

SEMESTER-IX

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, Butterworths, 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.

PAPER-II:

CRIMINAL PROCEDURE CODE, LAW OF JUVENILE JUSTICE AND PROBATION OF OFFENDERS

Unit-I :

The Code of Criminal Procedure, 1973: The rationale of Criminal Procedure — The importance of fair trial — Constitutional Perspectives : Articles 14, 20 & 21 — The organization of Police, Prosecutor and Defence Counsel — Pre-trial Process — **The Criminal Law (Amendment) Act 2018** - Arrest — Distinction between “cognizable” and “non-cognizable” offences — Steps to ensure presence of accused at trial -- Warrant and Summons cases — Arrest with and without Warrant – impact of S. 41A - The absconder status .

Unit-II:

Rights of arrested persons under Cr.P.C. and Article 22 (2) of the Constitution of India. - Search and Seizure — Search with and without warrant — Police search during investigation — General Principles of Search — Seizure — Constitutional aspects of validity of Search and Seizure proceedings - Trial Process:

Commencement of Proceedings — Dismissal of Complaint — Bail, Bail able and Non-bailable Offences — Cancellation of Bails — Anticipatory Bail — General principles concerning Bail Bond.

Unit-III :

Preliminary pleas to bar trial — Jurisdiction — Time Limitations — Pleas of *Autrefois Acquit and Autrefois Convict* — Concept of fair trial — Presumption of innocence — Venue of trial — Jurisdiction of Criminal Courts — Rights of accused -- Constitutional Interpretation of Article 21 as a right to speedy trial — Charge — Form and content of Charge — Trial before a Court of Session : Procedural steps and substantive rights.

Unit-IV:

Compounding of offences – Plea Bargaining - Judgment: Form and content -- Summary trial — Post-conviction orders in lieu of punishment — Modes of providing judgment copy — appeals, review and revisions – Role of Victim in Criminal process – compensation to crime victim.

Unit-V:

Probation and Parole: Authority granting Parole — Supervision — Conditional release -- suspension of sentence — Procedure under Probation of Offenders Act, 1958. **Juvenile Justice (Care and Protection of children) Act, 2015** -Salient features of the Act – **Law Relating to Juveniles -- Children in conflict with Law – Children in need for Care and Protection and adoption - Powers and Function Juvenile Justice Board — Procedure in Relation to Children and Conflict with Law – Child Welfare Committee** Rehabilitation and Social Reintegration of Juveniles.

Suggested Readings:

1. Kelkar R.V.: *Criminal Procedure*, Eastern Book Co., Lucknow.
2. Ratanlal and Dhirajlal: *The Code of Criminal Procedure*, Wadhwa & Co.,
3. Padala Rama Reddi: *The Code of Criminal Procedure*, 1973, Asia Law House, Hyderabad.
4. S.N. Misra: *The Code of Criminal Procedure*, Central Law Agency.
5. M.P. Tandon: *Criminal Procedure Code*, Allahabad Law Agency.
6. Shoorvir Tyage: *The Code of Criminal Procedure*, Allahabad Law Agency.

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 – **The Negotiable Instruments (Amendment) Act, 2018.**

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. Tanna: *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 LawHouse.

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 - **Mediation**- Arbitration — Distinction between Arbitration, Conciliation and Negotiation – **ADR under different laws in India**

Unit-II: The Arbitration and Conciliation Act, 1996 — Historical Background and Objectives of the Act — **Arbitration and Conciliation Amendment Act, 2015 – Arbitration and Conciliation Amendment Act, 2019** –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 – Conciliation – Appointment of Conciliators – Powers and Functions of Conciliator -- Procedure – Settlement of disputes through conciliation – **Arbitration Council of India (ACI)– International Commercial Arbitration – UNCITRAL Model Law on International Commercial Arbitration, 1985 – Geneva Convention, 1927 – New York Convention, 1958 – Recognition and Enforcement of Foreign Award – UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation, 2018 – Singapore Convention on Mediation, 2019 – Online Dispute Resolution**

Unit-III: Other Alternative Dispute Resolution Systems —Tribunals -- Lokpal and Lokayukta — Lok Adalats — Family Courts– **Commercial Courts** - Section 89 and Order X, Rules 1A, 1B and 1C of Civil Procedure Code – **ADR and Mediation Rules – Pre-litigation Mediation in India**

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 LawAgency.
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, NewDelhi.
6. S.D. Singh: *Alternate Dispute Resolution*, Universal Book Traders,

NewDelhi.

7. Sriram Panchu: *Mediation -Practice And Law (The Path To Successful Dispute Resolution)*, 2015, Lexis Nexis.
8. Anirban Chakraborty: *Law & Practice Of Alternative Dispute Resolution In India-A Detailed Analysis*, 2015, Lexis Nexis.
9. Madhusudan Saharay: *Textbook on Arbitration & Conciliation with Alternative Dispute Resolution [ADR]*, Universal Law Publishing
10. Margaret L. Moses: *The Principles and Practice of International Commercial Arbitration*, 2012, Cambridge University Press
11. Harsh Sethi and Arpan Kr Gupta: *International Commercial Arbitration & it's Indian Perspective*, 2011 Universal Law Publishing

**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 — Practice of Law - **All India Bar Examination (AIBE)**— 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 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:

Accountancy for Lawyers — Nature and functions of accounting — Important

branches of accounting — Accounting and Law – Bar Bench Relations.

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.