# Semester – IX

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| **No.** | **Course Code** | **Course Title** | **Core/ Elective** | **C** | **IM** | **EM** | **TM** |
| 1. | 1604010001090101 | Law of Crimes Paper II : Criminal Procedure Code | Core | 6 | 30 | 70 | 100 |
| 2. | 1604010001090201 | Interpretation of Statutes and Principles of Legislation | Core | 6 | 30 | 70 | 100 |
| 3. | 1604010001090301 | Clinical Paper – 1 (Drafting, Pleading and Conveyance) | Core | 6 | 90 | 10 | 100 |
| 4. | 1604010001090401 | Clinical Paper – 2 (Professional  Ethics & Professional Accounting system) | Core | 6 | 100 | 00 | 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. : Law of Crimes Paper II : Criminal Procedure Code (CORE)**

**Course (Paper) Unique Code : 1604010001090101**

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

**Course Objectives:**

* The criminal process involves increasing expenditure of government resources. At the same time it confronts a crisis of intrusion into individual rights in order to protect the common will.
* Obviously, criminal procedure has to be just, fair and reasonable to the accused as well as to the victims.
* Undoubtedly the process is to be carried out in an objective manner.
* Criminal procedure, thus, makes a balance of conflicting interests.
* This imposes a duty upon those connected with the working of the criminal process to abide by the law and to exercise discretion conferred on them in the best manner.
* Code of Criminal Procedure, originally enacted years ago, had undergone many trials and experiments, too enormous to be placed within a class room discussion.
* However, the students should obtain a fair idea how the code works as the main spring of the criminal justice delivery system and should be exposed to the significant riddles of the procedure.

## Course Contents:

**Unit : 1 Introductory**

* 1. The rationale of criminal procedure: the importance of fair trial.
  2. Constitutional perspectives : Articles 14, 20 & 21.
  3. The variety of criminal procedures (the class should examine, in particular the procedure for trial of special offences, especially, offences under the Prevention of Corruption Act and Narcotic Drugs and Psychotropic Substances Act).
  4. The organisation of police, prosecutor, defence counsel and prison authorities and their duties, functions and powers.

## Unit : 2 Pre-trial process : arrest

* 1. The distinction between cognisable and non-cognisable offences : relevance and adequacy problems.
  2. Steps to ensure accused’s presence at trial : warrant and summons.
  3. Arrest with and without warrant (Section 70-73 and 41).
  4. The absconder status (Section 82, 83, 84, and 85)
  5. Right of the arrested person.
  6. Right to know grounds of arrest (Section 50(1), 55, 75)
  7. Right to be taken to magistrate without delay (Section 56, 57)
  8. Right to not being detained for more than twenty-four hours (Section 57) : 2.9 Article 22(2) of the Constitution of India.
  9. Right to consult legal practitioner, legal aid and the right to be told of rights to bail.
  10. Right to be examined by a medical practitioner (Section 54).

## Unit : 3 Pre-trial process : Search and Seizure

* 1. Search warrant (Section 83, 94, 97, 98) and searches without warrant (Section 103).
  2. Police search during investigation (Section 165, 166, 153).
  3. General principles of search (Section 100).
  4. Seizure (Section 102).
  5. Constitutional aspects of validity of search and seizure proceedings.

## Unit : 4 Pre-trial Process : FIR

* 1. F.I.R. (Section 154).
  2. Evidentiary value of F.I.R. (Section 145 and 157 of Evidence Act).

## Unit : 5 Pre-trial Process : Magisterial Powers to take Cognizance Unit : 6 Trial Process

* 1. Commencement of proceedings : (Section 200, 201, 202)
  2. Dismissal of complaints (Section 203, 204).
  3. Bail: concept, purpose : constitutional overtones.
     1. Bailable and Non-Bailable offences (Section 436, 437, 439).
     2. Cancellation of Bail (Section 437 (5) )
     3. Anticipatory bail (Section 438).
     4. Appellate bail powers (Section 389(1), 395(1), 437(5) ).
     5. General principles concerning bond (Sections 441-450).

## Unit : 7 Fair Trial

* 1. Conception of fair trial.
  2. Presumption of innocence.
  3. Venue of Trial.
  4. Right of the accused to know the accusation (Section 221-224).
  5. The right must generally be held in the accused’s presence (Section 221-224).
  6. Right of cross-examination and offering evidence in defence : the accused’s statement.
  7. Right to speedy trial.

## Unit : 8 Charge

* 1. Framing of charge.
  2. Form and content of charge (Section 211, 212, 216).
  3. Separate charges for distinct offence (Section 218, 219, 220, 221, 223).
  4. Discharge – pre-charge evidence.

## Unit : 9 Preliminary pleas to bar the trial

9.1 Jurisdiction(Section 26, 177-188, 461, 462, 479).

* 1. Time limitations : rationale and scope (Section 468-473).
  2. Pleas of autrefois acquit and autrefois convict (Section 300, 22D).
  3. Issue-Estoppel.
  4. Compounding of offences.

## Unit : 10 Trial Before a Court of Sessions : Procedural Steps and Substantive Rights

**Unit : 11 Judgement**

* 1. Form and content (Section 354).
  2. Summary trial.
  3. Post-conviction orders in lieu of punishment : emerging penal policy. (Section 360, 361,31)
  4. Compensation and cost (Section 357, 358).
  5. Modes of providing judgement (Section 353, 362, 363).

## Unit : 12 Appeal, Review, Revision

* 1. No appeal in certain cases (Section 372, 375, 376).
  2. The rationale of appeals, review, revision.
  3. The multiple range of appellate remedies :
     1. Supreme Court of India (Section 374, 379, Articles 31, 132, 134, 136).
     2. High Court (Section 374).
     3. Sessions Court (Section 374).
     4. Special right to appeal (Section 380).
     5. Governmental appeal against sentencing (Section 377, 378).
     6. Judicial power in disposal of appeals (Section 368).
     7. Legal aid in appeals.
  4. Revisional jurisdiction (Sections 397-405).
  5. Transfer of cases (Section 406, 407).

## Unit : 13 Reform of criminal procedure

**Bibliography:**

* Ratanlal Dhirajlal, Criminal Procedure Code (1999) University,Delhi.
* Chandrasekharan Pillai (ed.) Kelkar's Outlines of Criminal Procedure (2001), Eastern, Lucknow.

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**Subject : Law**

**Course (Paper) Name & No. : Interpretation of Statutes and Principles of Legislation (CORE)**

**Course (Paper) Unique Code : 1604010001090201**

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

**Course Objectives:**

* Legislation is the major source of law of the modern era. Legislatures enact laws after much deliberation.
* With the emergence of legislation, interpretation of statutes became a method by which judiciary explores the intention behind the statutes.
* Judicial interpretation involves construction of words, phrases and expressions.
* In their attempt to make the old and existing statutes contextually relevant, courts used to develop certain rules, doctrines and principles of interpretation.
* Judiciary plays a highly creative role in this respect.
* What are the techniques adopted by courts in construing statutes?
* How far are they successful in their strategy?

## Course Contents:

**Unit : 1 Principles of Legislation**

* 1. Law –making-the legislature, executive and the judiciary.
  2. Principles of utility.
  3. Relevance of John Rawls and Robert Nozick – individual interest to community interest.
  4. Operation of these principles upon legislation.
  5. Distinction between morals and legislation.

## Unit : 2 Interpretation of Statutes

* 1. Meaning of the term “statutes”
  2. Commencement, operation and repeal of statutes.
  3. Purpose of interpretation of statutes.

## Unit : 3 Aids to Interpretation

* 1. Internal aids
     1. Title.
     2. Preamble.
     3. Headings and marginal notes.
     4. Sections and sub-sections.
     5. Punctuation marks.
     6. Illustrations, exceptions, provisos and saving clauses.
     7. Schedules.
     8. Non-obstante clause.
  2. External aids.
     1. Dictionaries.
     2. Translations.
     3. Travaux Preparatiores.
     4. Statutes in pari material.
     5. Contemporanea Exposito.
     6. Debates, inquiry commission reports and Law Commission Reports.

## Unit : 4 Rules of Statutory Interpretation

* 1. Primary Rules.
     1. Literal rule.
     2. Golden rule.
     3. Mischief rule (rule in the Heydon’s case)
     4. Rule of harmonious construction.
  2. Secondary Rules.
     1. Noscitur a sociis.
     2. Ejusdem generis.
     3. Reddendo singula singulis.

## Unit : 5 Presumptions in statutory interpretation

* 1. Statutes are valid.
  2. Statutes are territorial in operation.
  3. Presumption as to jurisdiction.
  4. Presumption against what is inconvenient or absurd.
  5. Presumption against intending injustice.
  6. Presumption against impairing obligations or permitting advantage from one’s own wrong.
  7. Prospective operation of statues.

## Unit : 6 Maxims of Statutory Interpretation

* 1. Delegatus non potest delegare.
  2. Expressio unius exclusio alterius.
  3. Generalia specialibus non derogant.
  4. In pari delicto potior est conditio possidentis.
  5. Ultes valet potior quam pareat.
  6. Expressum facit cessare tacitum.
  7. In bonam partem.

## Unit : 7 Interpretation with reference to the subject matter and purpose

* 1. Restrictive and beneficial construction.
     1. Taxing statutes.
     2. Penal statutes.
     3. Welfare legislation.
  2. Interpretation of substantive and Adjunctival statutes.
  3. Interpretation of directory and mandatory provisions.
  4. Interpretation of enabling statutes.
  5. Interpretation of codifying and consolidating statutes.
  6. Interpretation of statutes conferring rights.
  7. Interpretation of statutes conferring powers.

## Unit : 8 Principles of Constitutional Interpretation

* 1. Harmonious construction.
  2. Doctrine of pith and substance.
  3. Colourable legislation.
  4. Ancillary powers.
  5. “Occupied field”.
  6. Residuary power.
  7. Doctrine of repugnancy.

## Bibliography :

* G.P. Singh, Principles of Statutory Interpretation, (7th Edition) 1999,

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**Subject : Law**

**Course (Paper) Name & No. : Clinical Paper – 1 (Drafting, Pleading and Conveyance) (CORE)**

**Course (Paper) Unique Code : 1604010001090301**

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

**Course Contents:**

**Unit : 1 Drafting**

General principles of drafting and relevant substantive rules shall be taught.

## Unit : 2 Pleadings

* 1. **Civil**

Plaint, Written Statement, Interlocutory Application, Original Petition, affidavit, Execution

Petition, memorandum of Appeal and Revision, Petition under article 226 and 32 of the Constitution of India.

## Criminal

Complaint, Criminal Miscellaneous petition, Bail Application, memorandum of Appeal and Revision.

## Conveyance

Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, trust Deed.

## Drafting of Writ Petition and PIL Petition

The course will be taught class instructions and simulation exercises, preferably with assistance of practicing lawyers / retired judges.

Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in drafting carrying a total of 45 marks (3 marks for each) and 15 exercises in conveyance ing carrying another 45 marks (3 marks for each exercise) remaining 10 marks will be given for viva voice.

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**Subject : Law**

**Course (Paper) Name & No. : Clinical Paper – 2 (Professional Ethics & Professional Accounting system) (CORE)**

**Course (Paper) Unique Code : 1604010001090401**

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| **Semester** | **Internal Marks** | **External Marks** | **Practical/Viva Marks** | **Total Marks** |
| IX | 100 | - | - | 100 |

**Professional Ethics, Accountancy for Lawyers and Bar-Bench Relations.**

* + 1. Mr. Krishnamurthy Iyer’s book on “Advocacy”.
    2. The contempt Law and Practice.
    3. The Bar Council code of Ethics.
    4. 50 selected opinions of the Disciplinary committees of Bar councils and 10 major judgments of the Supreme Court on the subject.
    5. Other reading material as may be prescribed by the University.

Examination rules of the University shall include assessment through case study and periodical problem solution besides the written tests.

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