

SHRI GOVIND GURU UNIVERSITY

GODHRA

THREE YEAR'S LL.B

PROGRAMME

LL.B Semester: V

(Third LL.B Winter Semester)

PER WEEK	LECTURES	OTHERS	TOTAL	CREDITS	MARKS
CORE COURSE 501 Law of Crimes – II : Criminal Procedure Code	3	1	4	4	100
CORE COURSE 502 Law of Evidence	3	1	4	4	100
CORE COURSE 503 Civil Procedure Code and Limitation Act	3	1	4	4	100
CORE COURSE 504 Juvenile Justice Act & Probation of Offenders Act	3	1	4	4	100
ELECTIVE COURSE 505 Intellectual Property Laws	3	1	4	4	100
Foundation Course 506 Principles of Negotiable Instrument Act	1	1	2	2	100
Soft Skill 507 Legal Aid, Para Legal Service...	1	1	2	2	100

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GODHRA**

THREE YEAR'S LL.B. PROGRAMME

LL.B. Semester: V

(Third LL.B Winter Semester)

Law 501: Criminal Procedure Code

- 1. Constitution and power of Criminal Courts and Police Officer & Provision relating to Maintenance of Wives, Children & Parents :**
 - 1.1 Definition : Bailable and Non-bailable offences, Cognizable and Non-cognizable offences, Inverstingation,
 - 1.2 Constitution, Classes of Criminal Courts, Power of superior officers of police, Provision relating to arrest of person, service of Summons
 - 1.3 Provision relating to attachment and forfeiture of property, Security for keeping peace and good behaviour
 - 1.4 Order for maintenanc eof Wives, Children and Parents
 - 1.4.1 Maintenance of divorced wives
 - 1.4.2 Judicial Pronouncements
- 2. Maintenance of Public Order & Tranquility, Investigation, Inquiry and Jurisdiction of the Criminal Courts and Trial Procedure in Criminal Cases :**
 - 2.1 Maintenance of Public Order & Tranquility. Power of the police to take preventive actions
 - 2.2 FIR, Criminal Complaint, Power of Police to make investigation, procedure, filing of report, Charge-sheet
 - 2.3 Jurisdiction of Criminal Courts in Inquiries and trials
 - 2.4 Charge :
 - 2.4.1 provisions relating to framing of Charge
 - 2.4.2 Addition of Charge/s
 - 2.4.3 Alteration of Charge
 - 2.4.4 Separate charges for distinct offences
- 3. Trial Procedure in Criminal Cases & its General Provision:**
 - 3.1 Criminal Trials :**
 - 3.1.1 Trial before the Courts of Session
 - 3.1.2 Warrant Trial Cases by Magistrates-procedure
 - 3.1.3 Summons Trial Cases by Magistrates-procedure
 - 3.1.4 Summary Trials
 - 3.1.5 Distinction : Discharge, Acquittal and Conviction
 - 3.2 Plea Bargaining Procedure

- 3.3 General Provisions relating to Inquiries and Trials ;
 - 3.3.1 Person once convicted/acquitted, not to be trial for same offence
 - 3.3.2 Public Prosecutor, Legal Aid to accused, Tender of Pardon to accomplice, Compounding of Offences and other provision
- 3.4 Provision as to accused persons of unsound mind
- 3.5 Provision relating to judgment
- 3.6 Submission of Death Sentence for confirmation

4. Appeals, Reference, Revision, Transfer of cases, Provision relating to Bail and Bonds and Miscellaneous provision

- 4.1 Appeal : Concept- creation of statute – cannot be filed as matter of right
 - 4.1.1 Kinds of Appeal :
 - 4.1.1.1 Against conviction
 - 4.1.1.2 For enhancement of sentence
 - 4.1.1.3 Against acquittal order : By Public Prosecutor & by private person
 - 4.1.1.4 For compensation to victims
 - 4.1.2 When appeal is not permissible
 - 4.1.3 Special Right to permissible (Appeal is non-appealable cases)
 - 4.1.4 Power of the Appellate Courts
- 4.2 Revision : Scope and purpose
 - 4.2.1 When permissible?
 - 4.2.2 Revision Courts & their power
- 4.3 Reference : purpose and significance
- 4.4 Execution, Suspension, Remission and Commutation of Sentences
- 4.5 Provision relating to Bail and Bonds
 - 4.5.1 Bail in Bailable and non Bailable Offences and related Provisions.
 - 4.5.2 Anticipatory Bail.
 - 4.5.3 Approach of the Apex Court in granting Bail.

4.6 Miscellaneous:

- 4.6.1 Inherent Power of High Courts
 - 4.6.1.1 Power to quash FIR, Criminal Complaints And Criminal proceedings
 - 4.6.1.2 Judicial approach and guidelines given by
The Apex Court while exercising quashing Power by High Courts

Suggested Readings:

- Ratanlal&Dhirajilal , Code of Criminal Procedure, Lexisnexis-Butterworth Wadhwa, Nagpura
- ChandrasekharanPillai (Ed), Kelkar Lecture on Criminal Procedure, Eastern, lucknow.
- Principles, Commentaries on the Code of Criminal Procedure, 2 Vol, Universal
- Woodroffe : Commentaries on the Code of Criminal Procedure, 2 Vol, Universal
- ChandrasekharanPillai (Ed), Kalkars' Outlines of Criminal Procedure, Eastern, Lacknow.
- AIR's Criminal Manoj Act, AIR, Nagpur
- R.V.Kelkar, Criminal Procedure, Eastern Book Co.
- C.K. Thakkar, Criminal Procedure Code, Eastern Book Co.
- S.N. Mishra , Code of Criminal Procedure, 1973 with Probation of Offenders Act and Juvenile Justice (Care & Protection of Children) Act, 2000, Central Law Publication
- D.A. Sen, Criminal major Act, Bharat Publication

Shri Govind Guru University
LL.B. Semester V
(Third LL.B. Monsoon Semester)

Law 502: Law of Evidence

Objectives of the course:

The law of evidence is an indispensable part of both substantive and procedure 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 students 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 and 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.

1. Introduction, Definitions and Relevancy of Facts:

- 1.1 Main feature of the Evidence Act and its applicability
- 1.2 Definitions: 'Proved', 'Disproved' and 'Not Proved', 'May Presume' and 'Shall Presume', 'Conclusive Proof'
- 1.3 Relevancy of Facts, Facts in Issue, Distinction between them
 - 1.3.1 Facts necessary to explain/introduce relevant facts
 - 1.3.2 When Facts not otherwise relevant become relevant
- 1.4 Admission : definition,
 - 1.4.1 Admission by different person,
 - 1.4.2 Oral admission, relevant provisions
- 1.5 Confession : Definition between Admission and Confession
 - 1.5.1 Confession made before different persons/authorities and its relevancy and evidence importance, relevant
- 1.6 Distinction between oral and Documentary Evidence
- 1.7 Statement by persons who cannot be called as witnesses
- 1.8 Statements made under special circumstances
- 1.9 Judgments of courts of justice, when relevant
- 1.10 Opinion of third persons : Its relevancy :
 - 1.10.1 Opinion of Experts
 - 1.10.2 Opinion as to handwriting experts
 - 1.10.3 Opinion as to digital signature other relevant provisions as to expert opinion

1.10.4 Relevancy of opinion as to character

2. Types of evidence :

2.1 Judicial Notice

2.2 Oral Evidence : General Provisions

2.3 Documentary Evidence : General Provision

2.3.1 Primary and Secondary Evidence and its related provisions

2.3.2 Special provision as to evidence relating to electronic record and its Admissibility, proof as to digital Signature & its Verification

2.3.3 Public documents and private documents

2.4 Presumption as to documents including Gazettes in electronic forms

2.5 Statement by persons who cannot be called as witnesses

2.6 Presumption in case of Dowry Death and cases involving violation of women's rights

3. Dying Declaration, Stages of Examination of Witnesses :

3.1 Dying Declaration : Definition, Principles for relying upon Dying Declaration

3.1.1 Evidence Value of Dying Declaration

3.1.2 Essentials for recording Declaration

3.1.3 Judicial Approach for appreciation the contents of Dying Declaration

3.2 Stages of Examination of Witnesses :

3.2.1 Examination in chief.

3.2.2 Cross Examination :

- Essentials
- Art of Cross Examination

3.2.3 Re-examination

3.3 General Principles of examination and cross examination

3.4 Lawful question in cross-examination

3.5 Leading question

3.6 Hostile witness, Impeaching of the standing or credit of witness

4. Burden of Proof and Estoppel :

4.1 Burden of Proof :Meaning

4.1.1 The general conception of onus probandi

4.1.2 General and special exceptions to onus probandi

4.2 The Justification of presumption and of the doctrine of judicial notice

4.3 Justification as to presumption and as to certain offences

4.3.1 Presumption as to abetment of suicide by a married woman (Sec.113-A) and dowry death (Section 113-B)

4.3.2 Presumption as to absence of consent in certain prosecution for rape (Sec.114.A)

4.4 The Scope of the doctrine of judicial notice (Section-114)

4.5 Estoppel : Meaning, importance

4.5.1 Distinction : Estoppel, res judicata, Waiver and presumption

4.5.2 Kinds of Estoppel :

- Estoppel by deed
- Estoppel by conduct
- Equitable and Promissory Estoppel
- Tenancy Estoppel

4.6 Question of corroboration (Section 156-157)

Suggested Reading:

- Sarkaar and manohar , Sankar and Evidence, Wadha& Co. Nagpur
- Sir John Wood Roffe& Syed S. Amir Ali's Law of Evidence Vol.1-4
- India Evidence Act, (Amendment up to date)
- Rattan Lal&DhirajLal Law of Evidence, LexisNexis – Butterworths
- Wadhwa, Nagpur
- Pole in Murphy , Evidence) Universal Delhi..
- Albert S. Osborn, The Problem of Proof, Universal Publication, Delhi.
- Avtar Singh, Principles of the Law of Evidence, Central Law Agency ,
- New Delhi
- BatukLal,The Law of Evidence , Central Law Agency

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Law 503: Civil Procedure Code & Limitation

Objectives of the course:

Civil Procedure is code is subject daily the use by the lawyer and a student cannot afford to have scant knowledg eof civil procedure when he goes out to practice as a lawyer. True that it is thought expenses one gets expert knowledge of civil procedure. However, it is necessary to have to have good grounding in the subject before one enters the profession. While the substantive law determines the rights of parties. Procedure law sets down the norms for enforcement Whenever civil rights of persons are affected by action, judicial decision will supply the omission in the law.

The Code of Civil Procedure in India has a chequered history and lays down the details of procedure for redressal of civil rights. Many questions may prop up when one goes to indicate one's civil rights. The courts where the suit is to be filed, the essential forms and procedure for institution of suit, the documents in support and against, evidence taking and trial, dimensions of an interim order, the peculiar nature of the suits, the complexities of executing a decree and provisions for appeal revision are all matter which a lawyer for any side is be familiar with.

A delay in filing the suit, besides indicating the negligence of the plaintiff in effectively agitating the matter on time, may place courts in a precarious situation. They may not be in a position to appreciate the evidence correctly. Evidence might have been obliterated. Hence the statute of Limitation fixes a period within which a case has to be filed.

Weightage of Subject:

Civil Procedure Code: 80%

Limitation Act: 20 %

Syllabus:

1. Introduction, Basic Principles and Jurisdiction of the Courts :

- 1.1 Concept, Complaint, Written Statements, Affidavit, Order, Judgment, Decree
- 1.2 Restitution, Execution, Decree-holder, Judgment-debter, Mesne Profits
- 1.3 Distinction between decree and judgment and between decree and order.

- 1.4 Kinds and Jurisdiction of Courts, Hierarchy of Courts :
 - 1.4.1 Suits of Civil Name : Scope and limits, Place of Suing, Institution of Suit
 - 1.4.2 Parties to suit, Joinder and Non-joinder and Miss-joinder of Parties, Representative suit, Framing of Suit, Cause of Action,
 - 1.4.3 Res Judicata and Res Sub –judice, Foreign Judgment & its enforcement
 - 1.4.4 Provision relating to ADR: Settlement of the Disputers outside the courts (Sec.89)-object, purpose, background and procedure
 - 1.4.5 Issuance of Summons

2. Trial Procedure, Judgment, Suits ,in particular cases:

- 2.1 Appearance of parties, Ex-parte procedure, Effect of Death, Marriage & Insolvency of Parties
- 2.2 Attendance of witnesses, Adjournments, Set off and Counter Claims, Discovery, Inspection & Production of Documents
- 2.3 Trial procedure, Interim orders : Commission, arrest or attachment before judgment, injunction and appointment of receiver , Interest and costs

2.4 Suits in particular cases :

- 2.4.1 Suits by or against Government/Public Officers (Sec.79-82)
- 2.4.2 Suit by relating aliens by or against foreign rules or ambassadors (ss83-87)
- 2.4.2 Suits relating to Public nuisance (ss 91-93)
- 2.4.3 Suits by or against firm
- 2.4.4 Suit by Indignant persons (O.33), Suit of Mortgage
- 2.4.5 Interpleader suits
- 2.4.6 Suits relating to public charities
- 2.4.7 Summary Suits and other special suits
- 2.5 Execution : Concept, General Principles, Procedure & Powers Execution of Decree (Sec.52-54)
- 2.6 Enforcement, arrest and Detention (Sec.55-59), Attachment (Sec.60-64), Sale (Sec.65-97), Delivery of Property , Stay of Execution

3. Appeals, Review, Reference and Miscellaneous

- 3.1 Appeals: Concept and General Provisions
 - 3.1.1 Appeals from original decree
 - 3.1.2 Appeals from appellate decree
 - 3.1.3 Appeals from orders
 - 3.1.4 Appeal to the Supreme Court
 - 3.1.5 First Appeal and Second Appeal
- 3.2 Review, Reference and Revision
- 3.3 Miscellaneous Provisions:
 - 3.3.1 Transfer of cases
 - 3.3.2 Restitution
 - 3.3.3 Caveat
 - 3.3.4 Inherent power of courts

3.4 Law Reform : Law Commission on Civil Procedure
Amendments

4. Limitation Act :

4.1 Concept and object of the Act

4.2 Law assists only vigilant and not those who sleeps over his rights

4.3 Distinction and with laches, acquiescence, Prescription

4.4 Extension and suspension of Limitation, Liability of Govt. Departments for delay & Judicial pronouncements

4.5 Sufficient cause for not filling the proceeding :

4.5.1 illness

4.5.2 Mistaken Legal Advice

4.5.3 Mistaken view of Law

4.5.4 Poverty , minority and Purdha Imprisonment Defective Vakalatnama,
Legal Liabilities

4.5.5 Foreign rule of limitation : contract entered into under a foreign law ,
Acknowledgement – essential requisites continuing tort and continuing
breach of contract

Suggested Readings:

- Mulla, Code of civil Procedure, Universal, Delhi.
- C.K.Thakker, Code of civil Procedure, Universal, Delhi.
- M.R.Mallick(ed),B.B.Mitra on Limitation Act, Eastern Lacknow.
- Majumdar P.K. and Kataria R.P. Commentary on the Code of Civil Procedure, 1908, Universal, Delhi.
- Jain M.P., Code of Civil Procedure with Amendments, Wadhwa
- Shah A.N.The code of civil Procedure, Universal, Delhi.
- Sarkar's Law of Civil Procedure, Vols , Universal, Delhi.
- Sukumar Ray, Textbook on the Code of Civil Procedure, Universal, Law Book Co.
- Dr.Avtar Singh, Code of Civil Procedure,Central Law Publication
- Universal's Code of Civil Procedure
- Jain M P, The Code of Civil Procedure ,Wadhwa Nagpur Publication
- Avtar sing, Code of Civil Procedure , Central Law Publication
- Mathur D.N., The Code of Civil Procedure , Central Law Publication
- U.N.Mitra , Limitation and Prescription
- AIR Commentaries on the Limitation Act
- SR. Myneni, Law of Limitation Asia Law House , Hyderabad

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LL.B. Semester V
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Law 504 : Juvenile Justice Act & Probation offenders Act

1. Juvenile Justice (care and Protection of children) Act-2015
 - 1.1 Preliminary
 - 1.2 definitions
 - 1.3 Juvenile in conflict with law
2. Child in need of care and Protection
Rehabilitation & Social reintegration
3. Miscellaneous provision sec-46-70
Deference between Juvenile Justice Act-1987 & JJ (CPC) Act-2000
4. All Provision of Probation of Offenders Act-1958

Suggested Books:-

- Juvenile Justice Act - Vijay Hansaria
- Juvenile Justice Act -Kumkum Rani
- Juvenile Justice Act -RatanlalDhirajlal
- Probation of Offendere Act - G.S.Sharma
- Probation of Offendere Act -RatanlalDhirajlal

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Law 505 E: Intellectual Property Law

Objectives of the Course:

The importance of this Branch of Their law is to be sufficiently realized in the India Legal Education. Compendious courses on the law of copyright, trademarks and patents are offered in few law schools as option courses, but these do not either integrate the significance of these subject matters under any comprehensive aspect of “modernization” or “development” nor do they spread even emphasis between and among the subject areas represented by these interconnected bodies of the law.

The Three areas are now internationally conceptualized as representing intellectual property. It is often the case that while the law of patents and trademarks is referred to as industrial property, the law relating to copyright is named intellectual property. While both these terms could be suitably invoked, we here speak of intellectual property as signifying all the three bodies of the law as well as the law on industrial designs.

Unlike other forms of property, refers to regimes of legal recognition primarily the products of the mind or imagination. The subject matter of property related rights is here pre-eminently based on mental labour the law relating to intellectual property protects the rights mental labour.

The law confers rights of proprietary nature on relative intellectual labour primarily on the basis that it is in the interest of society and state to promote creativeness and inventiveness. Limited monopoly provides incentive for greater inventive and innovative efforts in society. An important aspect of the exploration in this course would be the ways in which the laws strike a fair balance between the interests and rights of the intellectual labourers on the one hand and organized industrial enterprises on the other Another dimension in a study of the in which this regime of laws militates against or favours, community in national culture.

As concerns “modernization” crucial arise in the field of copyright protection in computer software and hardware, interest electronic music and scientific research. Both copyright, trademarks, design and patent law here relate basically to law of unfair competition and constitute an aspect of consumer protection and welfares not only in the context of national perspectives but also in view of globalization already set in. Both from the standpoint of human resources development, modernization and justice it is important that the curricular change takes serious notice of these areas.

Syllabus:

1. Introductory:

- 1.1 The meaning of intellectual property
- 1.2 Competing rationales of the legal regimes for the protection of intellectual property
- 1.3 The main forms of intellectual property : copyright trademarks, patents, designs
- 1.4 Other new forms such as plant varieties and geographical Indians Introduction to the leading international instruments concerning intellectual property rights: The Berne Convention Copyright Convention, Union TRIPS the World Intellectual Property Rights Organization (WIPO) and the UNESCO.
- 1.5 The status and position of IPRs in context with the International Regime
- 1.6 Amendments in various legislations relating to IPRs India including legislation of patent, Copyright and Trademark in India and effects thereof

2. Select Aspects of the Copyright Law in India:

- 2.1 Historical evolution of the law
- 2.2 Meaning of copyright,
- 2.3 Availability of Copyright protection :
 - 2.2.1 Copyright in literary and Artistic work, dramatic and musical works
 - 2.2.2 Copyright in sound records and cinematograph films
 - 2.2.3 Copyright in computer program, Internet and database
- 2.4 Author and Ownership of copyright, Term of copyright, authorities under The copyright Act and their power, Registration of copyright, copyright Society and its powers, Appeal provisions
- 2.5 Rights conferred by copyright, Assignment, Transmission and Relinquishment of copyright, Provisions relating to licence
- 2.6 Infringement of Copyright: Criteria, various types of infringement
- 2.7 Acts not constituting infringement, Fair use provision, Piracy in internet
- 2.8 International copyright
- 2.9 Remedies and Penalty provision

3 Intellectual Property Rights in Trademarks and Design :

- 3.5 The rationale of protection of trademarks as (a) aspect of commercial and (b) of consumer rights, Definition and concept to trademarks in goods & services
- 3.6 Registration, Distinction trademark and property mark The doctrine of honest current use, Doctrine of deceptive similarity Protection of well-known marks
- 3.7 Passing off and infringement of trademarks : (Definitions, Concept and Distinction)
- 3.8 Standard of proof in passing off action
- 3.9 Remedies and Penalty provisions
- 3.10 Industrial Designs, Designs Act,2000 : Authorities, Procedure for registration of designs, Controller and Registrar :power and duties, assignment and

transmission of designs, Power of the Central Government, Copyright on Industrial Designs : related provision, Patents to designs, piracy designs, Remedial aspects, Appeal provision,

4 The Law of Intellectual Property: Patents :

- 4.5 Concept of patent, Essentials, Historical view of the patents law in India
- 4.6 Patentable inventions with special reference to biotechnology products entailing creation of new forms of life including Amendments of the year 2005
- 4.7 Patent protection for computer programme and computer software
- 4.8 Process of obtaining a patent :
 - 4.8.1 Application and examination: Procedure, Essentials for obtaining patent : Elements of Novelty, Non-obviousness
 - 4.8.2 Opposition and sealing patent : general introduction, Grounds for opposition
 - 4.8.3 The problem of limited locus standi to oppose, especially in relation inventions having potential of ecological and mass disaster
- 4.9 Patent Co-operation treaty : Object, reasons and important provisions
- 4.10 Wrong fully obtaining the invention : Prior Publication or anticipation, Obviousness and the lack of inventive step, Insufficient description
- 4.11 Rights and obligations of a Patentee :
 - 4.11.1 Patents as chose in action
 - 4.11.2 Duration of patents law policy considerations, Use and exercise rights,
 - 4.11.3 The notice of “abuse” of patent rights, Compulsory licenses, Special Categories, Employee Invention Law and Policy Consideration
- 4.12 International Patents, Transfer of Technology, Know-How and problems of self-reliant development.
- 4.13 Infringement, Criteria of infringement, Onus of Proof in India, Modes of infringement, Doctrine of Colourable Variation
- 4.14 Remedies in case of Infringement : Injunction and related remedies, Defence in suits of infringement
- 4.15 Penal Provision

Suggested Readings:

- Cornish W.R., Intellectual Property, Patents, Trade Marks, Copy Rights and Allied Rights, Asia Law House, Hyderabad.
- VikasVashishth, Law and Practice of Intellectual Property, Bharat Law House, Delhi.
- P. Narayanan, Intellectual Property Law, Eastern Law House, Calcutta.
- Dr.B. L. Wadehra, Law relating to Intellectual Property, Universal Law Publishing Co.
- Chakravarty’s Intellectual Property Law, Ashok Law House, New Delhi
- BibeckDebroy (ed) , Intellectual Property Rights Rajiv Gandhi Foundation, Delhi.

- E.I.F. Ander felt, International Patent Legislation and Developing Countries
- W.R. Cornish Intellectual Property, Sweet and Maxwell.
- Mata Din, Law of Passing off and Infringement Action of Trade Marks
- P.S. Segal and Kishore Singh India Patent System and Paris Convention: Legal Prespectives
- K. Thairani, Copyright The Indian Experience
- W.R. Cornish, Para materials on Intellectual Property, Sweet & Maxwell.
- N.K Achrya, Textbook on Intellectual Property Rights, Asia Law House
- Dr .S. R. Myneni, Law of Intellectual Property, Asia Law House
- Justice P.S. Narayana's Intellectual Property in India, Gogia Law Agency
- Manish Arora, Guide to Trademarks Law, Universal Law Book Co.
- Iyengar's The Trademarks, Universal Law Book Co.
- Pr.Ashwani Kr. Bansal, The Designs Law, Universal Law Book Co.
- Dr. B. L. Wadehra, Law Relating to Patent, Trademakrs, Copyright, Designs &Geographical Indication, Universal Law Publishing Co.
- Patent Co-operation Treaty

Shri Govind Guru University
LL.B. Semester V
(Third LL.B. Monsoon Semester)

Law 506 F: Principles of Negotiable Instruments

Objectives of the Course:

In a fast growing society, no business transaction is possible in absence of any Negotiable Instrument. It has now become very essential, not only for the law students but even for a common man to know the provision relating to transaction of the Negotiable Instruments like Promissory Notes, Bills of Exchange and Cheques. It is very important to know all the rights conferred to the payee and remedies available to him to recover the debts from the debtor under the Act. Being innocent and bonafide payee of any instrument, one can claim all the rights available over any Negotiable Instrument and claim all mentioned therein. The provision relating to Electronic Cheque also required to be studied along with the basic concept and types of the Negotiable Instruments under the Act.

There is a drastic change in the provision relating to dishonour of cheque and its remedies available to the creditor under the Negotiable Instruments Act, 1881. In the 2002, there are significant amendments made in Chapter XVII of the Negotiable Instrument Act, 1881 in order to effectively project the right of the payee of a cheque. The Burden of proof is upon the drawer of the cheque in the criminal prosecution. Mens rea is not considered at all. The entire chapter is to be studied taking into consideration various importance decisions of the Supreme Court on the different issues arising out of civil and criminal litigations relating to dishonour of cheque.

Syllabus:

1. Introduction:

- 1.1 The Negotiable Instrument Act, 1881: object and Reason
- 1.2 Types of Negotiable Instruments
- 1.3 Negotiable Instruments covered under the Act: Promissory Notes, Bills of Exchange and Cheque including Electronic Cheque, Validity period of Cheque (3 months by RBI amendment)
- 1.4 Definition and Characteristics of the Negotiable Instruments
- 1.5 Presumption relating to Negotiable Instrument
- 1.6 Drawer, Drawee and Payee : Definition, Right and duties
- 1.7 Honder and Holder in due course : advantages, rights and powers

1.8 Distinction between Holder and Holder in due course

2. Various terms and phenomenon under the Act :

- 2.1 Ambiguous Instrument, Inchoate Stamped Instrument
- 2.2 Drawee in case of need
- 2.3 Acceptance for honour, Payment for Honour
- 2.4 Notice of Dishonour, liabilities of Drawee and Drawer
- 2.5 Maturity of Negotiable Instrument and days of Grace
- 2.6 Endorsement : types and advantages
- 2.7 Crossing of Cheque : kind of crossing, advantage
- 2.8 Negotiation of Instrument, Negotiation Back
- 2.9 Noting and Protest

3. Special provision relating to Dishonour of Cheque and its remedies : (Section 138 to 147 of the Negotiable Instruments Act ,1881)

- 3.1 Remedy to initiate criminal proceeding in case of dishonour of Cheque
- 3.2 Absolute Liability of Drawer of Cheque in case of its dishonour, absence of Mens rea no defence at all (Sec.139), Object and reason of inserting cheque XVII under the Act
- 3.3 Modes of Dishonour of Cheque ; Stop Payment, Funds not arranged for, Account Closed, Referred to the Drawer Insufficient Funds, Post Dated Cheque etc.- its consequences
- 3.4 Essentials for criminal Proceeding in case of dishonour of cheque :
 - 3.4.1 Cheque must be written pursuant to Legal Debt
 - 3.4.2 Notice of dishonour within prescribed time
 - 3.4.3 Cheque : can be deposited in back more than once within its validity period before initiating criminal proceeding
 - 3.4.4 Filing of criminal complaint : formalities, Forum of Criminal court, time limit, jurisdiction of criminal courts
- 3.5 Penal Provision under the Act in case of dishonour cheque
- 3.6 Dishonour of cheque by a company or a firm : consequences, joint and several liabilities, Discharge from liability in case of Ex-officio Directors of Government Companies
- 3.7 Offence committed against a company or firm : Persons competent to file criminal complaints, prior formalities
- 3.8 Delay in filing of criminal complaint u/s 138 of the Act : consequences
- 3.9 Compounding of offences under the Act : Power of the Magistrate
- 3.10 Defences available to the Drawer of the Cheque
- 3.11 Important decision of the Supreme Court

Suggested Readings:

- Avtar Singh, Negotiable Instrument Act, 1881: Eastern Book Company
- Bhashyam&Adiga, Negotiable Instrument Act, 1881 Bharat Law House, Delhi
- Tannan's Banking Law & Practice in India, India Law House
- Avtar Singh, Law of Banking & Negotiable Instruments, Central Law Publication
- P.L.Malik, Negotiable Instrument Act, Eastern Book Company
- Saharay, Negotiable Instrument Act with Special Emphasis on Dishonour of Cheque, Central Book Agency, Kolkata
- R.K. Suri, Dishonour of Cheque (Prosecution & Penalties) ALT Publication, Hyderabad
- K.S. Gopala, Dishonour of Cheque (Law, Practice & Procedure) ALT Publications
- P.S. Narayan, Law of Negotiable instrument and Dishonour of Cheque, Asia Law House
- Khacrgauwala, Negotiable Instrument Act, Butterworth's
- S.N. Gupta, Dishonour of Cheques-Liability- Civil and Criminal Universal Law Book Co.
- R.K. Bangia, Negotiable Instrument Act, Allahabad Law Agency
- S.M. Chaturvidi, Negotiable Instrument Act, Central Law Agency
- R. Swaroop

Shri Govind Guru University
LL.B Semester: V
(Third LL.B Winter Semester)

Law 507 K: Legal Aid, Para-Legal Services & Clinical Training

1. Provisions under the Constitutional and Procedural Laws to provide Legal Aid :
 - 1.1 Free Legal Aid : Need, concept and scope – for providing social Security and equal justice to all
 - 1.2 Constitutional Provisions ensuring Legal Aid :
 - 1.2.1 Preamble of the Constitution
 - 1.2.2 Article 14 : Equality before Law and Equal Protection of Law
 - 1.2.3 Article 39-A : Equal Justice and free Legal Aid
 - 1.3 Provisions under the Code of Criminal Procedure to provide Legal Aid
 - 1.3.1 Section 304 : Legal Aid to the accused at the expense of the State
 - 1.4 Provisions under the Code of Civil Procedure to provide Legal Aid :
 - 1.4.1 Suit by indigent person (O.33)
2. Legal Services Authorities Act, 1987 :
 - 2.1 Object and reason of the Act
 - 2.2 National Legal Services Authorities
 - 2.2.1 National Legal Services Authorities
 - 2.2.2 State Legal Services Authorities
 - 2.2.3 District Legal Services Authorities
 - 2.3 Committees under the Act, their constitution, term and functions
 - 2.3.1 Supreme Court Legal Services Committee
 - 2.3.2 High Court Legal Services Committee
 - 2.3.3 Taluka Legal Services Committee
 - 2.4 Criteria for giving Legal Services
 - 2.5 Entitlement for Legal Services
 - 2.6 National, State and District Legal Aid Fund.
 - 2.7 LokAdalats:
 - 2.7.1 Concept and significance of LokAdalats & Permanent LokAdalats
 - 2.7.2 Organization of LokAdalats
 - 2.7.3 Awards of LokAdalats.
 - 2.7.4 Powers of LokAdalats
 - 2.8 Pre-litigation Conciliation and Settlement provisions:
 - 2.8.1 Establishment and powers of Permanent Lokadalats
 - 2.8.2 Cognizance of cases by it and procedure thereof
 - 2.8.3 Award of the Permanent LokAdalats : Final and binding to the parties

- 2.9 Rule making powers of State and Central Government
- 2.10 Regulation making powers of various authorities under the Act
Authorities/NGOs
3. Para –legal Services and Clinical Training :
 - 3.1 Para-legal Services :Meaning object and importance
 - 3.2 Legal Literacy Camps by law students in association with Authorities/NGOs
 - 3.3 Legal Aid Camps
 - 3.3.1 For weaker section of the society for strengthening their rights
 - 3.3.2 For women empowerment
 - 3.3.3 For preventing Child Labour
 - 3.4 Legal Aid Clinics : Object and Services
 - 3.4.1 Permanent Legal Aid Clinic and its services : Counseling, Pre-litigation solution through different cells like Pension Cell, SC/ST Cell, etc, Providing para- legal training to law students and assigning clinical work to law students
 - 3.5 Involvement of NGOs in securing Free Legal Services
 - 3.6 Role of Law Students in securing Free Legal Aid and Advise
 - 3.7 Para-Legal Training by law students, its application and importance

Suggested Readings:

- Prof. KailashRai, Public Interest Lawyering Legal – Aid and Para- Legal Services, Central Law Publication
- Dr. N.V. Paranjape, Public Interest Litigation, Legal Aid & Services, LokAdalats& Para –Legal Services Law Agency
- Dr.S.S.Sharma, Legal Services, Public Interest Litigation and Para-Legal Services, Central Law Agency
- Dr.S.R.Myneni, Public Interest Lawyering, Legal Aid and Para-Legal Services, Cenral Law Agency
- Dr.S.R.Myneni, Public Interest Lawyering, Legal Aid and Para Legal Services, Asia Law House.
- Mamta Rao, Public Interest Litigation (Legal aid and LokAdalats), Eastern Book Company
- Ajay Gulati, Public Interest Lawyering, Legal-Aid and Para –Legal Services, Central Law Publication
- Sarfaraz Ahmed Khan, LokAdalat : an effective alternative dispute resolution meachnism, A.P.H. Pub. House, New Delhi.
- Roma Mukerjii, Women Law and Free Legal Aid in India, Regal Publication, New Delhi (Deep & Deep Publication)
- Bare Act: Legal Services Authorities Act (with Amendments of 2002)

Shri Govind Guru University

THREE YEAR'S LL.B

PROGRAMME

LL.B Semester: VI

(Third LL.B Winter Semester)

PER WEEK	SUBJECTS	LECTURES	OTHERS	TOTAL	CREDITTS (SEM)24	Marks
CORE COURSE 601	Drafting, Pleading and Conveyancing	3	1	4	4	100
CORE COURSE 602	Professional Ethics & Professional Accounting System	3	1	4	4	100
CORE COURSE 603	Alternative Dispute Resolution	3	1	4		100
CORE COURSE 604	Moot Court Exercise & Internship	3	1	4	4	100
ELECTIVE COURSE 605	Legal Language/Legal Writing including General English	3	1	4	4	100
Foundation 606	Legal Principal Through Case Study	1	1	2	2	100
Soft Skill 607	Forensic Science ,Law and Crime Detection Methods	1	1	2	2	100

LL.B Semester: VI

(Third LL.B Winter Semester)

Law 601: Drafting, Pleading & Conveyance

OBJECTIVES OF THE COURSE :

This is Compulsory Clinical Course as prescribed under the Bar Council of India- Rules of Legal Education, 2008. The entire course is designed in order to apprise the law students about the practical knowledge of drafting of pleading and conveyancing deeds. This is expected to be taught through class instructions and stimulation exercises, preferably with the assistance of practicing lawyers/retired judges. The Law students will have to draft the prescribed civil and criminal Pleading Exercises as well as prescribed conveyancing deeds by understanding the general principles and relevant legislations in the class rooms. The law students should make themselves comfortable in drafting different cases and deeds based upon any given hypothetical facts taking into consideration the procedural laws like Code of Civil Procedure, Code of Criminal Procedure, Evidence Act as well as Constitutional Law of India, Transfer of Property Act, Registration Act, Limitation Act, Negotiable Instruments Act, Family Courts Act etc.

There will be 90 marks Theoretical Examination and 10 Marks viva voice. Examination, both to be taken by the Shri Govind Guru University in this course.

Theoretical Examination : 90 Marks

Viva Voice Examination : 10 Marks

1. Drafting and Pleading :

1.1 General Principles of drafting and relevant substantive rules

1.2 Pleadings : Civil

1.2.1 Complaint

1.2.2 Written Statement

1.2.3 Memorandum of Appeal

1.2.4 Civil Revision Application (u.s/s. 115 of the CPC & under the Rent Act)

1.2.5 Interlocutory Application

1.2.6 Execution Application

1.2.7 Affidavit

1.2.8 Writ of Mandamus

1.2.9 Writ of Habeas Corpus

1.2.10 Writ of Certiorari

1.2.11 Criminal Complaint

1.2.12 Bail Application

1.2.13 Anticipatory Bail Application

1.2.14 Criminal Appeal

1.2.15 Criminal Revision

2. Conveyancing Deeds :

2.1 Conveyancing Deeds : Meaning Importance and types – Deed Pole and Indenture, General Principles

2.2 Various conveyancing deeds:

2.2.1 Notice : General, Statutory Notice (Sec.80 of CPC) and Notice u/s. 138 of the Negotiable Instruments Act, 1881

2.2.2 Agreement to sell

2.2.3 Sale Deeds

2.2.4 Mortgage Deeds

2.2.5 Lease Deed

2.2.6 Rent Note

2.2.7 Power of Attorney : General and Special

2.2.8 Gift Deed

2.2.9 Will and Codicil

2.2.10 Trust Deed

2.2.11 Partnership Deed

Suggested Readings:

- Mogha's Law of Pleadings with precedents: Eastern Law House
- Bindra on Conveyancing Vol. I–III Law Publishers
- S.C Ghosh, Principles & Forms of Pleading, Eastern Law House
- K.S. Gopala Krishnan, Pleading and Practice (Civil & Criminal), ALT
- Publication
- Chaturvedi. A.N, Principles and Forms of Pleadings and Conveyancing with Advocacy and Professional Ethics: Allahabad Law Agency
- Pandit and Amin, Principles & Precedents of Pleading and Conveyancing
- Shiv Gopal Conveyancing, Precedents & Forms, Eastern Book Co.
- S.R.Myneni, Drafting, Pleading & Conveyancing, Asia Law House
- Swamy NM, Text Book on Drafting, Pleading & Conveyancing, Asia Law House
- P.S.Narayan Civil Pleading & Practice, Asia Law House
- P.S.Narayan Criminal Pleading & Practice, Asia Law House
- K.K. Srivastava, Law Of Pleading, Drafting & Conveyancing, Central Law Agency.

LL.B Semester: VI
(Third LL.B Winter Semester)

**Law-602: Professional Ethics & Professional Accounting
System**

OBJECTIVES OF THE COURSE:

This is a Compulsory Clinical Course as prescribed under the Bar Council of India –Rules of Legal Education,2008. The very object of the course is that every law student must not only become good lawyer, but also a good human being and should render his service to the society. Instead of charging exorbitant fees, a lawyer should also utilized his efficiencies, knowledge and skill by taking genuine cases without charging fees. A lawyer should refrain from unethical practice and also respect the judges, his colleagues and his clients. It is expected from the law colleges that this course should be taught in association with practicing lawyers. The main purpose and objective of this course is to get every law student realized that the legal profession is a noble profession having its own unique ethics and dignity. Lawyer should concentrate upon rendering service to the poor and needy people rather than earning of money. This course also contains the main provisions of the Advocates' Act 1961, the Contempt of Courts Act and also selected judgments of the Apex court relating to the Professional Misconduct and selected opinions of the Disciplinary Committee of the Bar Council of India. It also appraises the law students about various duties of an advocate. The course also includes the necessary aspects of the accountancy for lawyers and the relations between lawyers and judges (Bar –Bench Relations).

The Course is designed having 80 marks theoretical examination as well as viva voice examination, both to be conducted by the Shri Govind Guru University.

Theoretical examination: 80 Marks
Viva Voice Examination: 20 Marks

Syllabus:

1. Legal Profession :
 - 1.1 Distinction between Business and Profession
 - 1.2 Legal Profession :
 - 1.2.1 History
 - 1.2.2 Importance
 - 1.2.3 Why Noble Profession?
 - 1.3 Ethics and Code of Conduct of Legal Profession
 - 1.4 Seven Lamps of Advocacy and meaning thereof
 - 1.5 Hoffman's 50 Resolutions for lawyer and importance thereof
 - 1.6 Ten Commandments for lawyers
 - 1.7 Bench –Bar Relations
2. Advocates' Act-1961 :
 - 2.1 Admission, Enrolment, duties, Privileges and Rights of Advocate
 - 2.1.1 Who can be admitted as advocate on a State Roll
 - 2.1.2 Certificate for Enrollment
 - 2.1.3 Disqualification for enrollment as an Advocate
 - 2.1.4 Duties of an Advocate
 - Towards client
 - Towards Courts
 - Towards Judges
 - Towards his colleagues
 - 2.1.5 Rights and privileges of Advocates
 - 2.2 Bar Councils
 - 2.2.1 State Bar Council : Establishment, Organization,
 - 2.2.2 Powers and functions of State Bar Council
 - 2.2.3 Various committees of State Bar Council and Functions thereof
 - Executive Committee
 - Disciplinary Committee
 - Welfare Committee
 - Enrolment Committee
 - 2.2.4 Bar Council of India : Organization
 - 2.2.5 Various Powers and functions of the Bar Council of India
 - 2.3 Rules relating to dress code of an Advocate
 - 2.4 Professional Misconduct : Meaning
 - 2.4.1 Professional Misconduct by advocate
 - 2.4.2 Procedure for filing complaint against lawyer for professional misconduct
 - 2.4.3 Punishment for Professional Misconduct

2.5 Accountancy for Lawyers : General Principles

3. Contempt of Court and Practice :

3.1 Contempt of Courts Act, 1971 :

3.1.1 Contempt of Court : meaning and nature

3.1.2 Distinction between Contempt of Court of Court and Professional Misconduct

3.2 Categories of contempt under the Act : Civil and Criminal Contempt- Distinction

3.2.1 Civil Contempt : Essentials

3.2.2 Criminal Contempt of Court within the court and outside the court

3.2.3 Contempt of Court within the court and outside the court

3.2.4 Defenses in civil Contempt and in Criminal Contempt

3.2.5 Defense in Civil Contempt and in Criminal Contempt

3.2.6 Remedies against Punishment in contempt

3.2.7 Penalty provisions for the Contempt of Court under the Contempt of Courts Act

3.3 Contempt jurisdiction of High Courts and the Supreme Court under the Constitution of India.

3.4 Contempt Jurisdiction of the Subordinate Courts.

4. Important Cases and Selected Opinions of the Disciplinary Committee :

4.1 Important Cases of the Apex Court relating to Professional Misconduct of Lawyers

4.2 50 selected opinions of the Disciplinary Committee

4.3 Importance cases of the Supreme Court relating to the Contempt of Court

Suggested Readings:

- Mr. Krishnamurthy Iyer's Books on "Advocacy"
- Dr. Kailas Rai, Legal Ethics Accountancy for Lawyers & Bench- Bar Relation: Central Law Pub.
- Dr. S.R. Myneni, Professional Ethic, Accountancy for Lawyers and Bench-Bar Relation, Asia Law House
- Subrmanyams, Commentaries on Advocate's Act with Professional Ethics & Allied Laws, Law Publishers India.
- The Bar Council Code of Ethics
- 50 selected opinions of the Disciplinary Committees of Bar Councils
- SanjivaRow, The Advocates Act, 1961, Lexis NexisButterworths

- S.P. Gupta, Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations
- JPD Sirohi, Professional Ethics, Lawyer's Accountability, Bench-bar Relationship
- GCA Subba Rao, Commentary on Contempt of Courts Act,1971 ,ALT
- Publications.
- V.N. Shukla, Constitutional Law of India, Eastern Book Company
- T.K. Tope, Constitutional Law of India, Eastern Book Company
- M.P.Jain, Constitutional Law of India, Eastern Book Company
- Authenticated Law Journals and Legal Software for perusal of Supreme Court Decisions.

LL.B Semester: VI
(Third LL.B Winter Semester)
Law 603 : Alternate Dispute Resolution

OBJECTIVES OF THE COURSE:

The above course is also one of the Compulsory Clinical Course prescribed by the Bar Council of India- Rules of Legal Education, 2008. The Major concern of Law is conflict resolutions. Familiarization with the modalities and techniques of resolution of conflict is necessary component in the endeavors of developing expertise in juridical exercise. The Traditional justice delivery system through adjudication by courts had already given way to a large extent of back log of cases. There are many alternative mode of dispute resolution in the common law countries. The advent of globalization has enthused this transformation everywhere. The Study of ADR is highly significant in molding the students of law to act as soldiers of justice in the ever – changing socioeconomic scenario. The course aims to give the students an insight into the processes of arbitration, conciliation and mediation in areas where the traditional judicial system had its away in the past and in the new areas of conflicts that demand resolution by alternative methods, No doubt, the course has to be taught with comparative and international perspective with a view to bringing out the essential awareness of the national and international system emerging at the present context. In this course there a theoretical examination of 80 Marks to be taken by the University and the rest of 20 Marks are to be given by the college evaluating the students through their visits to various ADR centers, Arbitration Tribunals, Mediation Centers etc. and through practical exercises.

Theoretical Examination: 80 Marks
Practical Exercises : 20 Marks

Syllabus:

1. Alternate Dispute Resolution :
 - 1.1 Meaning object and importance
 - 1.1.1 Arbitration, Conciliation, Mediation
 - 1.1.2 Distinction between Arbitration, Conciliation and Mediation
 - 1.2 Arbitration : Meaning and scope
 - 1.3 Arbitration Agreement :
 - 1.3.1 Essential, Kinds of Arbitration Agreement
 - 1.3.2 Who can enter into Arbitration Agreement
 - 1.3.3 Validity and reference to Arbitration
 - 1.4 Arbitration Tribunal :
 - 1.4.1 Appointment of the Arbitration Tribunal
 - 1.4.2 Grounds for challenges
 - 1.4.3 Procedure of the Tribunal :
 - 1.4.4 Time, Place and Language of Hearing
 - 1.4.5 Statement of Claim and defiance, counter claim and other proceedings
 - 1.4.6 Jurisdiction and Powers of the Tribunal

2. Arbitration Award :
 - 2.1 Rules of Guidance
 - 2.2 Forms and Content of the Arbitration Award
 - 2.3 Settlement through ADR
 - 2.4 Interim Award, Award of interest by Arbitrator
 - 2.5 Requirements of Valid Award
 - 2.6 Correction and interpretation of Award
 - 2.7 Grounds for setting aside the Award
 - 2.4.1 Incapacity of the Party
 - 2.4.2 Invalidity of Arbitration Agreement
 - 2.4.3 Want of proper notice and hearing
 - 2.4.4 Contravention of composition and procedure
 - 2.4.5 Breach of conviviality
 - 2.4.6 Impartiality of the arbitrator
 - 2.4.7 Bar of limitation, res judicata
 - 2.4.8 Consent of Parties
 - 2.8 Termination Proceedings
 - 2.9 Powers of Arbitrators
3. Enforcement of the Foreign Award and Miscellaneous:
 - 3.1 Foreign Award, International and Commercial Arbitration: Essentials
 - 3.2 Choice of place and proper law of arbitration
 - 3.2 Enforcement of Foreign Awards: Procedure and essentials
 - 3.2.1 New York Convention Awards
 - 3.2.2 Geneva Convention Awards
 - 3.3 Conciliation, Conciliators: Number and qualifications, appointment procedure
 - 3.4 Principles of Conciliation Procedure, Procedure, Settlement, Restrictions on the role of conciliators. Termination of Conciliation proceedings
 - 3.4 Rule making powers of High Courts and Central Government

Practical Exercise: 20 Marks

- (i) **Negotiation skills to be learned with simulated program**
- (ii) **Conciliation skills**
- (iii) **Arbitration Law and Practice including International arbitration and Arbitration rules.**

The above mentioned exercises are required to be conducted by senior legal practitioners through simulation and case studies. At least three practical exercises/case study reports shall be written in a journal after having visited the Arbitration –Conciliation Centers by a student. Evaluation thereof shall be conducted in practical exercises to be submitted by a student in a journal/diary to the concerned law college and the marks thereof will be sent by the college after evaluation to the Shri Govind Guru University.

Suggested Readings:

- Avtar Singh, Law of Arbitration and Conciliation and Alternative Dispute Resolution, Eastern Book Company
- Dr. S.C.Tripathi, Alternative Dispute System (ADR), Central Law Publication
- Dr.S.K. Roychowdhary& H.K. Sahray, Arbitration & Conciliation, Eastern Law House
- Sukumar Ray, ADR, Eastern Law House
- S.K.Chawla, Law of Arbitration & Conciliation including other ADRs, Eastern Law House
- MadhusudanSaharay, Textbook on Arbitration in& Conciliation with Alternative Dispute Resolution, Universal Law Publishing Co. New Delhi
- B.P.Saraf and M. Jhunjhunwala, Law of Arbitration and conciliation, Snow white, Mumbai.
- Gerald R. Williame (ED), The New Arbitration and Conciliation Law of India, Indian Council Of Arbitration New Delhi.
- A.K.Bansal, Law of International Commerical Arbitration, Universal, Delhi.
- P.C.Rao& William Sheffuekd, Alternative Disputes Resolution –What it is and How it works ?Unoversal, Delhi.
- G.K.Kwatra, the Arbitration and Conciliation Law of India, Universal Delhi.
- Basu N.D Law of Arbitration and Conciliation, Universal Delhi.
- JOharu, Commantary on Arbitration and Conciliation, Universal Delhi.
- JohriCommantary on Arbitration and Conciliationo Act, 1996, Universal Delhi.
- MarkandaP.C.Law relation to Arbitration and Concilation, Universal Delhi.
- Dr.S.R>Myneni, Alternate Dispute Resolution, Aisa Law House
- Dr.U,PattabhiRamiah, Arbitration & ADR, Aisa Law House
- Dr.N.V. Paranjape, Arbitration & Alternative Disputes Resolution, Central Law Agency.
- S.P.Gupta, Arbitration & Conciliation, Allahabad Law Agency.
- Justice P.S. Naryana, The Arbitration and Conciliation Act, 1996, ALT Publications
- Sarfaraz Ahmed Khan, Lokadalat : an effective alternative dispute resolution mechanism, A.P.H Pub. House, New Delhi.s

LL.B Semester: VI

(Third LL.B Winter Semester)

Law 604:Moot Court Exercise & Internship

OBJECTIVES OF THE COURSE:

The Bar Council of India has through Rules of Legal Education, 2008 designed this course as one of the Compulsory Clinical Course taking into consideration the development of over all skill of law students including Oral Advocacy, skill of presenting the case, Imagination, Rules for conducting Civil Case or Criminal Trail, visit to the courts, Interviewing Techniques for gathering information from the clients and also pre-trial preparations. The students are required to compulsory attend at least one Civil Case and one Criminal Trial within a span of three years of LL.B Programme. The law students are expected to observe dialogue between a lawyer and client and learn the skill of advocacy out of it. As per the Rules of Legal Education, 2008, the entire course is divided into following three components including 30 marks each to be written in journal, to be evaluated by the college as well as a viva voice of 10marks to be conducted by the Shri Govind Guru University.

	Marks
(a) Moot Court (Three Exercises & Arguments)	30
(b) Observance and writing the proceedings of Train in two cases, one <u>Civil</u> and <u>Criminal</u>	30
(c) Interviewing techniques, dialogues between Advocate & Clients and Pre-Trail preparations	30
(d) Viva –voice examination	10
Total	100

(a) Moot –Court 30 Marks

Each student will conduct at least three Moot Courts in a semester with 10 Marks for Each. The Moot Court work will be assigned Problems and it will be evaluated for 5 Marks for written submissions and 5 marks for oral advocacy. The written submission shall be recorded in the prescribed diary.

The panel to evaluate moot court performance of each student shall consist of the Principal or his/her nominee and concerned teacher assigned with the subject.

(b) Observance of trial in two cases one Civil and One Criminal

Civil Case	15 Marks
Criminal Case	15 Marks

Students will attend two trials during their Course of Three Year's LL.B. Programme. They will maintain a record thereof and enter various steps observed during their attendance on

different days in the court Assignment (diary). Attendance and performance to be certified by Advocates enrolled and recognized by the Bar Council.

(c) Interviewing techniques and Pre-trial Preparations.

- | | |
|---------------------------|-----------------|
| - Interviewing techniques | 15 Marks |
| - Pre-trial preparations. | 15 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. Each student will further observe the preparation of documents and court papers by the Advocate and procedure for filing of the suit/ petition. This will be recorded in the diary. Practical work is to be evaluated by the Committee Constituted as per VI-CL. (c).

(d) Viva-voice Examination on the above **10 Marks**

Three aspects. Viva-voice examination is to be conducted by the committee constituted of Principal and two examiners to be appointed by the University.

Suggested Readings:

- Dr.S.R.Mayneni, Moot Court, Pre-Trial Preparation and Participation in Trial
- Proceeding & Viva-voice, Asia Law House
- Aggrwal Prof. Nomita & Mukesh Anand, Beginners Path to Moot Court, Universal Law Publication Co.
- Bahtia Prof. Dr. K.L. Moot Court and Mock Trial – Art to and Art of Advocacy :
- Essentials of Court Craft, Universal Law Publication Co.
- Om Prakasah Mishra, Moot Court Pre-Trial Preparation and Participation in Trial
- Proceedings, Central Law Agency
- Dr. SantPrasand Gupta, Moot Court Pre- Trial Preparation and Participation in
- Trial Proceedings, Central Law Agency
- JPS Sirohi, Moot Court Etc., Allahabad Law Agency
- H.N. Tewari, Moot Court, Allahabad Law Agency

LL.B Semester: VI
(Third LL.B Winter Semester)

**Law 605: Legal Language/Legal Writing Including
General English**

OBJECTIVES OF THE COURSE:

This course is designed with a view to see that every law student must have basic knowledge of English, in the era of Globalization, there will be more litigations involving foreign and/or multi-national companies. Moreover, the International Treaties, Agreements and judgments of the Apex Court as well as High Courts are in English Language. The Law students should be conversant with the Latin Terminology frequently used and accepted by the Indian Judiciary and Lawyers. The writing of essays, pricy writing, comprehension etc. will further improve the drafting skill and command over the language. The course also gives importance to the development of translation skill and the study of legal problems. Over all, the above course will definitely help the law students during their practice as an advocate.

Syllabus:

1. **Essay on the topics relating to law**
2. **Legal Phrases**
3. **Comprehension or Précis Writing**
4. **Translation**
5. **Practical Legal Problems relating to Law of Crimes, Law of Torts, Law of Contract and Family Law.**

Suggested Readings:

- Prof. K.L.Bhatia, Legal Language & Legal Writing, Universal Law Publishers
- B.M.Gandhi, Legal, Legal Writing and General English, Eastern Book Company
- R.L.Jain, Legal Language/Writing (Including General English), Central Law Agency
- M.P. Tandon, Legal Language, Legal Writing, Allahabad Law Agency
- S.K. Mishra, Legal Language, Legal Writing, Allahabad Law Agency
- S.E. Myneni, Legal Language and Legal Writing, Asia law House
- Rega Surya Rao, Lectures on Legal Language and Legal Writing, Asia Law House
- Sridgar M., Legal Language, Asia Law House

**Instructions: Students are requested to peruse the concerned law books for perusal of
Practical Legal Problems prescribed in Unit No. 5**

LL.B Semester: VI
(Third LL.B Winter Semester)

Law 606 F: Legal Principles through Case Study

OBJECTIVES OF THE COURSE:

The main object of this course is to appraise the law students from various legal principles established by the apex court and/or foreign courts to develop the learning, understanding and writing skills. By reading the judgments, taking into consideration the legal principles laid down in the judgment, the law students are expected to develop their skills of legal reasoning and applying the legal Principles in practice and procedure.

1. Principles of Pro Bono Publico

Illustrative Case: Bandhua Mukti Morcha v. Union of India (AIR) 1984 SC 802)

2. Rule of Prospective Overruling :

Illustrative Case: Golak Nath v. state of Kerala (AIR 1973 SC 1642)

3. Basic Structure Theory

Illustrative Case: Kesavananda Bharti v. state of Kerala (AIR 1973 SC 1461)

4. Maintenance to Muslim Divorced woman:

Mohd. Ahmed Khan v. Shah Banoo Begum (AIR 1985 SC 945)

Danial Litifi's case (2000)

5. Uniform Civil Code

Sarla Mudgal President v. Union of India (AIR 1995 SC 153)

6. Guideline of Prevention of Sexual Harassment to woman at working place

Visakha v. State of Rajasthan (AIR 1997 SC 3011)

7. Principle of Absolute Liability

Sri Ram Food Gas Leakage Case

8. Medical Negligence and liabilities of Medical Practitioners:

Jacob Mathew v. Vidhyawati (AIR 2005 SC 3180)

9. Principle of Vicarious Liability:

State of Rajasthan v. Vidhyawati(AIR 1963 SC 1295)

10. Polluter Pays Principle and Public Trust Doctrine:

M. C. Mehta v. kamalNath (1997) 1 SCC 388

M. C. Mehta v. Union of India (1996)4 SCC 750

Council forEnviro Legal Action v. Union of India (1996)5 SCC 281

11. Principle of Sustainable Development and Precautionary Principle :

Vellore Citizen's Welfare Forum v. Union of India (1996)5 SCC 647

12. Doctrine of Ultra Vires :

Ashbury's Railway Company v. Riche

13. Doctrine of Indoor Management :

Royal British Bank v. Torqued

14. Principle of Lifting the Corporate veil :

Soloman v. Soloman's case

15. The Right of the Majority Rule (Company Law) :

Foss v. Harbottle (1843) 67 ER 189

16. Principle of Contributory Negligence

Donogue v. Stevenson (1932)AC.562

17. ReipsaLoquitor :

Gulli v. Swan

Byrne v. Boadle (1863)2 HBE 722

18. Principle of Remoteness of Damages :

Scott v. Shephrd 96 Eng. Rep.55 (K.B. 1773)

Re Polimis v. Wagon Mound : Rarest of Rare Cases :

19. Death Sentence for Murder : Rarest of Rare Cases :

Bachchan Singh v. State of Punjab (AIR 1980 SC 898)

20. Contract with minors v. Void ab intion

Case: MohriBibee v. Dharamdas Ghosh (1930) 30 IA 114

21. Maneka Gandhi v. Union of India

Due process of Law under Article 21 of the Constitution.

22. Dharm Dutta & others vs. Union of India [(2004) 1 SCC 712]

(No right to strike, but right to Collective Bargaining)

23. State of Gujarat v. Umedbhai M. Patel (AIR 2010 SC 1109)

(Principles laid down for Compulsory Retirement)

24. RupanDeol Bajaj v. K.P.S. Gill (AIR 1996 SC 309)

25. State of Hariyana v. BhajanLal (AIR 1992 SC 604)

Power of High Court to quash FIR, Criminal Complaints and pending Criminal Proceeding u/s. 482 of the Cr.P.C

Note : Each law college will be at liberty to teach the selected Legal Principles From the above suggested List. However, While teaching above legal Principles, the college may take into consideration and discuss other Relevant and relied cases of the Apex Court or foreign courts.

Suggested Reading

- All Law Journals
- Legal Software
- Comments on the above cases

LL.B Semester: VI
(Third LL.B Winter Semester)

**Law 607K: Forensic Science, Law and Crime Detection
Methods**

OBJECTIVES OF THE COURSE:

The main object of including this course is to make the law students familiarize about the Forensic Science Technologies as well as role and functions Forensic Science Laboratories and how they are useful in detecting the crime and criminals. In the era of computer technology and internet, we can effectively solve the complicated cases of cyber crimes, forgery, rape, fire-arm used in the crime, Identification of trace elements, identifying paternity of child or about various toxic materials, In the incidents of bomb-blast or terrorist attack, forensic science helps us to reach to the root of crime and catching the criminals, It is also possible to find out truth by application of various Forensic Psychology Techniques like lie detection test, brain mapping or Norco test. While understanding various methods of Forensic Science in detection of crimes, law students are expected to understand the constitutionality of all the methods as well as the evidential value thereof.

Syllabus:

1. History, Scope, Need and application of Forensic Science in Crime Detection :

1.1 History and scope of Forensic Science

**1.2 Need of Forensic Science in understanding modus operandi of
Criminals as well as Crime Investigation and Detection**

1.3 Basic Principle of Criminal Jurisprudence relied in Forensic Science :

“Man may lie, but circumstance cannot.”

**1.4 Evidence collected through Forensic Science Techniques and Report
Of Forensic Expert: Evidential value thereof**

**1.5 Various general techniques of Forensic Science used in detection of
crimes :**

1.5.1 Blood-Alcohol Analysis

1.5.2 Toxicology Reports

**1.5.3 Ballistic Export Report regarding use of Fire-arm or residues
off firearms parts at the scene of offence**

1.5.4 Analysis of Body Fluids: Blood Serum, saliva etc.

**1.5.5 Reports of Handwriting Experts (in crimes of forgery) &
Finger-print Experts**

and identification of Handwriting in questioned documents

**1.5.6 Identification of Narcotic and Psychotropic Substances like
Opium, Brown Sugar, Heroin etc.**

1.5.7 Crime detection/investigation through Track marks :

Foot

Prints, Naked Foot prints etc.

2. Forensic Psychology Techniques, Crime Detection/Investigation and Law :

2.1 Forensic Psychology Techniques and importance thereof

**2.2 Various types of Forensic Psychology Techniques used in Crime
Detection:**

2.2.1 Life Detection Test and its procedure

2.2.2 Polygraph Test and its techniques

2.2.3 Brain Mapping Test and procedure thereof

2.2.4 Narco Analysis Test (Truth Serum Test)

2.2.5 Hypnotism

**2.3 Constitutional validity and Hazards of Forensics Psychology
Techniques**

2.4 Drawbacks and Hazards of Forensic Psychology Techniques

2.5 Evidential Value of confession of the accused made through or evidences gathered through Forensic Psychology Techniques

2.6 Judicial approach about acceptance of evidence gathered by Forensic Psychology Techniques.

3. Recent Forensic Science Techniques for Crime Detection and Future Challenges :

3.1 Cyber Crime detection through forensic science

3.1.1 Retrieving the data from Computer Hard-disk

3.1.2 Retrieving SMS/MMS from mobile after having deleted

3.1.3 Detecting E-mail Hackers, Website Hackers

3.1.4 Tracking of E –mails in locating the criminals

3.1.5 Tracking offences of Electronic Fund Transfer and related crimes

3.1.6 Tracking offence related to Digital Signature, Software Piracy

And other related crimes

3.2 Use of Facial Reconstruction and Skull Superimposition Techniques in Crime detection

3.3 Voice Identification Technique

3.4 DNA Profiling : meaning

3.4.1 Importance and Nature of DNA Profiling

3.4.2 Evidentiary clue materials of DNA Profiling : Hair, Body Tissues etc.

3.4.3 Parental Identification and its Constitutional validity-

Fundamental Right under Article 20(3) not available in Civil Proceedings

3.4.4 Judicial Pronouncements

3.4.5 Future Challenges to Forensic Sciences in countering the Global Terrorism, Cyber Terrorism and other technical offences

Suggested Readings:

- Sharna B.R. Forensic Science in Criminal Investigation & Trials, Universal Law Publishing Co.
- Sharma B.R. Law Relating to Handwriting Forensics, Universal Law Publishing co.
- Nanda B.B. & Tiwari R.K. Forensic Science in India : A Vision for 21st Century, Select Publisher, New Delhi
- Tewari R.K. Shashtri P.K.&Ravikumar K.V.. Computer Crime & Computer Forensic Select Publications.
- Dr. Veeraghavan, Handbook or Foresic Psychology
- Dr. Rukmani Krishnamurthy Crime Scene Management with Special Emphasis on National Level Crime Cases
- Parikh, Text Book of Medical Jurisprudence, Forensic Medicine and Toxicology
- Abhijeet Sharma, Guide to DNA Test in Paternity Determination and Criminal Investigation (A Lawyer's Handbook) , Butterworths
- Modi's Medical Jurisprudence andTexicology, Butterworths Publication

THREE YEAR'S LL.B
PROGRAMME
LL.B Semester: VI
(Third LL.B Winter Semester)

PER WEEK	SUBJECTS	LECTURES	OTHERS	TOTAL	CREDITTS (SEM)24	Marks
CORE COURSE 601	Drafting, Pleading and Conveyancing	3	1	4	4	100
CORE COURSE 602	Professional Ethics & Professional Accounting System	3	1	4	4	100
CORE COURSE 603	Alternative Dispute Resolution	3	1	4		100
CORE COURSE 604	Moot Court Exercise & Internship	3	1	4	4	100
ELECTIVE COURSE 605	Legal Language/Legal Writing including General English	3	1	4	4	100
Foundation 606	Legal Principal Through Case Study	1	1	2	2	100
Soft Skill 607	Forensic Science ,Law and Crime Detection Methods	1	1	2	2	100

LL.B Semester: VI

(Third LL.B Winter Semester)

Law 601: Drafting, Pleading & Conveyance

OBJECTIVES OF THE COURSE :

This is Compulsory Clinical Course as prescribed under the Bar Council of India- Rules of Legal Education, 2008. The entire course is designed in order to apprise the law students about the practical knowledge of drafting of pleading and conveyancing deeds. This is expected to be taught through class instructions and stimulation exercises, preferably with the assistance of practicing lawyers/retired judges. The Law students will have to draft the prescribed civil and criminal Pleading Exercises as well as prescribed conveyancing deeds by understanding the general principles and relevant legislations in the class rooms. The law students should make themselves comfortable in drafting different cases and deeds based upon any given hypothetical facts taking into consideration the procedural laws like Code of Civil Procedure, Code of Criminal Procedure, Evidence Act as well as Constitutional Law of India, Transfer of Property Act, Registration Act, Limitation Act, Negotiable Instruments Act, Family Courts Act etc.

There will be 90 marks Theoretical Examination and 10 Marks viva voice. Examination, both to be taken by the Shri Govind Guru University in this course.

Theoretical Examination : 90 Marks

Viva Voice Examination : 10 Marks

1. Drafting and Pleading :
 - 1.1 General Principles of drafting and relevant substantive rules
 - 1.2 Pleadings : Civil
 - 1.2.1 Plaint
 - 1.2.2 Written Statement
 - 1.2.3 Memorandum of Appeal
 - 1.2.4 Civil Revision Application (u.s/s. 115 of the CPC & under the Rent Act)
 - 1.2.5 Interlocutory Application
 - 1.2.6 Execution Application
 - 1.2.7 Affidavit
 - 1.2.8 Writ of Mandamus
 - 1.2.9 Writ of Habeas Corpus
 - 1.2.10 Writ of Certiorari
 - 1.2.11 Criminal Complaint
 - 1.2.12 Bail Application
 - 1.2.13 Anticipatory Bail Application
 - 1.2.14 Criminal Appeal
 - 1.2.15 Criminal Revision
2. Conveyancing Deeds :
 - 2.1 Conveyancing Deeds : Meaning Importance and types – Deed Pole and Indenture, General Principles
 - 2.2 Various conveyancing deeds:
 - 2.2.1 Notice : General, Statutory Notice (Sec.80 of CPC) and Notice u/s. 138 of the Negotiable Instruments Act, 1881
 - 2.2.2 Agreement to sell
 - 2.2.3 Sale Deeds
 - 2.2.4 Mortgage Deeds
 - 2.2.5 Lease Deed
 - 2.2.6 Rent Note

 - 2.2.7 Power of Attorney : General and Special
 - 2.2.8 Gift Deed
 - 2.2.9 Will and Codicil

2.2.10 Trust Deed

2.2.11 Partnership Deed

Suggested Readings:

- Mogha's Law of Pleadings with precedents: Eastern Law House
- Bindra on Conveyancing Vol. I –III Law Publishers
- S.C Ghosh, Principles &Forms of Pleading, Eastern Law House
- K.S. Gopala Krishnan, Pleading and Practice (Civil & Criminal), ALT
Publication
- Chaturvedi. A.N, Principles and Forms of Pleadings and Conveyancing with Advocacy and Professional Ethics: Allahabad Law Agency
- Pandit and Amin, Principles &Precedents of Pleading and Conveyancing
- Shiv Gopal Conveyancing, Precedents& Forms, Eastern Book Co.
- S.R.Myneni, Drafting, Pleading & Conveyancing, Asia Law House
- Swamy NM, Text Book on Drafting, Pleading & Conveyancing, Asia Law House
- P.S.Narayan Civil Pleading &Practice,Asia Law House
- P.S.Narayan Criminal Pleading & Practice, Asia Law House
- K.K. Srivastava, Law Of Pleading, Drafting & Conveyancing, Central Law Agency.

LL.B Semester: VI
(Third LL.B Winter Semester)

**Law-602: Professional Ethics & Professional Accounting
System**

OBJECTIVES OF THE COURSE:

This is a Compulsory Clinical Course as prescribed under the Bar Council of India –Rules of Legal Education,2008. The very object of the course is that every law student must not only become good lawyer, but also a good human being and should render his service to the society. Instead of charging exorbitant fees, a lawyer should also utilized his efficiencies, knowledge and skill by taking genuine cases without charging fees. A lawyer should refrain from unethical practice and also respect the judges, his colleagues and his clients. It is expected from the law colleges that this course should be taught in association with practicing lawyers. The main purpose and objective of this course is to get every law student realized that the legal profession is a noble profession having its own unique ethics and dignity. Lawyer should concentrate upon rendering service to the poor and needy people rather than earning of money. This course also contains the main provisions of the Advocates' Act 1961, the Contempt of Courts Act and also selected judgments of the Apex court relating to the Professional Misconduct and selected opinions of the Disciplinary Committee of the Bar Council of India. It also appraises the law students about various duties of an advocate. The course also includes the necessary aspects of the accountancy for lawyers and the relations between lawyers and judges (Bar –Bench Relations).

The Course is designed having 80 marks theoretical examination as well as viva voice examination, both to be conducted by the Shri Govind Guru University.

Theoretical examination: 80 Marks
Viva Voice Examination: 20 Marks

Syllabus:

1. Legal Profession :
 - 1.1 Distinction between Business and Profession
 - 1.2 Legal Profession :
 - 1.2.1 History
 - 1.2.2 Importance
 - 1.2.3 Why Noble Profession?
 - 1.3 Ethics and Code of Conduct of Legal Profession
 - 1.4 Seven Lamps of Advocacy and meaning thereof
 - 1.5 Hoffman's 50 Resolutions for lawyer and importance thereof
 - 1.6 Ten Commandments for lawyers
 - 1.7 Bench –Bar Relations
2. Advocates' Act-1961 :
 - 2.1 Admission, Enrolment, duties, Privileges and Rights of Advocate
 - 2.1.1 Who can be admitted as advocate on a State Roll
 - 2.1.2 Certificate for Enrollment
 - 2.1.3 Disqualification for enrollment as an Advocate
 - 2.1.4 Duties of an Advocate
 - Towards client
 - Towards Courts
 - Towards Judges
 - Towards his colleagues
 - 2.1.5 Rights and privileges of Advocates
 - 2.2 Bar Councils
 - 2.2.1 State Bar Council : Establishment, Organization,
 - 2.2.2 Powers and functions of State Bar Council
 - 2.2.3 Various committees of State Bar Council and Functions thereof
 - Executive Committee
 - Disciplinary Committee
 - Welfare Committee
 - Enrolment Committee
 - 2.2.4 Bar Council of India : Organization
 - 2.2.5 Various Powers and functions of the Bar Council of India
 - 2.3 Rules relating to dress code of an Advocate
 - 2.4 Professional Misconduct : Meaning
 - 2.4.1 Professional Misconduct by advocate

- 2.4.2 Procedure for filing complaint against lawyer for professional misconduct
 - 2.4.3 Punishment for Professional Misconduct
 - 2.5 Accountancy for Lawyers : General Principles
3. Contempt of Court and Practice :
 - 3.1 Contempt of Courts Act, 1971 :
 - 3.1.1 Contempt of Court : meaning and nature
 - 3.1.2 Distinction between Contempt of Court of Court and Professional Misconduct
 - 3.2 Categories of contempt under the Act : Civil and Criminal Contempt- Distinction
 - 3.2.1 Civil Contempt : Essentials
 - 3.2.2 Criminal Contempt of Court within the court and outside the court
 - 3.2.3 Contempt of Court within the court and outside the court
 - 3.2.4 Defenses in civil Contempt and in Criminal Contempt
 - 3.2.5 Defense in Civil Contempt and in Criminal Contempt
 - 3.2.6 Remedies against Punishment in contempt
 - 3.2.7 Penalty provisions for the Contempt of Court under the Contempt of Courts Act
 - 3.3 Contempt jurisdiction of High Courts and the Supreme Court under the Constitution of India.
 - 3.4 Contempt Jurisdiction of the Subordinate Courts.
 4. Important Cases and Selected Opinions of the Disciplinary Committee :
 - 4.1 Important Cases of the Apex Court relating to Professional Misconduct of Lawyers
 - 4.2 50 selected opinions of the Disciplinary Committee
 - 4.3 Importance cases of the Supreme Court relating to the Contempt of Court

Suggested Readings:

- Mr. Krishnamurthy Iyer's Books on "Advocacy"
- Dr. Kailas Rai, Legal Ethics Accountancy for Lawyers & Bench- Bar Relation: Central Law Pub.
- Dr. S.R. Myneni, Professional Ethic, Accountancy for Lawyers and Bench- Bar Relation, Asia Law House

- Subramanyams, Commentaries on Advocate's Act with Professional Ethics & Allied Laws, Law Publishers India.
- The Bar Council Code of Ethics
- 50 selected opinions of the Disciplinary Committees of Bar Councils
- SanjivaRow, The Advocates Act, 1961, Lexis NexisButterworths
- S.P. Gupta, Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations
- JPD Sirohi, Professional Ethics, Lawyer's Accountability, Bench-bar Relationship
- GCA Subba Rao, Commentary on Contempt of Courts Act, 1971, ALT Publications.
- V.N. Shukla, Constitutional Law of India, Eastern Book Company
- T.K. Tope, Constitutional Law of India, Eastern Book Company
- M.P. Jain, Constitutional Law of India, Eastern Book Company
- Authenticated Law Journals and Legal Software for perusal of Supreme Court Decisions.

LL.B Semester: VI
(Third LL.B Winter Semester)

Law 603 : Alternate Dispute Resolution

OBJECTIVES OF THE COURSE:

The above course is also one of the Compulsory Clinical Course prescribed by the Bar Council of India- Rules of Legal Education, 2008. The Major concern of Law is conflict is resolutions. Familiarization with the modalities and techniques of resolution of conflict is necessary component in the endeavors of developing expertise in juridical exercise. The Traditional justice delivery system through adjudication by courts had already given way to a large extent of back log of cases. There are many alternative mode of dispute resolution in the common law countries. The advent of globalization has enthused this transformation everywhere. The Study of ADR is highly significant in molding the students of law to act as soldiers of justice in the ever – changing socioeconomic scenario. The course aims to give the students an insight into the processes of arbitration, conciliation and mediation in areas where the traditional judicial system had its away in the past and in the new areas of conflicts that demand resolution by alternative methods, No doubt, the course has to be taught with comparative and international perspective with a view to bringing out the essential awareness of the national and international system emerging at the present context. In this course there a theoretical examination of 80 Marks to be taken by the University and the rest of 20 Marks are to be given by the college evaluating the students through their visits to various ADR centers, Arbitration Tribunals, Mediation Centers etc. and through practical exercises.

Theoretical Examination: 80 Marks
Practical Exercises : 20 Marks

Syllabus:

1. Alternate Dispute Resolution :
 - 1.1 Meaning object and importance
 - 1.1.1 Arbitration, Conciliation, Mediation
 - 1.1.2 Distinction between Arbitration, Conciliation and Mediation
 - 1.2 Arbitration : Meaning and scope
 - 1.3 Arbitration Agreement :
 - 1.3.1 Essential, Kinds of Arbitration Agreement
 - 1.3.2 Who can enter into Arbitration Agreement
 - 1.3.3 Validity and reference to Arbitration
 - 1.4 Arbitration Tribunal :
 - 1.4.1 Appointment of the Arbitration Tribunal
 - 1.4.2 Grounds for challenges
 - 1.4.3 Procedure of the Tribunal :
 - 1.4.4 Time, Place and Language of Hearing

- 1.4.5 Statement of Claim and defiance, counter claim and other proceedings
- 1.4.6 Jurisdiction and Powers of the Tribunal
- 2. Arbitration Award :
 - 2.1 Rules of Guidance
 - 2.2 Forms and Content of the Arbitration Award
 - 2.3 Settlement through ADR
 - 2.4 Interim Award, Award of interest by Arbitrator
 - 2.5 Requirements of Valid Award
 - 2.6 Correction and interpretation of Award
 - 2.7 Grounds for setting aside the Award
 - 2.4.1 Incapacity of the Party
 - 2.4.2 Invalidity of Arbitration Agreement
 - 2.4.3 Want of proper notice and hearing
 - 2.4.4 Contravention of composition and procedure
 - 2.4.5 Breach of conviviality
 - 2.4.6 Impartiality of the arbitrator
 - 2.4.7 Bar of limitation, res judicata
 - 2.4.8 Consent of Parties
 - 2.8 Termination Proceedings
 - 2.9 Powers of Arbitrators
- 3. Enforcement of the Foreign Award and Miscellaneous:
 - 3.1 Foreign Award, International and Commercial Arbitration: Essentials
 - 3.2 Choice of place and proper law of arbitration
 - 3.2 Enforcement of Foreign Awards: Procedure and essentials
 - 3.2.1 New York Convention Awards
 - 3.2.2 Geneva Convention Awards
 - 3.3 Conciliation, Conciliators: Number and qualifications, appointment procedure
 - 3.4 Principles of Conciliation Procedure, Procedure, Settlement, Restrictions on the role of conciliators. Termination of Conciliation proceedings
 - 3.4 Rule making powers of High Courts and Central Government

Practical Exercise: 20 Marks

- (i) **Negotiation skills to be learned with simulated program**
- (ii) **Conciliation skills**
- (iii) **Arbitration Law and Practice including International arbitration and Arbitration rules.**

The above mentioned exercises are required to be conducted by senior legal practitioners through simulation and case studies. At least three practical exercises/case study reports shall be written in a journal after having visited the Arbitration –Conciliation Centers by a student. Evaluation thereof shall be conducted in practical exercises to be submitted by a student in a journal/diary to the concerned law college and the marks thereof will be sent by the college after evaluation to the Shri Govind Guru University.

Suggested Readings:

- Avtar Singh, Law of Arbitration and Conciliation and Alternative Dispute Resolution, Eastern Book Company
- Dr. S.C.Tripathi, Alternative Dispute System (ADR), Central Law Publication
- Dr.S.K. Roychowdhary& H.K. Sahray, Arbitration & Conciliation, Eastern Law House
- Sukumar Ray, ADR, Eastern Law House
- S.K.Chawla, Law of Arbitration & Conciliation including other ADRs, Eastern Law House
- MadhusudanSaharay, Textbook on Arbitration in& Conciliation with Alternative Dispute Resolution, Universal Law Publishing Co. New Delhi
- B.P.Saraf and M. Jhunjhunwala, Law of Arbitration and conciliation, Snow white, Mumbai.
- Gerald R. Willame (ED), The New Arbitration and Conciliation Law of India, Indian Council Of Arbitration New Delhi.
- A.K.Bansal, Law of International Commerical Arbitration, Universal, Delhi.
- P.C.Rao& William Sheffuekd, Alternative Disputes Resolution –What it is and How it works ?Unoversal, Delhi.
- G.K.Kwatra, the Arbitration and Conciliation Law of India, Universal Delhi.
- Basu N.D Law of Arbitration and Conciliation, Universal Delhi.
- JOharu, Commantary on Arbitration and Conciliation, Universal Delhi.
- JohriCommantary on Arbitration and Conciliationo Act, 1996, Universal Delhi.
- MarkandaP.C.Law relation to Arbitration and Concilation, Universal Delhi.
- Dr.S.R>Myneni, Alternate Dispute Resolution, Aisa Law House
- Dr.U,PattabhiRamiah, Arbitration & ADR, Aisa Law House
- Dr.N.V. Paranjape, Arbitration & Alternative Disputes Resolution, Central Law Agency.
- S.P.Gupta, Arbitration & Conciliation, Allahabad Law Agency.
- Justice P.S. Naryana, The Arbitration and Conciliation Act, 1996, ALT Publications
- Sarfaraz Ahmed Khan, Lokadalat : an effective alternative dispute resolution mechanism, A.P.H Pub. House, New Delhi.s

LL.B Semester: VI

(Third LL.B Winter Semester)

Law 604:Moot Court Exercise & Internship

OBJECTIVES OF THE COURSE:

The Bar Council of India has through Rules of Legal Education, 2008 designed this course as one of the Compulsory Clinical Course taking into consideration the development of over all skill of law students including Oral Advocacy, skill of presenting the case, Imagination, Rules for conducting Civil Case or Criminal Trail, visit to the courts, Interviewing Techniques for gathering information from the clients and also pre-trial preparations. The students are required to compulsory attend at least one Civil Case and one Criminal Trial within a span of three years of LL.B Programme. The law students are expected to observe dialogue between a lawyer and client and learn the skill of advocacy out of it. As per the Rules of Legal Education, 2008, the entire course is divided into following three components including 30 marks each to be written in journal, to be evaluated by the college as well as a viva voice of 10marks to be conducted by the Shri Govind Guru University.

	Marks
(a) Moot Court (Three Exercises & Arguments)	30
(b) Observance and writing the proceedings of Train in two cases, one <u>Civil</u> and <u>Criminal</u>	30
(c) Interviewing techniques, dialogues between Advocate & Clients and Pre-Trail preparations	30
(d) Viva –voice examination	10
Total	100

(a) Moot –Court 30 Marks

Each student will conduct at least three Moot Courts ina semester with 10 Marks for Each. The Moot Court work will be assigned Problems and it will be evaluated for 5 Marks for written submissions and 5 marks for oral advocacy. The written submission shall be recorded in the prescribed diary.

The panel to evaluate moot court performance of each student shall consist of the Principal or his/her nominee and concerned teacher assigned with the subject.

(b) Observance of trial in two cases one Civil and One Criminal

Civil Case	15 Marks
Criminal Case	15 Marks

Students will attend two trials during their Course of Three Year's LL.B. Programme. They will maintain a record thereof and enter various steps observed during their attendance on different days in the court Assignment (diary). Attendance and performance to be certified by Advocates enrolled and recognized by the Bar Council.

(c) Interviewing techniques and Pre-trial Preparations.

- | | |
|---------------------------|-----------------|
| - Interviewing techniques | 15 Marks |
| - Pre-trial preparations. | 15 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. Each student will further observe the preparation of documents and court papers by the Advocate and procedure for filling of the suit/ petition. This will be recorded in the diary. Practical work is to be evaluated by the Committee Constituted as per VI-CL. (c).

(d) Viva-voice Examination on the above **10 Marks**

Three aspects. Viva-voice examination is to be conducted by the committee constituted of Principal and two examiners to be appointed by the University.

Suggested Readings:

- Dr.S.R.Mayneni, Moot Court, Pre-Trial Preparation and Participation in Trial
- Proceeding & Viva-voice, Asia Law House
- Aggrwal Prof. Nomita&MukeshAnand, Beginners Path to Moot Court, Universal Law Publication Co.
- Bahtia Prof. Dr. K.L. Moot Court and Mock Trial – Art to and Art of Advocacy : Essentials of Court Craft, Universal Law Publication Co.
- Om Prakasah Mishra, Moot Court Pre-Trial Preparation and Participation in Trial Proceedings, Central Law Agency
- Dr. SantPrasand Gupta, Moot Court Pre- Trial Preparation and Participation in Trial Proceedings, Central Law Agency
- JPS Sirohi, Moot Court Etc., Allahabad Law Agency
- H.N. Tewari, Moot Court, Allahabad Law Agency

LL.B Semester: VI

(Third LL.B Winter Semester)

Law 605: Legal Language/Legal Writing Including General English

OBJECTIVES OF THE COURSE:

This course is designed with a view to see that every law student must have basic knowledge of English, in the era of Globalization, there will be more litigations involving foreign and/or multi-national companies. Moreover, the International Treaties, Agreements and judgments of the Apex Court as well as High Courts are in English Language. The Law students should be conversant with the Latin Terminology frequently used and accepted by the Indian Judiciary and Lawyers. The writing of essays, pricy writing, comprehension etc. will further improve the drafting skill and command over the language. The course also gives importance to the development of translation skill and the study of legal problems. Over all, the above course will definitely help the law students during their practice as an advocate.

Syllabus:

- 1. Essay on the topics relating to law**
- 2. Legal Phrases**
- 3. Comprehension or Précis Writing**
- 4. Translation**
- 5. Practical Legal Problems relating to Law of Crimes, Law of Torts, Law of Contract and Family Law.**

Suggested Readings:

- Prof. K.L.Bhatia, Legal Language & Legal Writing, Universal Law Publishers
- B.M.Gandhi, Legal, Legal Writing and General English, Eastern Book Company
- R.L.Jain, Legal Language/Writing (Including General English), Central Law Agency
- M.P. Tandon, Legal Language, Legal Writing, Allahabad Law Agency
- S.K. Mishra, Legal Language, Legal Writing, Allahabad Law Agency
- S.E. Myneni, Legal Language and Legal Writing, Asia law House
- Rega Surya Rao, Lectures on Legal Language and Legal Writing, Asia Law House
- Sridgar M., Legal Language, Asia Law House

Instructions: Students are requested to peruse the concerned law books for perusal of Practical Legal Problems prescribed in Unit No. 5

LL.B Semester: VI

(Third LL.B Winter Semester)

Law 606 F: Legal Principles through Case Study

OBJECTIVES OF THE COURSE:

The main object of this course is to appraise the law students from various legal principles established by the apex court and/or foreign courts to develop the learning, understanding and writing skills. By reading the judgments, taking into consideration the legal principles laid down in the judgment, the law students are expected to develop their skills of legal reasoning and applying the legal Principles in practice and procedure.

1. Principles of Pro Bono Publico

Illustrative Case: Bandhua Mukti Morcha v. Union of India (AIR 1984 SC 802)

2. Rule of Prospective Overruling :

Illustrative Case: Golak Nath v. state of Kerala (AIR 1973 SC 1642)

3. Basic Structure Theory

Illustrative Case: Kesavananda Bharti v. state of Kerala (AIR 1973 SC 1461)

4. Maintenance to Muslim Divorced woman:

Mohd. Ahmed Khan v. Shah Banoo Begum (AIR 1985 SC 945)

Dania Litifi's case (2000)

5. Uniform Civil Code

Sarla Mudgal President v. Union of India (AIR 1995 SC 153)

6. Guideline of Prevention of Sexual Harassment to woman at working place

Visakha v. State of Rajasthan (AIR 1997 SC 3011)

7. Principle of Absolute Liability

Sri Ram Food Gas Leakage Case

8. Medical Negligence and liabilities of Medical Practitioners:

Jacob Mathew v. Vidhyawati (AIR 2005 SC 3180)

9. Principle of Vicarious Liability:

State of Rajasthan v. Vidhyawati(AIR 1963 SC 1295)

10. Polluter Pays Principle and Public Trust Doctrine:

M. C. Mehta v. kamalNath (1997) 1 SCC 388

M. C. Mehta v. Union of India (1996)4 SCC 750

Council forEnviro Legal Action v. Union of India (1996)5 SCC 281

11. Principle of Sustainable Development and Precautionary Principle :

Vellore Citizen's Welfare Forum v. Union of India (1996)5 SCC 647

12. Doctrine of Ultra Vires :

Ashbury's Railway Company v. Riche

13. Doctrine of Indoor Management :

Royal British Bank v. Torqued

14. Principle of Lifting the Corporate veil :

Soloman v. Soloman's case

15. The Right of the Majority Rule (Company Law) :

Foss v. Harbottle (1843) 67 ER 189

16. Principle of Contributory Negligence

Donogue v. Stevenson (1932)AC.562

17. Reps IpsaLoquitor :

Gulli v. Swan

Byrne v. Boadle (1863)2 HBE 722

18. Principle of Remoteness of Damages :

Scott v. Shephrd 96 Eng. Rep.55 (K.B. 1773)

Re Polimis v. Wagon Mound : Rarest of Rare Cases :

19. Death Sentence for Murder : Rarest of Rare Cases :

Bachchan Singh v. State of Punjab (AIR 1980 SC 898)

20. Contract with minors v. Void ab intion

Case: MohriBibee v. Dharamdas Ghosh (1930) 30 IA 114

21. Maneka Gandhi v. Union of India

Due process of Law under Article 21 of the Constitution.

22. Dharm Dutta & others vs. Union of India [(2004) 1 SCC 712]

(No right to strike, but right to Collective Bargaining)

23. State of Gujarat v. Umedbhai M. Patel (AIR 2010 SC 1109)

(Principles laid down for Compulsory Retirement)

24. RupanDeol Bajaj v. K.P.S. Gill (AIR 1996 SC 309)

25. State of Hariyana v. BhajanLal (AIR 1992 SC 604)

Power of High Court to quash FIR, Criminal Complaints and pending Criminal Proceeding u/s.

482 of the Cr.P.C

Note : Each law college will be at liberty to teach the selected Legal Principles From the above suggested List. However, While teaching above legal Principles, the college may take into consideration and discuss other Relevant and relied cases of the Apex Court or foreign courts.

Suggested Reading

- All Law Journals
- Legal Software
- Comments on the above cases

LL.B Semester: VI

(Third LL.B Winter Semester)

Law 607K: Forensic Science, Law and Crime Detection Methods

OBJECTIVES OF THE COURSE:

The main object of including this course is to make the law students familiarize about the Forensic Science Technologies as well as role and functions Forensic Science Laboratories and how they are useful in detecting the crime and criminals. In the era of computer technology and internet, we can effectively solve the complicated cases of cyber crimes, forgery, rape, fire-arm used in the crime, Identification of trace elements, identifying paternity of child or about various toxic materials, In the incidents of bomb-blast or terrorist attack, forensic science helps us to reach to the root of crime and catching the criminals, It is also possible to find out truth by application of various Forensic Psychology Techniques like lie detection test, brain mapping or Norco test. While understanding various methods of Forensic Science in detection of crimes, law students are expected to understand the constitutionality of all the methods as well as the evidential value thereof.

Syllabus:

- 1. History, Scope, Need and application of Forensic Science in Crime Detection :**
 - 1.1 History and scope of Forensic Science**
 - 1.2 Need of Forensic Science in understanding modus operandi of
Criminals as well as Crime Investigation and Detection**
 - 1.3 Basic Principle of Criminal Jurisprudence relied in Forensic Science :
“Man may lie, but circumstance cannot.”**
 - 1.4 Evidence collected through Forensic Science Techniques and Report
Of Forensic Expert: Evidential value thereof**
 - 1.5 Various general techniques of Forensic Science used in detection of crimes :**
 - 1.5.1 Blood-Alcohol Analysis**
 - 1.5.2 Toxicology Reports**
 - 1.5.3 Ballistic Expert Report regarding use of Fire-arm or residues
offirearms parts at the scene of offence**

- 1.5.4 Analysis of Body Fluids: Blood Serum, saliva etc.**
- 1.5.5 Reports of Handwriting Experts (in crimes of forgery) & Finger-print Experts
and identification of Handwriting in questioned documents**
- 1.5.6 Identification of Narcotic and Psychotropic Substances like Opium, Brown Sugar, Heroin etc.**
- 1.5.7 Crime detection/investigation through Track marks : Foot Prints, Naked Foot prints etc.**

2. Forensic Psychology Techniques, Crime Detection/Investigation and Law :

- 2.1 Forensic Psychology Techniques and importance thereof**
- 2.2 Various types of Forensic Psychology Techniques used in Crime Detection:**
 - 2.2.1 Life Detection Test and its procedure**
 - 2.2.2 Polygraph Test and its techniques**
 - 2.2.3 Brain Mapping Test and procedure thereof**
 - 2.2.4 Narco Analysis Test (Truth Serum Test)**
 - 2.2.5 Hypnotism**
- 2.3 Constitutional validity and Hazards of Forensics Psychology Techniques**
- 2.4 Drawbacks and Hazards of Forensic Psychology Techniques**
- 2.5 Evidential Value of confession of the accused made through or evidences gathered through Forensic Psychology Techniques**
- 2.6 Judicial approach about acceptance of evidence gathered by Forensic Psychology Techniques.**

3. Recent Forensic Science Techniques for Crime Detection and Future Challenges

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- 3.1 Cyber Crime detection through forensic science**
 - 3.1.1 Retrieving the data from Computer Hard-disk**
 - 3.1.2 Retrieving SMS/MMS from mobile after having deleted**
 - 3.1.3 Detecting E-mail Hackers, Website Hackers**
 - 3.1.4 Tracking of E –mails in locating the criminals**

3.1.5 Tracking offences of Electronic Fund Transfer and related crimes

3.1.6 Tracking offence related to Digital Signature, Software Piracy

And other related crimes

3.2 Use of Facial Reconstruction and Skull Superimposition Techniques in Crime detection

3.3 Voice Identification Technique

3.4 DNA Profiling : meaning

3.4.1 Importance and Nature of DNA Profiling

3.4.2 Evidentiary clue materials of DNA Profiling : Hair, Body Tissues etc.

3.4.3 Parental Identification and its Constitutional validity-

Fundamental Right under Article 20(3) not available in Civil

Proceedings

3.4.4 Judicial Pronouncements

3.4.5 Future Challenges to Forensic Sciences in countering the Global Terrorism, Cyber Terrorism and other technical offences

Suggested Readings:

- Sharna B.R. Forensic Science in Criminal Investigation & Trials, Universal Law Publishing Co.
- Sharma B.R. Law Relating to Handwriting Forensics, Universal Law Publishing co.
- Nanda B.B. & Tiwari R.K. Forensic Science in India : A Vision for 21st Century, Select Publisher, New Delhi
- Tewari R.K. Shashtri P.K.&Ravikumar K.V.. Computer Crime & Computer Forensic Select Publications.
- Dr. Veeraghavan, Handbook or Foresic Psychology
- Dr. Rukmani Krishnamurthy Crime Scene Management with Special Emphasis on National Level Crime Cases
- Parikh, Text Book of Medical Jurisprudence, Forensic Medicine and Toxicology
- Abhijeet Sharma, Guide to DNA Test in Paternity Determination and Criminal Investigation (A Lawyer's Handbook) , Butterworths
- Modi's Medical Jurisprudence andTexicology, Butterworths Publication