

IX Semester

PAPER-I: CIVIL PROCEDURE CODE AND LAW OF LIMITATION

Unit-I :

Codification of Civil Procedure and Introduction to CPC — Principal features of the Civil Procedure Code — Suits — Parties to Suit — Framing of Suit — Institution of Suits — Bars of Suit - Doctrines of *Sub Judice* and *Res Judicata* — Place of Suing — Transfer of suits — Territorial Jurisdiction — ‘Cause of Action’ and Jurisdictional Bars — Summons — Service of Foreign summons.

Unit-II :

Pleadings — Contents of pleadings — Forms of Pleading — Striking out / Amendment of Pleadings - Plaint— Essentials of Plaint - Return of Plaint- Rejection of Plaint—Production and marking of Documents-Written Statement — Counter claim — Set off – Application of Sec. 89 - Framing of issues.

Unit-III :

Appearance and Examination of parties & Adjournments — *Ex-parte* Procedure — Summoning and Attendance of Witnesses — Examination — Admissions — Production, Impounding, Return of Documents —Hearing — Affidavit — Judgment and Decree — Concepts of Judgment, Decree, and Interim Orders and Stay — Injunctions — Appointment of Receivers and Commissions — Costs - Execution — Concept of Execution —General Principles of Execution — Power of Execution — Power of Executing Courts — Procedure for Execution — Modes of Execution -- Arrest and detention — Attachment and Sale.

Unit-IV:Suits in Particular Cases — Suits by or against Government — Suits relating to public matters;— Suits by or against minors, persons with unsound mind, - Suits by indigent persons -- Interpleaded suits — Incidental and supplementary proceedings - Appeals, Reference, Review and Revision — Appeals from Original Decrees — Appeals from Appellate Decrees — Appeals from Orders — General Provisions Relating to Appeals.

Unit-V:

Law of Limitation — Concept of Limitation — Object of limitation - General Principles of Limitation — Extension — Condonation of delay — Sufficient Cause

— Computation of limitation -- Acknowledgment and Part -payment- Legal Disability — Provisions of the Limitation Act, 1963 (Excluding Schedule)

Suggested Readings:

1. Mulla, *The Code of Civil Procedure*, LexisNexis, Butteworths, Wadhwa.
2. C.K. Takwani: *Civil Procedure*, Eastern Book Co., Lucknow.
3. Sarkar's Civil Court Practice and Procedure, LexisNexis.
4. B.B. Mitra: *Limitation Act*, Eastern Law House, Calcutta, Allahabad.
5. Sanjiva Row: *Limitation Act*, (in 2 Vols), Law Book Co., Allahabad.
6. Sanjiva Row: *Code of Civil Procedure*, (in 4 Vols), Law Book Co. Allahabad.
8. *AIR Commentaries on Limitation Act*, W.W. Chitaley, AIR Ltd., Nagpur.

Entire syllabus is replaced with new Criminal Procedure, 2023 along with Juvenile Justice Act and Probation of Offenders.

BHARATIYA NAGARIK SURAKSHA SANHITHA, LAW OF JUVENILE JUSTICE AND PROBATION OF OFFENDERS ACT.

UNIT-I

BNSS- Object and Importance - Comparison with Cr.P.C, 1973 - Definitions, Difference between Cognizable and Non Cognizable Offences - Bailable and Non Bailable Offences- Investigation-Inquiry and Trial-Classification of Criminal Courts, Jurisdiction and Powers of the Criminal Courts, Directorate of Prosecution- role of Prosecutors under BNSS- Role of Defence Lawyer-Role of Public-Role of Prisons and Correctional Methods- Indian Constitution and BNSS.

UNIT –II

Maintenance- Maintenance of Wife, Children and Parents (Sec. 144 To 147) - Security for Keeping Peace and Good Behaviour (Sec. 125 To 143) - **Cognizance by police-** Role of Police under BNSS- Investigation and - Preventive Action of Police- Maintenance of Public Order and Tranquillity-Unlawful Assembly- Public Nuisance – Urgent Cases of Nuisance-Preventive Action of the Police (Sec. 148 To 172) Information to Police-FIR (Section 173 To 196) -Arrest of Persons- (Sec. 35 To 62) - Arrest– With Warrant or Without Warrant- Rights of Arrested Person- Proclamation and Attachment of Property (Section 63 To 93) Process to Compel The Production of Things (Section 94 -110)

UNIT – III

Trial, Charge, Inquiries and Bail – Complaints to Magistrates, Process to Compel Appearance – Cognizance of Offences by Magistrate- Irregular Proceedings- General Principles of Fair Trial, Jurisdiction of Criminal Courts in Inquiries & Trial (Section 197- 222) –Trial (Sec. 223-233)- Charge, Joinder of Charges (Sec. 234-247) –Trial Before Court of Session (Sec.248-260) – Trial of Warrant – Case by Magistrate (Sec.261-273) – Trial of Summons- Cases by Magistrates (Sec.274-282)- Summary Trials (Sect. 283-288) - Plea Bargaining (Sec. 289 To 300)- Provisions as to Bails And Bonds (Sec. 478 to 496)- General Provisions as Inquiries & Trial (Sec.337-378).

UNIT –IV

Administration of Criminal Justice: Provision as to Offences affecting the Administration of Justice (Sec. 379 -391)- The Judgement (Sec. 392- 406) –Submission of Death Sentence for Confirmation (Sec. 407 To 412)- Appeal, Revision, Reference (Section 413 To 435) – Execution, Suspension, Remission and Commutation of Sentence (Sec. 453 To 477)- Inherent Powers of the Court- Transfer of Criminal Cases.

UNIT-V

The Juvenile Justice (Care And Protection Of Children) Act, 2015 And Probation of Offenders Act: -Preliminary and General Provisions of Care and Protection of Children – Salient Features of the Act – Procedure Under Juvenile Justice Act- Treatment and Rehabilitation of Juveniles – Protection of Juvenile offenders –Legislative and Judicial Role –Probation and Parole- Authority Granting Parole- Supervision- Conditional Release – Suspension of Sentence- Procedure Under Probation of Offenders Act –Salient Features of the Act.

Suggested Readings:

1. Taxman's Bare Act: Bharatiya Nagarik Suraksha Sanhita, 2023.
2. Chandrasekharan Pillai (Ed), Kelkar Lectures on Criminal Procedure, Eastern Book Co. Lucknow.
3. Kelkar R.V: Criminal Procedure, Eastern Book Co, 2022.
4. Ratanlal and Dhirajlal: The code of Criminal Procedure, 1973, Lexis Nexis, 2020.
5. S.N. Misra: The Code of Criminal Procedure, Central Law Publications.
6. M.P.Tandon: Criminal Procedure Code, Allahabad Law Agency, 2012.
7. Shoorvir Tyagi: The Code of Criminal Procedure, Allahabad Law Agency.
8. K. Thakkar, Criminal Procedure code, Eastern Book Co.

PAPER-III: LAW OF BANKING AND NEGOTIABLE INSTRUMENTS

Unit-I:

History of the Banking Regulation Act — Salient features — Banking Business and its importance in modern times – Different kinds of Banking – impact of Information Technology on Banking.

Unit-II:

Relationship between Banker and Customer — Debtor and Creditor Relationship — Fiduciary Relationship — Trustee and Beneficiary — Principal and Agent — Bail and Bailee — Guarantor.

Unit-III:

Cheques — Crossed Cheques — Account Payee — Banker's Drafts — Dividend Warrants, etc. — Negotiable instruments and deemed negotiable instruments — Salient features of The Negotiable Instruments Act.

Unit-IV: The Paying Banker — Statutory protection to Bankers — Collecting Banker – Statutory protection – Rights and obligations of paying and collecting bankers..

Unit-V: Banker's lien and set off -- Advances - Pledge - Land - Stocks - Shares - Life Policies - Document of title to Goods - Bank Guarantees - Letters of Credit – Recovery of Bank loans and position under the SARFAESI Act, 2002 – Jurisdiction and powers of Debt Recovery Tribunal.

Suggested Readings:

1. Tannan: *Banking Law & Practice in India*, Orient Law House, New Delhi.
2. Avtar Singh: *Negotiable Instruments*, Eastern Book Company, Lucknow.
3. P.N. Varshney: *Banking Law & Practice*, Sultan Chand & Sons, New Delhi.
4. Taxman: *Law of Banking*, India Law House
5. B.R. Sharma and Dr.R.P. Nainta: *Principles of Banking Law and Negotiable Instruments Act*, Allahabad Law Agency.
6. Mukherjee's *Banking Law and Practice*, Premier Publications Company.
7. Bashyam and Adiga: *Negotiable Instruments Act*, Bharat Law House.
8. S.R. Myneni, *Law of Banking*, Asia Law House.

PAPER-IV: ALTERNATE DISPUTE RESOLUTION

The written examination of this paper will be for 50 marks and the remaining 50 marks for record and *viva voce*. There shall be classroom instruction on the following topics:

Unit-I: Alternate Dispute Resolution — Characteristics — Advantages and Disadvantages—Unilateral — Bilateral — Triadic (Third Party) Intervention — Techniques and processes -- Negotiation — Conciliation — Arbitration — Distinction between Arbitration, Conciliation and Negotiation.

Unit-II: The Arbitration and Conciliation Act, 1996 — Historical Background and Objectives of the Act — Definitions of Arbitration, Arbitrator, Arbitration Agreement -- Appointment of Arbitrator — Termination of Arbitrator -- Proceedings in Arbitral Tribunal -- Termination of Proceedings — Arbitral Award -- Setting aside of Arbitral Award — Finality and Enforcement of Award — Appeals – Enforcement of Foreign Awards. Conciliation – Appointment of Conciliators – Powers and Functions of Conciliator -- Procedure – Settlement of disputes through conciliation.

Unit-III: Other Alternative Dispute Resolution Systems —Tribunals -- Lokpal and Lokayukta — Lok Adalats — Family Courts. Section 89 and Order X, Rules 1A, 1B and 1C of Civil Procedure Code.

Practical Exercises (30 marks)

(a) The students are required to participate in 5 (five) simulation proceedings relating to Arbitration, Conciliation, Mediation and Negotiation. Participation in each such simulation proceeding shall be evaluated for a maximum of 4 (four) marks (Total 5x4=20marks).

(b) Students are required to attend and observe the proceedings of Lok Adalats, Family Courts, Tribunals and other ADR Systems. Each

student shall record the above observations in the diary which will be assessed. Record submitted by the student shall be evaluated for 10 marks by the teacher concerned. The Records of the students duly certified by the University Representative appointed by the Controller of Examinations in consultation with the Chairman, BOS in Law shall be submitted to the University before the commencement of the theory examinations

Viva- voce (20marks): There shall be viva-voce examination on the above components. The Viva-voce Board consisting of (i) Principal of the College/the teacher concerned (ii) University Representative appointed by the Controller of Examinations in consultation with the Chairman, BOS in Law, and (iii) an advocate with 10 years experience at the Bar shall evaluate the student in the Viva. The proceedings of the viva-voce shall be recorded.

Note: Attendance of the students in all the four components of the paper (written examination, participation in simulation proceedings, submission of record and attendance in viva) shall be compulsory.

Suggested Readings:

1. O.P. Tiwari : *The Arbitration and Conciliation Act* ,Allahabad Law Agency.
2. Johar's : *Commentary on Arbitration and Conciliation Act, 1996*, Kamal Law House.
3. Tripathi S.C.: *Arbitration, Conciliation and ADR*, Central Law Agency, Allahabad.
4. Avatar Singh: *Arbitration and Conciliation*, Eastern Law Book House, Lucknow.
5. P.C. Rao : *Alternate Dispute Resolution* , 2001 Edition, Universal Book Traders, New Delhi.
6. S.D. Singh: *Alternate Dispute Resolution*, Universal Book Traders, New Delhi.

PAPER-V: PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM

The written examination of this paper will be for 50 marks and the remaining 50 marks for record and *viva voce*. There shall be classroom instruction on the following topics:

Unit-I:

Development of Legal Profession in India — The Advocates Act, 1961 — Right to Practice — a right or privilege? - Constitutional guarantee under Article 19(1) (g) and its scope — Enrolment and Practice — Regulation governing enrolment and practice — Latest BCI Rules - Practice of Law - All India Bar Examination (AIBE)— Advocates and Solicitors' firm— Elements of Advocacy.

Unit-II :

Seven lamps of advocacy— Advocate's duties towards public, clients, court, and other advocates and legal aid ; Bar Council of India's Code of Ethics.

Unit-III:

Disciplinary proceedings — Professional misconduct — Disqualifications — Functions of Bar Council of India/State Bar Councils in dealing with the disciplinary proceedings —Disciplinary Committees -- Powers and functions - Disqualification and removal from rolls.

Unit-IV:

Professional Accounting- Accountancy for Lawyers — Nature and functions of accounting — Important branches of accounting — Accounting and Law – Bar Bench Relations.

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Record (30 marks): Each student shall write 50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major judgments of the Supreme Court of India in the Record. The Record shall be evaluated for 30marks by the teacher concerned. The Records of the students duly certified by the University Representative appointed by the Controller of Examinations in consultation with the Chairman, BOS in Law shall be submitted to the University before the commencement of the theory examinations.

Viva- voce (20marks): There shall be viva-voce examination on the above

components. The Viva-voce Board consisting of (i) Principal of the College/the teacher concerned (ii) University Representative appointed by the Controller of Examinations in consultation with the Chairman, BOS in Law, and (iii) an

advocate with 10 years experience at the Bar shall evaluate the student in the Viva. The proceedings of the viva-voce shall be recorded.

Note: All the three components of the paper (written examination, submission of record and attendance in viva) shall be compulsory.

Suggested Readings :

- (1) Sirohi: Professional Ethics, Central Law Publications, Allahabad.
- (2) G.B.Reddy, Practical Advocacy of Law, Gogia Law Agency, Hyderabad
- (3) Myneni S.R.: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation, Asia Law House, Hyderabad.
- (4) Gupta S.P.: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation, Asia Law House, Hyderabad.
- (5) Kailash Rai: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation, Allahabad Law Agency.
Selected Judgments on Professional Ethics (in 2 volumes), Bar Council of India Trust, New Delhi.