



Chotanagpur Law College, Ranchi, Jharkhand

SEMESTER-V

PAPER-I

LAW OF EVIDENCE **(INDIAN EVIDENCE ACT, 1872)**

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

Definition of facts. Distinction between relevant facts and facts in issue. Oral and documentary evidence,. Circumstantial evidence and direct evidence. Proving and Dis-proving witnesses.

RELEVANCY

Doctrine of res-gestae.

ADMISSIONS AND CONFESSIONS

General principles concerning admission and its admissibility. Difference between admission and confession. Non-admissibility of confession. Admissibility of custodial confession. Admissibility of “information” received from an accused person in custody with special reference, problems of discovery based on “joint statement”. Confession by co-accused “Retracted Confession”.

DYING DECLARATION

Justification for relevance on dying declaration. Judicial standards for appreciation of evidentiary value of dying declaration.

OTHER STATEMENT BY PERSONS WHO CANNOT BE CALLED AS WITNESSES

Section 32 entire. Special problems concerning violation of woman’s right in maturity in the law of evidence, relevance of judgements, general principles, admissibility of judgements in civil and criminal matters, fraud and collusion.

EXPERT TESTIMONY

General principles, who is an expert, type of expert, opinion on relevancy, special proof of maturity. Problems of judicial defence to expert testimony.

CHARACTER EVIDENCE



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SEMESTER-V

PAPER-II

TORTS AND CONSUMER PROTECTION ACT

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

Proposed areas of study:

- I. Evolution of Torts in England and India.
- II. Definition, Nature, Scope and object of Tortious liability.
Distinction of Tort, Crime, Breach of contract, Essentials of Tort. Principles of Liability in Tort.
- III. Defences and Justification for a Tortious conduct.
- IV. Assault, Battery, False Imprisonment.
- V. Defamation.
- VI. Malicious Prosecution.

BOOK FOR REFERENCE:

- | | | |
|-----------------|---|----------------------------|
| 1. Law of Torts | - | Winfield |
| 2. -do- | - | Salmond |
| 3. -do- | - | Ramaswamy Iyer |
| 4. -do- | - | Rathan Lal and Dheeraj Lal |
| 5. -do- | - | Achutan Pillai |
| 6. -do- | - | R. K. Bangia |
| 7. -do- | - | Black |
| 8. -do- | - | H. N. Shukla |
| 9. -do- | - | Gandhi. |



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SEMESTER-V

PAPER-III

CIVIL PROCEDURE CODE & LIMITATION ACT

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

PART-A

CIVIL PROCEDURE CODE

30-MARKS

Definition of Decree, Decree-holder, Foreign Court, Foreign Judgment, Judgment, Judgment-Debtor, Legal representative Mesne profit, Order, Jurisdiction of courts to try civil suits. Stay of Suits Res-Judicata, Place of suing.

Parties to suits. Necessary party and Proper Party. Mis-joinder and Non-joinder. Frame of suits. Institution of Suits. Pleadings. Complaint, written statement and set-off. Amendment of pleading.

Suit by or against the Government or public officer in their official capacity. Notice. Interpleader Suit. Suit by indigent persons. Suit by or against minor.

PART-B

LIMITATION ACT

10 MARKS

Nature of the Law of Limitation. Bar of Limitation. Expiry of prescribed period when court is closed. Extension of prescribed period in certain cases. Legal disability. Disability of one several persons. Special Exception. Continuous running of time. Exclusion of time in legal proceeding. Exclusion of time in cases where leave to sue or appeal as a pauper is applied for. Exclusion of time proceeding bonafide in court without jurisdiction.

REFERENCE BOOKS:

1. Mulla - Civil Procedure Code.
2. Woodraffe & Ali - Civil Procedure Code.



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PAPER-IV

ARBITRATION, CONCILIATION & ALTERNATE DISPUTE RESOLUTION SYSTEM

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

1. Objectives and principles of Arbitration.
2. General – Basic Expressions Relating to Arbitration. Kind and Class of Arbitration.
3. Need of Non-commercial and Social Arbitration apart from Commercial and institutional Arbitration.
4. Conciliation and mediation–meaning and prior stage of Arbitration.
5. Need of Alternative Dispute Resolution System – to solve the litigation pending in different Courts and maintain harmony in the Society.
6. The Arbitration and Conciliation Act, 1996-Origin, Objects and Reasons.
7. Indian Law Applicable to Arbitration Agreement – Consequences – Validity of Arbitration Agreement.
8. Venue of Arbitration
9. Arbitrators – Qualifications and Capacity – Appointment of Arbitrators and Composition of Arbitral – Duties and Responsibilities of Arbitrators – Arbitrators power within his Jurisdiction.
10. Resignation by or removal of Arbitrator - Challenge to the Appointment of Arbitrator – Termination of Mandate and substitution of Arbitrator in case of Resignation or Removal a Failure to Act.

Books Referred :

The New Arbitration and Conciliation Law of India - G. K. Kwatra.
Arbitration Act – Avtar Singh.



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PAPER-V

LABOUR LAWS

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

1. Factories Act, 1948

15-Marks

Interpretation, Notice by occupier, General duties of the occupier, Powers of Inspectors, Health welfare, working hours of Adults, Weeks Hours, Weekly holidays, Compensatory holidays, Daily hours, Night shifts, Extra wages for overtime, Prohibition of employment of women and children, Prohibition of employment of young children, Working hours for children, Notice of certain accidents, Liability of owner of premises in certain circumstances.

2. Industrial Disputes Act, 1947

15-Marks

Definition, Works committee, Conciliation officers, Boards of conciliation, Labour courts, Tribunals, National Tribunals, Reference of Disputes to Boards, Courts and Tribunals, Procedure and powers of conciliation officers, Boards Courts and Tribunals, Duties of Board-Courts, Labour Courts, Tribunals National Tribunals, Persons on whom settlements and Awards are binding, Period of operation of settlements and awards, Strikes and Lock outs, Definition of continuous Service, Conditions precedent to retrenchment workmen, Compensation to workmen in cases of closing down of undertaking, Recovery of money due from an employer.

3. Industrial Employment (Standing Order) Act, 1946

10-Marks

Interpretation, Submission of Draft Standing Orders, Conditions for Certification of Standing Orders, Certification of Standing Orders, Appeals, Duration and Modification of Standing Orders, Certifying Officers and Appellate authorities to have powers of Civil Courts.



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SEMESTER-V

PAPER-VI

INTERPRETATION OF STATUTES

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

- I. Meaning of the word statute-Different types of classifications-meaning of the words construction and Interpretation-commencement, repeal and revival of legislation.
- II. Internal Aids to construction:- Title-Preamble-Headings-Marginal notes-Illustrations- Definition-Types of Definition-Utility and Importance of Definition- Proviso-Explanation-Schedule.
- III. External Aids to construction:- Parliamentary History-Historical facts-Reference to other statutes- Contemporanea Expositio (Effect of usage and custom)-Dictionaries- Foreign decisions-Government publications..
- IV. Guiding rules: Rule of literal construction-Mischief rule-Beneficial rule-Restrictive rule-Golden rule-words understood according to their subject matter-regard to consequences-Noscitur A Sociis
- V. Operation of Statutes-commencement-Retrospective operation-Operation controlled on considerations of constitutionality-Operation controlled on considerations of territorial nexus-other relevant considerations relating to operations.

REFERENCES :

- (1) Maxwell on the interpretation of statutes.
- (2) Principles of Statutory Interpretation by Justice G. P. Singh.
- (3) The Interpretation and application of statutes by Reed Dickerson.
- (4) Crawford on Statutory Interpretation.
- (5) Principles of Legislation, Legislative Drafting and Statutory interpretation by M. Krishnan Nair & Gopinathan Pillai.
- (6) Interpretations of statutes – M. P. Tandon.
- (7) The Drafting of Laws – G. R. Rajagopal (Chapters, VIII, IX, X)



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SEMESTER-V

OPTIONAL PAPERS (Any two of the followings)

PAPER-I

LAW OF TAXATION

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

1. **Concept of Taxation and its historical development in India.**
2. **Direct and Indirect tax: Tax and Fee.**
3. **Definition; Income, Agricultural Income, Assessment year, Previous year, Person, Assesses .**
4. **Income Tax Act 1961:**
 - (a) Basic concept.
 - (b) Residential status and Tax incidence.
 - (c) Salaries.
 - (d) Income from House Property.
 - (e) Profits and Gains of Business and Profession.
 - (f) Capital Gains.
 - (g) Income from other Sources.
 - (h) Return of Income and Assessment.
 - (i) Search and Seizure.
 - (j) Income Tax Authorities.
 - (k) Appeals and Revision.



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SEMESTER-V

OPTIONAL PAPER-II

CRIMINOLOGY AND PENOLOGY

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

- 1. Objectives of the study of Criminology and Penology.**
- 2. Criminology.**
 - (a) Nature and Scope.
 - (b) Inter-relation between Criminology Penology & Etilogy.
 - (c) Fundamentals of Criminal Law.
 - (d) Possibility of science of Criminology.
- 3. Schools of Criminology.**
 - (a) Pre-classical School of Criminology.
 - (b) Classical School of Criminology.
 - (c) Typological School of Criminology.
 - i. Italian School
 - ii. Mental Tester School
 - iii. Psychiatric School
 - (d) Sociological School of Criminology
 - (e) Cartographic School.
- 4. Methods of Study of Criminology.**
 - (a) Statistics of Crimes.
 - (b) Individual case study method.
 - (c) Limited case method
- 5. Causation of Crime.**
 - (a) Heredarity and Crime.
 - (b) Biophysical factors and criminality.
 - (c) Freuds Theory of Criminal behaviour-psychological concept.
 - (d) Deferential Association Theory.
 - (e) Anomie.
- 6. Crime and Economic Condition.**



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7. White Collar Crime.

- (a) Nature and Crime in India.
- (b) General approaches to crime control.
- (c) Crimes of the powerful organised and white collars-crimes in the profession viz. medical, legal, engineering etc.
- (d) Organised crime, sexual offences, prostitution & drugs abuse.
- (e) Perpetrators of ordinary crimes, the situational criminals, chronic offenders and criminal gangs.

Book for Reference:-

- (I) Criminology and Penology by – **N. V. Pranjape.**
- (II) Criminology by – **Ahmad Siddique.**



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SEMESTER-V

OPTIONAL PAPER – III

LAW AND MEDICINE

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

1. **Notion of Profession.**
 - (1.1) Types of Medical Profession in India.
 - (1.2) Para Professionals.

2. **Self regulation through codes of conduct and disciplinary Proceedings.**
 - (2.1) Self regulation through education-Institutional discipline viz. hospitals and research centres.
 - (2.2) The Role of law in sustaining and monitoring self regulation.

3. **The Regulation and Organization of Medical Education and Profession in India.**
 - (3.1) Medical Degrees Act, 1916.
 - (3.2) Pharmacy Act, 1948.
 - (3.3) Indian Medical Council Act, 1956.
 - (3.4) Nursing Council Act, 1947.

4. **Emerging Issues.**

The Trans plantation of Human organs Act, 1994.

5. **Important Medico – Legal Cases.**
 - (i) Ratlam Municipality Vrs. Vardhichand.
(AIR 1980 SC 1622)

 - (ii) Rakesh Chandra Narayan Vrs. State of Bihar.
(1989 supp (1) SCC. 644-656)
(AIR 1995 SC 208)

 - (iii) Indian Medical Association Vrs. V. P. Shantha & ors.
(1995) 6 SCC. 651)

 - (iv) Dr. Laxman Balakrishna Joshi Vrs. Dr. Trimbal Babu Godbole and another.
(AIR 1969 SC 123)



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SEMESTER-V

PAPER-IX (Compulsory Paper)

PRACTICAL TRAINING

FULL MARKS-100

Division of Marks

- (a) **Theory Examination – 45 marks**
- (b) **Practical Work - 45 marks**
- (c) **Viva-Voce - 10 marks**

1. Moot Court, Pre-trial Preparations and Participation in Trial Proceeding.
This paper will have three components of 30 Marks each and a Viva for 10 Marks.
 - (a) Moot Court (30 Marks). Every students will do at least three moot courts in a year with 10 Marks for each. The moot court work will be on assigned problems and it will marks for oral advocacy.
 - (b) Observance of Trial in two cases, one Civil and one Criminal (30 Marks):
Students will attend two trials in the course of his final year of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.
 - (c) Interviewing techniques and pre-trial preparations (30 marks) :
Each student will observe two interviewing sessions of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary which will carry 15 marks.
- (c) The fourth components of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks



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PAPER-IX

Compulsory Practical Training Paper Moot Court, Pre-Trial Preparations and Participation in Trial (Proceedings) **Syllabus for Written Examination**

FULL MARKS-45

1. Moot Court 15-marks

The students have prepared the following five cases for the Moot Court with a written arguments of both side.

- (a) Pakla Narain Swami v. Emperor.
AIR 1939 P.C. 47
- (b) P. Kottayya v. Emperor.
AIR 1947 P.C. 67
- (c) Mahboob Shah v. Emperor.
1945, BLR 941
- (d) Bangalore Water Supply Sevarage Board v. A. Ragappa
AIR 1985 S.C. 1430
- (e) Vellore Citizen Welfare Form v. Union of India
1996 (5) S.C.C 647

2. Observance of Trial 15-marks

- (a) Civil Trial.
- (b) Criminal Trial.

Students are expected to know the different stages of Civil and Criminal Trial.

3. Interviewing Techniques & Pre-Trial Preparation 15-marks

Students are expected to know interviewing sessions of client at the lawyers office Legal Aid office. Students are also expected to know the preparation of documents and court papers by the Advocate and the procedures for filling of the Suits/Petition.

NB : The above referred cases for moot court are subject to change.