Tribal Population in India, Characteristics of tribal population, , Socio-Economic Background of Tribal Population, Problems of Tribals— Tribals and Indigenous people--Human Rights of Tribals-- Indigenous and Tribal Peoples Convention, 1989

Unit—II Constitutional Provisions for Tribals:

Rights for Social, economic and political empowerment of tribals--Educational and Cultural Rights (Articles 15(4), 29, 46 and 350.)-- Social Rights (Articles 23 and 24)--Economic Rights (Articles 244 and 275), --Political Rights (Articles 164(1), 243, 330, 334 and 371.)-- Employment Rights (Articles 15(4), 16(4) and 16(4A).)
Scheduling and De-scheduling of Tribes—Articles 332 & 366.
Administration and control of Scheduled Areas and Scheduled Tribes-- The Fifth and Sixth Schedules of the Constitution,

Unit—III: Tribal Development Policies and Programmes in India:--

Tribal Welfare-- The Fundamental Principles of Pandit Jawaharlal Nehru-- Tribal Sub-Plan. (T.S.P.)-- Integrated Tribal Development Project (I.T.D.P.)— Tribal Welfare under Five Year Plans--National Policies for Tribal Welfare—National Commission for Scheduled Tribes (NCST)—NISTAR Rights.

Unit IV: Important Legislations relating to Tribals:

Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA)—Principal objects & Salient features.

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989—Objects and Features

The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006--Forest Rights of Forest Dwelling Scheduled Tribes & other traditional forest dwellers-- Recognition of and vesting of forest rights--Duties of holders of forest rights--Diversion of Forest Land for providing facilities to tribals--authorities for vesting forest rights--Procedure for vesting forest rights--Offences and Penalties—Rules.

Unit V: Issues and Concerns:

Impact of Land Acquisition and Mining activities on Tribals--Impact of Forest Policies and Laws on Tribals--Displacement, Restoration and Rehabilitation of tribals--Protection of traditional knowledge of tribal communities

Suggested Readings:

Vasudha Dhagamwar, *Role and Image of Law in India: The Tribal Experience*, 2006, Sage Publications Inida Pvt. Ltd, New Delhi

Pariyaram M. Chacko (edt.), *Tribal communities and social change*, 2005, Sage Publications Inida Pvt. Ltd, New Delhi

Govind Chandra Rath, *Tribal Development in India: The Contemporary Debate*

M.P.Jain, *Indian Constitutional Law*, Wadhwa & Co, Nagpur

V.N.Shukla, *Constitution of India*, Eastern Book Company, Lucknow

Granville Austin, *Indian Constitution-Cornerstone of a Nation*, OUP, New Delhi

C. J. Nirmal, *Human Rights in India*, Oxford

OPTIONAL PAPER-I
Course Code 8.6.1
LAW OF TRUST

Pattern of Question Paper

- ❖ The question paper shall consist of **80 marks**.
- ❖ It consists of **TWELVE QUESTIONS**, out of which Students are required to answer **EIGHT** Questions in all .
- ❖ **Question No. 1 is compulsory** and it shall consist of **TEN Objective/Multiple Choice Questions**.
- ❖ All Questions carry Equal Marks.

UNIT-I

Introduction- The concept of trust: distinction with agency and contract-Development of law: common law and equity-Trusts: classification- Definition and Nature of trusts under the Indian law- Creation of trusts: rules- Duties of trustees - Execution- Acquittance with the nature of property- Duties in respect of title -Duty of care- Conversion- Impartiality-Prevention of waste- Keeping of accounts and giving of information- Investment- Sale- Liability for breach of trust.

UNIT-II

Rights of Trustees- Title deed- Reimbursement- Indemnity- Seeking direction from court- Settlement of accounts- General authority- Powers of trustees- Sale-Varying of investment- Property of Minors

UNIT-III

Power to compound, compromise and settle- Exercising authority on death or disclaimer of one of the trustees-Suspension of trustee's power- Disabilities of trustees- Rights of beneficiaries- Rents and profits- Specific execution- Inspection and Information; Transfer- Suit for execution- To have proper trustees- Right to compel the trustee to do the duties- Rights on wrongful purchase or acquisition by trustees- Follow up of trust properties in the hands of third parties- Blending of property by trustee- Wrongful application of trust property by partner trustee for partnership purposes.

UNIT-IV

Liabilities of Beneficiaries- Discharge of Trustees- Appointment of New Trustees- Extinction of Trust- Constructive trusts: the equitable and fiduciary Relationship- Transfer without intent to

dispose beneficial interest - Trust incapable of execution and trusts executed fully without - exhausting property -the cypress doctrine - Transfer and request for illegal purpose- Transfer pursuant to rescindable contract- Debtor becoming creditor's representative- Advantage from undue influence- Advantage by qualified owner- Property acquired with notice of existing contract- Purchase by person contracting to by property to be held on trust- Possession of property without whole beneficial interest

UNIT- V

Duties of constructive trustees- Rights of bonafide purchasers- Special legislation- Charitable and religious trust- Registration of public trust- Budget Accounts and Audit- Public Trust Administration Fund- Offences and penalties

Select Bibliography

S. Krishnamurthy Aiyar and Harbans Lal Swin, Principles and Digest of Trusts Laws (1998), University Book Agency, Allahabad.

R.H. Mandsley and E.H. Burn, Trust and Trustees: Casea and Materials (1978) Butterworths, London.

R.E. Megarry and P.V. Baker, Snell's principles of Equity (1964)ELBS, sneet and Maxwell.

Philip H. Pettit, Equity and Law of Trust (1970)

OPTIONAL PAPER-II
Course Code 8.6.2
Insurance Law

Pattern of Question Paper

- ❖ The question paper shall consist of **80 marks**.
- ❖ It consists of **TWELVE QUESTIONS**, out of which Students are required to answer **EIGHT** Questions in all .
- ❖ **Question No. 1 is compulsory** and it shall consist of **TEN Objective/Multiple Choice Questions**.
- ❖ All Questions carry Equal Marks.

UNIT – I

Introduction: Nature- Definition- History of Insurance- History and development of Insurance in India- Insurance Act, 1938- (main sections) Insurance Regulatory Authority Act, 1999: Its role and functions.

UNIT – II

Contract of Insurance: Classification of contract of Insurance- Nature of various Insurance Contracts- Parties there to- Principles of good faith – non disclosure –Misrepresentation in Insurance Contract- Insurable Interest- Premium: Definition-method of payment, days of grace, forfeiture, return of premium, Mortality; The risk –Meaning and scope of risk, Causa Proxima, Assignment of the subject matter.

UNIT – III

Life Insurance: Nature and scope of Life Insurance- Kinds of Life Insurance.The policy and formation of a life insurance contract- Event insured against Life Insurance contract- Circumstance affecting the risk- Amount recoverable under the Life Policy- Persons entitled to payment- Settlement of claim and payment of money- Life Insurance Act, 1956- Insurance against third party rights- General Insurance Act, 1972- The Motor Vehicles Act, 1988 – Sec. (140-176), Nature and scope- Absolute or no fault liabilities, Third party or compulsory insurance of motor vehicles- Claims Tribunal- Public Liability Insurance –Legal aspects of Motor Insurance –Claims – Own Damages Claims – Third Party Liability Claims.

UNIT – IV

Fire Insurance: Nature and scope of Fire Insurance –Basic Principles – Conditions & Warranties – Right & Duties of Parties – Claims – Some Legal Aspects. Introduction to Agriculture Insurance – History of Crop Insurance in India – Crop Insurance Underwriting, Claims, Problems associated with Crop Insurance – Cattle Insurance in India.

UNIT – V

Marine Insurance: Nature and Scope- Classification of Marine policies- Insurable interest- Insurable values- Marine insurance and policy- Conditions and express warranties- Voyage deviation- Perils of sea- Loss- Kinds of Loss- The Marine Insurance Act, 1963 (Sections 1 to 91).

Prescribed Books:

1. K. S. N. Murthy and K. V. S. Sharma - Modern Law of Insurance in India.
2. M. H. Srinivasan - Principles of Insurance Law.
3. E. R. Hardy Ivamy - General Principles of Insurance Law, relevant Chapters.
4. Insurance Act, 1938.
5. The Marine Insurance Act, 1963.
6. General Insurance (Business) (Nationalization) Act, 1972.
7. The Life Insurance Corporation Act, 1956.
8. Motor Vehicle Act, 1988.