

LL.B. 3rd Year

Syllabus for 20-21 Examination



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR
FACULTY OF LAW
THIRD YEAR BACHELOR OF LAWS

(Session 2017-18)

PAPER – I (PAPER CODE - 8001) : (PAPER NAME – LAW OF EVIDENCE)

Max. Marks: 100

Min. Marks: 36

Note :

- a. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- b. Leading cases prescribed under this paper may be read whenever they are relevant.

Indian Evidence Act, 1872

Contents

1. **Preliminary** : Application of Indian Evidence Act, Definition : Court, Fact – fact in issue and relevant fact, Evidence - meaning and its kinds, proved, disproved, not proved, may presume, shall presume and conclusive proof, presumptions of fact and law.
2. **Relevancy of facts** : Explaining - Res-gestae, occasion, cause, effect, motive, intention, preparation, previous and subsequent conduct, introductory and explanatory facts, facts and otherwise relevant become relevant, accidental and incidental facts.
Facts which need not be proved, improper admission and rejection of facts.
3. **Admission and Confession** :
 - (a) Admission : Definition, whose admission is relevant, relevancy of admission in civil cases, admission is not conclusive proof, admission as an estoppel.
 - (b) Confession : Definition, its kinds, confession caused by inducement, threat or promise, confession to police officer, confession in the custody of police, Confession to Magistrate, Confession by co-accused.
 - (c) Difference between admission and confession. Relevancy of statements :
 - (i) Statements by persons who cannot be called as witness.
 - (ii) Statement made under special circumstances.
 - (iii) Relevancy of judgement of a Court of Law
 - (iv) Opinion of third person
 - (v) Opinion of experts
 - (vi) Relevancy of character
4. **Evidence** : Oral evidence, documentary evidence, kinds of documentary evidence, when secondary evidence is relevant, public and private document. Exclusion of oral

evidence by documentary evidence, Application of this principle, its exceptions, ambiguous documents, kinds of ambiguity.

5. **Burden of Proof** : Meaning, general principles of burden of proof in civil and criminal cases and exceptions to it. When burden of proof shifts, proof of legitimacy of child, proof in dowry deaths and in the matters of rape.

6. ~~Estoppel : Meaning, essentials, nature and its kinds~~

~~Witnesses : Competency of witness, when persons can be compelled to appear as witnesses, privileged communications and documents, accomplice, hostile witness.~~


7. ~~Examination of Witnesses : Order of examinations, kinds of examinations, leading question, impeaching the credit of witness, questions which can and which cannot be asked, refreshing the memory of witness, production of document, Judge's power to put questions and to order production. Effect of improper acceptance or rejection of evidence.~~

LEADING CASES :

1. Pakala v. Emperor, AIR, 1939, PC 47
2. Palvinder kaur v. The State of Punjab, AIR 1952, S.C. 354
3. Pam Chandra v. State of U.P. AIR, 1957, SC 381
4. Venkateshwarlu v. Venkatanarayan, AIR 1954, SC 176
5. Vedivelu v. State of Madras, AIR, 1957, SC 615

SUGGESTED READINGS :

1. Ratan Lal : The Law of Evidence
2. Batuklal : Law of Evidence
3. Vepa P. Sarathi : Law of Evidence
4. राजाराम यादव : साक्ष्य विधि


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FACULTY OF LAW

THIRD YEAR BACHELOR OF LAWS

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PAPER – II (PAPER CODE - 8002) : (PAPER NAME – LAW RELATING TO CRIMINAL PROCEDURE)

Min. Marks: 36

Max. Marks: 100

Note :

- a. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- b. Leading cases prescribed under this paper may be read whenever they are relevant.

A. The Code of Criminal Procedure 1973

1. Preliminary :

- (a) Object, Extent and Definitions (Chapter I).
- (b) Duties of Public
 - (i) To assist Police and Magistrate
 - (ii) To give information about certain offences (Chapter – IV, Ss. 37 to 40)

2. Criminal Courts :

- (a) Territorial Divisions and Classification (Chapter – II, Ss: 10, 14, 15, 19, 22 and 23)
- (b) Powers (Chapter III, Ss, 26 to 31).

3. Pre-Trial Procedures :

- (a) Process to compel appearance (Chapter- VI).
- (b) Process to compel Production of things (Chapter – VII).
- (c) Arrest of Persons (Chapter V).
- (d) Information to the Police and their Powers of Investigation (Chapter – XII).
- (e) Bail (Chapter XXXIII).
- (f) Jurisdiction of the Courts in Enquiries and Trials (Chapter – XIII).
- (g) Maintenance of Public Order and Tranquillity (Chapter –X).
3. Jurisdiction of the Courts in Enquiries and Trials (Chapter – XIII).
4. Complaints to Magistrates and Cognizance of Offence (Chapter XV and XIV).

4. Charge (Chapter XVII)

- (a) Types of Trials :
 - (i) Trial before Court of Session (Chapter XVIII).
 - (ii) Trial of Summon and Warrant Cases (Chapter XIX and XX).
 - (iii) Summary Trial (Chapter XXI).
 - (iv) Judgement (Chapter XXVII).
 - (v) Plea-Bargaining

5. (a) Appeals (Chapter XXX).

6. Provisions as to Bail and Bonds (Chapter - XXXIII)

~~Disposal of Property (Chapter - XXXIV)~~

(b) Reference and Revision (Chapter XXX).

(i) Period of Limitation (Chapter XXXVI).

(ii) Irregular Proceedings (Chapter XXXV).

(iii) Antofois Acquit and Antofois Convict.

(iv) Legal Aid to accused at State Expenses

(v) Pardon to an accomplice

(vi) Saving of Inherent Powers of High Court

(vii) Maintenance of Wives, Children and Parents

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~~B. General Rules (Criminal), 1980~~

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LEADING CASES :

1. State of U.P. v. State of Delhi, AIR 1955, SC 196
2. Nisar Ali v. State of U.P., AIR 1957, SC 336
3. Purshottam Das Dalmia v. State of West Bengal, AIR 1968, ASC 1589
4. State of Andhra Pradesh v. Ganeshwara Rao, AIR 1968, SC 1050
5. Satwant Singh v. State of Punjab, AIR 1956, SC 266

SUGGESTED READINGS :

1. Ratan Lal : Criminal Procedure Code
2. Ganguly, A.C. : A Guide to Criminal Code Procedure.
3. Juvenile Justice Act, 1980
4. Probation of Offenders act, 1954
5. Khatri, B.D. : Law of Probation in India alongwith Juvenile Justice Act, 1988
6. Chakravarti, N.K. : Probation System in the Administration of Criminal Justice.
7. तिवाड़ी, वाई. के. : दण्ड प्रक्रिया संहिता
8. जैन, पी.सी. : दण्ड प्रक्रिया संहिता
9. मुरलीधर चतुर्वेदी : दण्ड प्रक्रिया संहिता



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR
FACULTY OF LAW
THIRD YEAR BACHELOR OF LAWS

(Session 2017-18)

PAPER – III (PAPER CODE - 8003) : (PAPER NAME – LAW OF CIVIL PROCEDURE)

Max. Marks: 100

Min. Marks: 36

Note :

- In order to ensure that students do not leave out important Portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- Leading cases prescribed under this paper may be read whenever they are relevant.

A. Code of Civil Procedure, 1908

- Definition – Suits in general, suits of civil nature, stay of suit, Res Judicata, Res Subjudice, Foreign Judgement, Place of trial, Transfer of suits, Joinder, Non-Joinder and Mis-Joinder of Parties and Causes of Action. Service of Summons and Pleadings.
- Execution in General : Courts by which decrees may be executed, powers of the Court executing the decrees. Transfer of decrees for execution and mode of execution, Stay of execution, Suits in particular cases (Orders XXI to XXIII). Abatement of Suits, Arrest & Detention.
- Supplemental proceedings, Attachment before judgement, Arrest before judgement, Temporary injunction and Appointment of Receiver, Commission.
- Appeals – Appeals against order and appeals against decree, review, revision and reference.

~~Misc Proceedings - omitted~~

~~Exemption of certain persons, Enlargement of time, Right to lodge a caveat, Inherent powers of court, Amendment of judgement, decrees, orders.~~

- Sections 75 to 78 order IX, XVII, XXVI, XXXII, XXXIII

~~B. The Limitation Act, 1963~~

~~C. General Rules (Civil), 1986~~

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LEADING CASES :

- Umrao Singh v. Bhagwati Singh, AIR 1956, SC 15 (Sec 9) CPC.
- Narhari v. Shanker, AIR 1953, SC 419 (Sec 11), CPC.
- Shanker Sitaram v. Balkrishnan, AIR 1954, SC 252 Sec. 11 CPC or 2 R 2 & O 23, R 3).
- Smt. Runi Bai v. Yadunandan, AIR 1954, SC 1718.
- Madalsa Devi v. M. Ramanarain Pvt. Ltd., AIR 955, SC 1718.

SUGGESTED BOOKS :

- Mulla : Civil Procedure Code
- Singh, S.N. : Civil Procedure Code
- Sahai : On Civil Procedure
- Tandon, M.P. : Civil Procedure Code (English & Hindi)
- Mridula Srivastava : Civil Procedure Code (Hindi)
- Mridula Srivastava : दीवानी प्रक्रिया संहिता
- A.N. Pandey : Civil Procedure Code (Hindi)
- A.N. Pandey : दीवानी प्रक्रिया संहिता



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FACULTY OF LAW
THIRD YEAR BACHELOR OF LAWS
(Session 2017-18)
PAPER – IV (PAPER CODE - 8004) : (PAPER NAME – LAND LAW)

Max. Marks: 100

Min. Marks: 36

Note :

- a. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- b. Leading cases prescribed under this paper may be read whenever they are relevant.

Statutes

1. Rajasthan Tenancy Act, 1955.
2. Rajasthan Land Revenue Act, 1956.
- ~~3. The Rajasthan Imposition of ceiling on Agriculture Holding Act 1973.
(All the acts are in full course)~~
- ~~4. The Rajasthan Agricultural Credit Operations (Removal of Difficulties) Act, 1974~~

LEADING CASES :

1. Jagdish Singh v. State of Rajasthan, 1990, RRD, 493.
2. Executors of Estate of Late Maharana Shri Bhagwat Singh (Mewar) v. State of Rajasthan, 1992, RRD, 686.
3. Madanlal v. Murti Mandir Shri Ramlal Ji, 1992, RRD, 79 (DB).
4. Damodar v. Smit. Sundri, 1986, RRD, 55 H.C. (DB).
5. Bal Kishan v. State of Rajasthan, Purshottam Lal v. State of Rajasthan, 1981, RRD, Page 686.
6. State of Rajasthan v. Haraklal, 1985, RRD, 298 (LB)

SUGGESTED READINGS :

1. Shyam Lal Gupta : The Rajasthan Tenancy Act.
2. Dutt, S.K. : Tenancy Law in Rajasthan
3. Dutt, S.K. : Rajasthan Land Revenue Act.
4. Suresh Chand H. Mathur : Law of Tenancy in Rajasthan
5. Karkara, G.S. : Rajasthan Land Laws (English & Hindi)
6. Babel, B.L. : Rajasthan Land Laws (Hindi)
7. Gehlot : The Rajasthan Tenancy Act. 1955.

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FACULTY OF LAW

THIRD YEAR BACHELOR OF LAWS

(Session 2017-18)

PAPER – V (PAPER CODE - 8005) : (PAPER NAME – CORPORATE LAW)

Max. Marks: 100

Min. Marks: 36

Note :

- In order to ensure that students do not leave out important Portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- Leading cases prescribed under this paper may be read whenever they are relevant.
- Until all the section of companies Act 2013 has been notified by government of India, remaining sections of companies Act 1956 will be applicable.

CONTENTS:

- Definition of Company, Kinds of Company, Corporate Personality, Incorporation of Company, Memorandum and Articles of Association.
- Promoters and Preliminary Contracts, Prospectus and Allotment of Securities.
- Share, Members, Shareholders, Share Capital, Majority Power and Minority Rights, debentures, Registration of Charges.
- Appointment and Qualification of Directors, Meeting of Board and its powers.
- Meeting of Company and Administration.
- Prevention of oppression and Mismanagement.
- Compromises, Arrangements and Amalgamation [Merger]
- Winding up and Dissolution.

~~9. National Company Law Tribunal [NCLT], Appellate Tribunal and special Courts~~

~~10. Corporate Social Responsibility and Clause 49~~

~~11. Limited Liability Partnership Act-2008 [LLP Act]~~

LEADING CASES:

- Aron Saloman v/s Soloman & Co. Ltd. 1897, AC 22.
- Royal British Bank v/s Turquand, 1856, 6 E & B.327.
- Ashbury Railway Carriage & Iron Co. Ltd. VE. Riche 1875 LR 7, HL 653
- Foss v/s Har Bottle 67 ER 189 (1843) 2 Mare 461.
- Laxmi Swamy Mudaliar v/s LIC, AIR 1963 SC 1185.

SUGGESTED READINGS:

- Companies Act 2013 (Bore Act)
- N.V Pranjapa: Company Law [English & Hindi]
- Avtar Singh : Company Law [English & Hindi]
- ND Kapoor : Elements of Company Law
- SEBI Clause 49.
- LLP Act 2008 (Bare Act)

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FACULTY OF LAW
THIRD YEAR BACHELOR OF LAWS

(Session 2017-18)

PAPER – VI (PAPER CODE - 8006) : (PAPER NAME – ADMINISTRATIVE LAW)

Max. Marks: 100

Min. Marks: 36

Note :

- a. In order to ensure that students do not leave out important Portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- b. Leading cases prescribed under this paper may be read whenever they are relevant.
1. Definition, Nature, Scope, Rule of Law, Separation of Powers, Relationship between Administrative Law and Constitutional Law, Sources of Administrative Law, Government, Administrative Authorities and Bodies.

Statutory Corporations including their control, the extent of executive power, administrative finality and the court review.

Delegated Legislation – Nature, Scope, Forms necessary, Control including Judicial Parliamentary and Legislative Conditional Legislation and subdelegation.

Administrative Process – Administrative Action, Administrative Discretion and Quasi-Judicial Elements in Administrative Procedure.

Principles of Natural Justice and their Control, Doctrine of Bias, Audi Alteram Partem, Rights to consult, Reasoned Decision.

Administrative Adjudication – Reasons for Growth, Structure and Procedure for Administrative Bodies, like Tribunals, Finality of the Tribunal, Decisions, Administrative Tribunals Act, 1985.

Judicial Control of Administrative Action – Habeus Corpus, Mandamus, Certiorari, Prohibition and Quo Warranto Writs, Redressal of Citizens Grievances, Central Vigilance Commission, Commission of Enquiry Act. Ombudsman, Lokpal, Lokayukta of the State of Rajasthan.

Government Liability in Torts and Contracts, Suits against the Government and Public Authorities.

LEADING CASES :

1. Vasant Lal Magan Bhai v. State of Bombay, AIR 1961, SC 4.
2. G. Nageshwara Rao v. A.P. State Road Transport Corporation, AIR 1959, SC 308.
3. Harishankar Bhagla v. State of M.P., AIR 1954, SC 465.
4. State of Rajasthan v. Mst. Vidyawati AIR 1961, SC 933.

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MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR
FACULTY OF LAW
THIRD YEAR BACHELOR OF LAWS

(Session 2017-18)

PAPER – VII (PAPER CODE - 8007) : (PAPER NAME – INTELLECTUAL PROPERTY LAW AND
INFORMATION TECHNOLOGY ACT, 2000)

Max. Marks: 100

Min. Marks: 36

Note :

- In order to ensure that students do not leave out important Portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- Leading cases prescribed under this paper may be read whenever they are relevant.

A) Property : Concept, Acquisition, Kinds

Intellectual Property, Definition, Concept, Development and Protection of Intellectual Property Rights at International Level

B) The Copy Right Act 1956 – as amended

C) The Trade Marks Act 1999 – as amended

D) The Patent Act 1970 – as amended

~~E) Information Technology Act 2000 – Important Definition, Digital Signature Electronic Governance, Electronic Record, Digital Signature Certificate, Certified Authority, Offences and Penal Provisions, Cyber Registration Appellate tribunal.~~

LEADING CASES :

- Manu Bhandari v. Kalankas Pictures Pvt. Ltd., AIR (1987) Del. 13
- Nav Sahitya Prakashan v. Anand Kumar, AIR 1981 All. 200 at p. 203
- Brundaban Sahu v. Rajendra Subudhi, AIR 1986 Orissa 210 at p. 211
- R.C. Anand v. Messers Deluxe Films, AIR 1978 SC 1513. p. 1627

SUGGESTED BOOKS :

- C.P. Singh : बौद्धिक सम्पदा अधिकार
- Surendra Singh : बौद्धिक सम्पदा अधिकार
- M.N. Singh : बौद्धिक सम्पदा अधिकार
- जय प्रकाश मिश्र : बौद्धिक सम्पदा अधिकार
- M.K. Bhandari : Intellectual Property Rights
- S.P. Salarkar : Intellectual Property Rights
- Vikas Vashisth : Intellectual Property Rights
- P.S. Narayan : Intellectual Property Rights
- R.K. Nagarjan : Intellectual Property Rights

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FACULTY OF LAW

THIRD YEAR BACHELOR OF LAWS

(Session 2017-18)

PAPER – VIII (PAPER CODE - 8008) : (PAPER NAME – DRAFTING, PLEADING AND

CONVEYANCING)

Max. Marks: 100

Min. Marks: 36

This paper shall consist of following two parts :

1. Practical Written Paper - 80 marks
2. Viva-voce Examination - 20 marks

The candidate must pass in both parts separately in 1& 2 Parts. For pass, he will be required to obtain 36% marks in each part, i.e. 29 marks out of 80 and 7 marks out of 20 marks.

PART – A

Practical Written paper

General Principles of Drafting and relevant substantive rules of pleading and their exceptions; amendment of pleadings : Alternative and Inconsistent Pleadings.

(a) Drafting Exercise on Pleadings :

Civil : (i) Plaints, (ii) Written Statement, (iii) Interlocutory Application. (iv) Affidavit, (v) Notice, (vi) Execution Petition, (vii) Memorandum of Appeal and Revision, (ix) Writ Petition and its appeal.

Criminal : (i) Complaints, (ii) Bail Applications, (iii) Accused's Reply, (iv) Criminal Miscellaneous Petition, (v) Memorandum of Appeal, Reference and Revision.

(b) Drafting Exercise on Conveyancing (i) Sale Deed, (ii) Mortgage Deed, (iii) Gift Deed, (iv) Lease Deed, (v) Rent Deed, (vi) Partnership Deed, (vii) Power of Attorney, (viii) Promissory Note, and (ix) Will.

~~(c) Framing of Charge and Judgement Writing~~

PART – B

The Students have to write 5 exercises of pleading and 5 exercises of conveyancing in his own hand writing. Exercises to be allotted by the class subject teacher out of the following exercises. Two marks are meant for each exercise.

CONVEYANCING

1. Sale Deed
2. Adoption Deed
3. Power of Attorney
4. Agreement
5. Compromise & Family Settlement

DRAFTING OF PLAINT AND / OR WRITTEN STATEMENT

1. Suit for damages for malicious Prosecution
2. Suit for eviction and arrears of rent
3. Suit for Specific Performance of contract

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6. Gift Deed
7. Lease/ Rent Deed
8. Mortgage Deed
9. Partnership Deed
10. Will and Codicil

4. Suit for temporary injunction
5. Inter pleader suit
6. Suit for dissolution of Partnership
7. Application for maintenance under section 125 Cr. P.C.
8. Application for Divorce or Judicial separation
9. Notice for eviction of premises
10. Notice for damages for defamation

VIVA-VOCE

20 Marks

The students have to maintain a diary in which they have to write 5 exercises of pleading and 5 exercises of conveyancing in his own hand writing.

The viva-voce examination shall be conducted by a committee of three persons. In the Committee, There shall be two Internal Examiners and one External Examiner. The Committee shall award marks on the basis of exercises submitted by the student and performance at the Viva-voce Examination.

SUGGESTED READINGS :

1. K.K. Sivastav : The law of pleadings Drafting and conveyancing
2. Y.S. Sharma : Drafting Pleading & Conveyancing
3. Y.S. Sharma : पारूपण, अभिवचन तथा अभिहस्तान्तरण—लेखन
4. Om Prakash Tiwari & : अभिवचन, हस्तान्तर लेखन तथा व्यवसायिक
5. Shyam Mishra : नीति शास्त्र