# Semester – X

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| **No.** | **Course Code** | **Course Title** | **Core/ Elective** | **C** | **IM** | **EM** | **TM** |
| 1. | 1604010001100101 | Civil Procedure Code and Limitation Act | Core | 6 | 30 | 70 | 100 |
| 2. | 1604010001100201  1604010001100301 | Penology & Victimology  OR  Insurance Law | Core  Elective | 6 | 30 | 70 | 100 |
| 3. | 1604010001100401 | Clinical Paper – 3 (Alternate Dispute Resolution) | Core | 6 | 100 | 00 | 100 |
| 4. | 1604010001100501 | Clinical Paper – 4 (Moot court exercise and Internship) | Core | 6 | 90 | 10 | 100 |

C = Credits IM=Internal Marks EM=External Marks TM=Total Marks

CCT=Core Course SO=Sill Oriented Course

ICT=Interdisciplinary Course SS=Self Study Course DP=Dissertation / Project Work ECT=Elective Course

**Subject : Law**

**Course (Paper) Name & No. : Civil Procedure Code and Limitation Act (CORE)**

**Course (Paper) Unique Code : 1604010001100101**

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| **Semester** | **Internal Marks** | **External Marks** | **Practical Marks** | **Total Marks** |
| X | 30 | 70 | - | 100 |

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| **Civil Procedure Code and Limitation Act**  **Civil Procedure Code** | **EXT**  **50** | **+**  **+** | **INT**  **20** | **=**  **=** | **TOTAL**  **70** |
| **Limitation Act** | **20** | **+** | **10** | **=** | **30** |
| **TOTAL**  **Course Objectives:** | **70** | **+** | **30** | **=** | **100** |

* 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 court 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 and revision are all matters which a lawyer for any side is to 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.

## Course Contents:

**Unit : 1 Introduction**

* 1. Concepts.
     1. Affidavit, order, judgement, decreee, plaint, restitution, execution, decree-holder, judgement-debter, mesne profits, written statement.
     2. Distinction between decree and judgement and between decree and order.

## Unit : 2 Jurisdiction

* 1. Kinds.
     1. Hierarchy of courts.
  2. Suit of civil nature – scope and limits.
  3. Res-subjudice and Resjudicata.
  4. Foreign judgment – enforcement.
  5. Place of suing.
  6. Institution of suit.
     1. Parties to suit : joinder, mis-joinder or non-joinder of parties : representative suit.
        1. Frame of suit : cause of action.
     2. Alternative disputes resolution (ADR).
     3. Summons.

## Unit : 3 Pleadings

* 1. Rules of pleasing, signing and verification.
     1. Alternative pleadings.
     2. Construction of pleadings.
  2. Plaint : particulars.
     1. Admission, return and rejection.
  3. Written statement : particulars, rules of evidence.
     1. Set off and counter claim : distinction.
  4. Discovery, inspection and production of documents.
     1. Interrogatories.
     2. Privileged documents.
     3. Affidavits.

## Unit : 4 Appearance, examination and trial

* 1. Appearance.
  2. Ex-parte procedure.
  3. Summary and attendance of witnesses.
  4. Trial.
  5. Adjournments.
  6. interim orders : commission, arrest or attachment before judgement, injuction and appointment of receiver.
  7. Interests and costs.

## Unit : 5 Execution

* 1. The concept.
  2. General principles.
  3. Power for execution of decrees.
  4. Procedure for execution (ss.52-54).
  5. Enforcement, Arrest and Detection(ss.55.59).
  6. Attachement (ss.60-64). 5.7 Sale(ss.65-97).
  7. Dilivery of property.
  8. Stay of execution.

## Unit : 6 Suits in particular cases

* 1. By or against government (ss.79-82)
  2. By aliens and by or against foreign rulers or ambassadors (ss.83- 87A).
  3. Public nuisance (ss.91-93).
  4. Suits by or against firm.
  5. Suits in forma pauperis.
  6. Mortgages.
  7. Interpleader suits.
  8. Suits relating to public Charities.

## Unit : 7 Appeals

* 1. Appeals from original decree.
  2. Appeals from appellate decree.
  3. Appeals from orders.
  4. General provisions relating to appeal.
  5. Appeal to the Supreme Court.

## Unit : 8 Review, reference and revision

**Unit : 9 Miscellaneous**

* 1. Transfer of cases.
  2. Restitution.
  3. Caveat.
  4. Inherent powers of courts.

## Unit : 10 Law reform : Law Commission on Civil Procedure-amendments Unit : 11 Law of Limitation

* 1. The concept – the law assists the vigilant and not those who sleep over the rights.
  2. Object.
  3. Distinction with latches, acquiescence, prescription.
  4. Extension and Suspecnsion of limitation.
  5. Sufficient cause for not filing the proceedings.
     1. Illness.
     2. Mistaken legal advise.
     3. Mistaken view of law.
     4. Poverty, minority and Purdha.
     5. Imprisonment.
     6. Defective vakalatnama.
  6. Legal liabilities.
  7. Foreign rule of limitation : contract entered into under a foreign law.
  8. Acknowledgement – essential requisites.
  9. Continuing tort and continuing breach of contract.

## Bibliography:

* Mulla, code of Civil Procedure (1999), Universal, Delhi.
* C.K. Thacker, code of Civil Procedure (2000), Universal, Delhi.
* M.R..Mallick(ed.), B.B.Mitra on Limitation Act (1998), Eastern, Lucknow

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**Subject : Law**

**Course (Paper) Name & No. : Penology & Victimology (CORE) Course (Paper) Unique Code : 1604010001100201**

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| **Semester** | **Internal Marks** | **External Marks** | **Practical Marks** | **Total Marks** |
| X | 30 | 70 | - | 100 |

**Course Objectives:**

* Crime in the society is day by day increasing.
* Intention of the syllabus is to acquaint the students with various types of crime, its modus operandi, Criminality of women, Young offenders, etc.
* The role of Police and the criminal justice system
* This course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications and the problematic of discretion in the sentencing experience of the 'developing' societies, a focus normally absent in law curricula so far.

## Course Contents:

**Unit : 1 Introductory**

1.1 Definition of Penology

**Unit : 2 Theories of Punishment**

* 1. Retribution
  2. Utilitarian prevention: Deterrence
  3. Utilitarian: Intimidation
  4. Behavioural prevention: Incapacitation
  5. Behavioural prevention: Rehabilitation - Expiation
  6. Classical Hindu and Islamic approaches to punishment.

**Unit : 3 The Problematic of Capital Punishment**

* 1. Constitutionality of Capital Punishment
  2. Judicial Attitudes Towards Capital Punishment in India - An inquiry through the statute law and case law.
  3. Law Reform Proposals

**Unit : 4 Approaches to Sentencing**

* 1. Alternatives to Imprisonment
     1. Probation
     2. Corrective labour
     3. Fines
     4. Collective fines
     5. Reparation by the offender/by the court

**Unit : 5 Sentencing**

* 1. Principal types of sentences in the Penal Code and special laws
  2. Sentencing in white collar crime
  3. Pre-sentence hearing
  4. Sentencing for habitual offender
  5. Summary punishment
  6. Plea-bargaining

**Unit : 6 Imprisonment**

* 1. The state of India's jails today
  2. The disciplinary regime of Indian prisons
  3. Classification of prisoners
  4. Rights of prisoner and duties of custodial staff.
  5. Deviance by custodial staff
  6. Open prisons
  7. Judicial surveillance - basis - development reforms

## Unit : 7 Police and the criminal justice

* 1. The police system
  2. Structural organisation of police at the centre and the states.
  3. Mode of recruitment and training.
  4. Powers and duties of police under the police acts, Criminal Procedure Code and other laws.
  5. Arrest, search and seizure and constitutional imperatives.
  6. Methods of police investigation
  7. Third degree methods
  8. Corruption in police
  9. Relationship between police and prosecution.
  10. Liability of police for custodial violence.
  11. Police public relations
  12. Select aspects of National Police Commission report.

## Unit : 8 Punishment of Offenders

* 1. Some discarded modes of punishment
     1. Corporal punishment: whipping and flogging: mutilation and branding
     2. Transportation
     3. Public execution
  2. Punishments under the Indian criminal law
     1. Capital punishment
     2. Imprisonment Law 160
     3. Fine
     4. Cancellation or withdrawal of licenses
  3. The prison system:
     1. Administrative organisation of prisons.
     2. Mode of recruitment and training
     3. The Jail Manual.
     4. Powers of prison officials.
     5. Prisoners classification - male, female: juvenile and adult: under trial and convicted prisoners
     6. Constitutional imperatives and prison reforms
     7. Prison management: prisoner’s right and security compulsions.
     8. Open prisons
     9. Prison labour
     10. Violation of prison code and its consequences.
  4. Appraisal of imprisonment as a mode of punishment.

## Unit : 9 Victimology

* 1. Concept
  2. Compensation
  3. Rehabilitation
  4. Judicial Approach

## Bibliography :

* S. Chhabbra, The Quantum of Punishment in Criminal Law (1970),
* H.L.A. Hart, Punishment and Responsibility (1968)
* Herbert L. Packer, The Limits of Criminal Sanction (1968)
* Alf Ross, On Guilt, Responsibility and Punishment (1975)
* A. Siddique, Criminology (1984) Eastern, Lucknow.
* Law Commission of India, Forty-Second Report Ch. 3 (1971)
* K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey of Sociology and Social Anthropology 1969-179 (1986)
* Tapas Kumar Banerjee, Background to Indian Criminal Law (1990), R.Campray & Co., Calcutta.

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## Subject : Law

**Course (Paper) Name & No. : Insurance Law (ELECTIVE) Course (Paper) Unique Code : 1604010001100301**

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| **Semester** | **Internal Marks** | **External Marks** | **Practical Marks** | **Total Marks** |
| X | 30 | 70 | - | 100 |

**Course Objectives:**

* The insurance idea is an old-institution of transactional trade. Even from olden days merchants who made great adventures gave money by way of consideration, to other persons who made assurance, against loss of their goods, merchandise ships aid things adventured. The rates of money consideration were mutually agreed upon. Such an arrangement enabled other merchants more willingly and more freely to embark upon further trading adventures.
* The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques of rules of interpretation as propounded by the judiciary. Besides, the insurance idea has a compensatory justice component.
* This course is designed to acquaint the students with the conceptual and operational parameters, of insurance law.

## Course Contents:

**Unit : 1 Introduction**

* 1. Definition, nature and history of insurance
  2. Concept of Insurance and law of contract and law of torts future of insurance in globalized economy.
  3. History and development of insurance in India.
  4. Insurance Regulatory Authority - role and functions.

**Unit : 2 General principles of law of Insurance**

* 1. Contract of Insurance - classification of contra t of insurance nature of various insurance contracts, parties thereto
  2. Principle of good faith-non-disclosure-misrepresentation in insurance contract
  3. Insurable interest
  4. The risk
  5. The policy, classification of policies-its form and contents, its commencement, duration, cancellation, alteration, rectification, renewal, assignment, construction
  6. Conditions of the policy
  7. Alteration of the risk
  8. Assignment of the subject matter

**Unit : 3 Life Insurance**

* 1. Nature and scope of life insurance, definition, kinds of life insurance, the policy and formation of a life insurance contract
  2. Event insured against life insurance contract
  3. Circumstances affecting the risk
  4. Amounts recoverable under life policy
  5. Persons entitled to payment
  6. Settlement of claim and payment of money

**Unit : 4 Marine Insurance**

* 1. Nature and scope
  2. Classification of marine policies
     1. The Marine Insurance Act1963
     2. Insurable interest, insurable value
     3. Marine insurance policy - conditions - express warranties construction of terms of policy
     4. Voyage - deviation
     5. Perils of the sea
     6. Partial loss of ship and of freight, salvage, general average, particular charges
     7. Measure of indemnity, total valuation, liability to third parties

**Unit : 5 Insurance Against Third Party Risks**

* 1. The Motor Vehicles Act, 1988 (Chapter VIII)
     1. Nature and scope, persons governed, definitions of 'use', 'drives', 'motor vehicle', requirements of policy, statutory contract between insurer and drive rights of third parties, limitations on third party's rights duty to inform third party
     2. Effect of insolvency or death on claims, insolvency and death of parties, certificate of insurance
     3. Conditions to be satisfied
     4. Claims tribunal, constitution, functions, application for compensation - who can apply? - procedure and powers of claims tribunal-its award.
     5. Co-operative insurance (Motor Vehicles Rules)

**Unit : 6 Social Insurance in India**

* 1. Important elements in social insurance, its need
  2. Commercial insurance and social insurance
  3. Workmen's compensation - scope, risks covered, industrial accidents, occupational diseases, cash benefits, incapacity, amount of compensation, nature of injuries, dependents, schedule
  4. Sickness insurance, Adarkar scheme, Stack and Rao scheme for wage earners and others, risks covered, maturity and other benefits
  5. Old age, premature death and invalidity insurance or pension insurance, public provident fund, jeevandhara policy
  6. Unemployment insurance
  7. Social insurance for people like seamen, circus workers and agricultural, workers

**Bibliography:**

* Singh, Bridge Anand, New Insurance Law (2000) Union Book Publishers, Allahabad.
* Ivamy, Case Book on Insurance Law (1984), Butterworths.
* Ivamy, General Principles of Insurance Laws (1993), Butterworths
* John Birds, Modern Insurance Law (1988), Sweet and Maxwell
* Sreenivasan. M.N., Principles of Insurance Law (1997), Ramaniya Publishers, Bangalore.

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**Subject : Law**

**Course (Paper) Name & No. : Clinical Paper – 3 (Alternate Dispute Resolution) (CORE)**

**Course (Paper) Unique Code : 1604010001100401**

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| **Semester** | **Internal Marks** | **External Marks** | **Practical Marks** | **Total Marks** |
| X | 100 | - | - | 100 |

**Course Objectives:**

* The study of ADR is highly significant in moulding the students of law to act as soldiers of justice in the ever-changing socio-economic 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 sway 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 perspectives with a view to bringing out the essential awareness of the national and international systems emerging at the present context.

**Course Contents:**

**Unit : 1 Arbitration : meaning, scope and types units**

* 1. Distinctions
     1. 1940 law and 1996 law: UNCITRAL model law
     2. Arbitration and conciliation
     3. Arbitration and expert determination
  2. Extent of judicial intervention
  3. International commercial arbitration

**Unit : 2 Arbitration agreement units**

* 1. Essentials
  2. Kinds
  3. Who can enter into arbitration agreement
  4. Validity
  5. Reference to arbitration
  6. Interim measures by court

**Unit : 3 Arbitration Tribunal units**

* 1. Appointment
  2. Challenge
  3. Jurisdiction of arbitral tribunal
     1. Powers
     2. Grounds of challenge
  4. Procedure
  5. Court assistance

**Unit : 4 Award units**

* 1. Rules of guidance
  2. Form and content
  3. Correction and interpretation
  4. Grounds of setting aside an award
     1. Can misconduct be a ground?
     2. Incapacity of a party, invalidity of arbitration agreement
     3. Want of proper notice and hearing
     4. Beyond the scope of reference
     5. Contravention of composition and procedure
     6. Breach of confidentiality
     7. Impartiality of the arbitrator
     8. Bar of limitation, res judicata
     9. Consent of parties
  5. Enforcement

**Unit : 5 Appeal and revision units**

**Unit : 6 Enforcement of foreign awards units**

* 1. New York convention awards
  2. Geneva convention awards

**Unit : 7 Conciliation units**

* 1. Distinction between "Conciliation", "negotiation", "mediation", and "arbitration".
  2. Appointment
  3. Statements to conciliator
  4. Interaction between conciliator and parties
     1. Communication
     2. Duty of the parties to co-operate
     3. Suggestions by parties
     4. Confidentiality
  5. Resort to judicial proceedings
  6. Costs

**Unit : 8 Rule -making power units**

* 1. High Court
  2. Central Government

**Unit : 9 Legal Services Authorities Act : Scope units**

## Bibliography:

* B.P.Saraf and M.Jhunjhunuwala, Law of Arbitration and Conciliation (2000), Snow white, Mumbai
* A.K.Bansal, Law of International Commercial Arbitration (1999) , Universal, Delhi

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**Subject : Law**

**Course (Paper) Name & No. : Clinical Paper – 4 (Moot court exercise and Internship) (CORE)**

**Course (Paper) Unique Code : 1604010001100501**

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| --- | --- | --- | --- | --- |
| **Semester** | **Internal Marks** | **External Marks** | **Practical/Viva Marks** | **Total Marks** |
| X | 90 | - | 10 | 100 |

**This paper may have three components of 30 marks each and a viva for 10 marks.**

**Course Contents:**

**Unit : 1 Moot Court (30 Marks)**

Every student may be required to do at least three moot courts in a year with 10 marks for each. The moot court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

## Unit : 2 Observance of Trial in two cases, one Civil and one Criminal (30 marks)

Students may be required to attend two trials in the course of the last two or three years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.

## Unit : 3 Interviewing techniques and Pre-trial preparations and Internship diary (30 marks)

Each student will observe two inter viewing sessions of clients at the Lawyer’s office / Legal Aid office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit / petition. This will be recorded in the diary, which will carry 15 marks.

## Unit : 4 Viva Voce

The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.

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