

SEMESTER - VII

Civil Procedure Code and Limitation Act

Paper - 701

Full Marks: (Written 80+Internal 20) =100. Credit-5

Civil Procedure Code

1. General

Basic Concepts

Definitions- Judgment, Decree, Order, Mesne Profit, Foreign Judgment, Legal Representatives, Public Officer, Cause of Action, Interpleader Suit.

2. Jurisdiction of Civil Courts and Res judicata

Stay of suit and Res judicata

Pecuniary and Territorial Jurisdiction

3. Institution of Suits

Institution of Suit

Issue and Service of summons

Summons to defendants

Mode of service of summons

4. Pleadings

Plaint and Written Statement

5. Interim Orders and Interlocutory Orders

6. Appearance of Parties and Consequences of Non-Appearance

7. Judgment and Decree

Limitation Act

1. Definitions- Applicant, Bond, Easement, Good Faith, Promissory Note.
2. Extension of period in certain cases.
3. Computation of Period of Limitation.
4. Acquisition of Ownership by Possession.

Suggested Readings:

1. Civil Procedure Code- C. K. Takwani
2. The Code of Civil Procedure- Sukumar Ray
3. The Code of Civil Procedure - Dr. J. K. Das
4. The Key to Indian Practice -Mulla
5. The Limitation Act, 1963- J. D. Jain
6. The Limitation Act- Srinivas Gupta
7. The Limitation Act- Dr. MedhaKolhatkar

NOTE- 1. Questions are to be set taking from each unit of the syllabus of a paper

2. Number of Questions to be set- 12 questions x 2 marks (for answering 10 questions) and 8 Questions x 12 marks (for answering 5 questions).

3. Amendment of Law, if any, shall be deemed to revise the relevant syllabus automatically.

Paper - 702

Environmental Law

Full Marks: (Written 80+Internal 20) =100. Credit-5

1. General:

I) Concept of Environment and Pollution

II) Environmental Policy in India

- i. Ancient Indian approach to Environment
- ii. Environmental protection in Mediaeval India.
- iii. Environment in British period.
- iv. Environmental concern in Post-Independent era.

2. International Perspective:

I) Rio Conference

II) Stockholm Declaration

III) United Nations latest Guidelines

2. Constitutional Perspective:

I) Fundamental Rights and Directive Principles of State Policy

II) Right to clean and wholesome Environment.

III) Public Interest Litigation and Judicial approach towards protecting the Environment.

3. The Environment Protection Act, 1986:

Object, Definitions, Control and Abatement of environmental pollution

4. The Air (Prevention and Control of Pollution) Act, 1981:

Object and background of the Act, Definition, Central and State Boards for prevention and control of water pollution, Joint Boards, power and functions of boards, powers of Government relating to prevention and control of Water Pollution

5. The Water (Prevention and Control of Pollution) Act, 1974:

Object and background of the Act, Definition, Central and State Boards for prevention and control of Air pollution, Powers and Functions of Boards, Prevention and control of Air Pollution

6. The Wildlife Protection Act, 1972:

Object and background of the Act, Definitions, Authorities and Committees under the Act (National Board for Wildlife, Central Zoo Authority, National Tiger Conservation Authority), Hunting of Wild animal, Protected Areas, Trade or commerce in Wild / Scheduled Animals, Animal Articles and Trophies, Prevention and Detention of Offences

7. The Forest (Conservation) Act, 1980

8. National Green Tribunal Act, 2010:

Object and background of the Act, Definition, Composition of Tribunal, Appointment and Qualification of members, Removal and Suspension of members, Relief compensation and restitution, Procedure and powers of Tribunal, Offenses by companies, Offenses by Government Department

9. Sustainable Development:

- I) Inter-Generational Equity
- II) Precautionary Principle
- III) Polluter Pays Principle
- IV) Public Trust Doctrine
- V) Absolute Liability

Suggested Readings:

1. Rosencranz, Divan, S : Environmental Law
2. Leelakrishnan, P.: Environmental Law

3. Khan, I. A.: Environmental Law
4. Tiwari, A. K.: Environmental Law
5. Shastri, S. C.: Environmental Law

NOTE- 1. Questions are to be set taking from each unit of the syllabus of a paper

2. Number of Questions to be set- 12 questions x 2 marks (for answering 10 questions) and 8 Questions x12 marks (for answering 5 questions).

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Paper - 703

Public International Law

Full Marks: (Written 80+Internal 20) =100. Credit-5

1. General:

Definition, Nature and Basis of International Law

Relationship between International Law and Municipal Law–Theories

2. Sources of International Law

3. Subjects of International Law:

State, Individual, Non-State Entities

Place of Individual in International Law

4. Recognition:

Meaning and Definition–Theories

Modes of Recognition

Legal Effect of Recognition and Non-Recognition

Duty of a State to give Recognition

5. State Succession:

Definition and Meaning

Kinds of State Succession

Consequences of State Succession

State Succession and India

6. Extradition and Asylum:

Meaning and Definition

Basis of the principle of Extradition and Right to Asylum

Essential conditions of granting Extradition

Forms of Asylum

Asylum and Extradition are mutually exclusive

7. Neutrality:

Definition and kinds

Rational basis of Neutrality

Rights and Duties of Neutral States and Belligerent States

8. Settlement of International Disputes:

Pacific Means of Settlement

Compulsive Means of Settlement

9. Intervention:

Meaning and Definition

Kinds of Intervention

Grounds/Justification of Intervention by a State

Monroe Doctrine, Drago Doctrine

10. Treaties:

Definition and meaning

Kinds of Treaties

Formation and Termination of Treaties

General principles of Treaties:

- i) Pacta Sunt Servanda
- ii) Pacta Tertis Nec Nocent Nec Prosunt
- iii) Jus Cognes
- iv) Rebus Sic Stantibus

Suggested Readings:

1. Agarwala, H. O.: International Law
2. Kapoor, S. K.: International Law
3. Starke: International Law

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Paper - 704
Human Rights Law & Practice
(Honours Paper-V)

Full Marks: (Written 80+Internal 20) =100. Credit-5

1. General:

Meaning, Nature, Origin and Development of Human Rights, Classification

Three Generations of Human Rights

Civil and Political Rights

Economic, Social and Cultural Rights

Solidarity Rights

2. International Instruments:

UN Charter

Universal Declaration of Human Rights

International Covenant on Civil and Political Rights

International Covenant on Economic, Social and Cultural Rights including two Optional Protocols and their impact on the Constitution of India.

3. Human Rights of Specific Vulnerable Groups:

Refugees, Displaced Person, Migrants

Minorities

AIDS patients

Prisoners

Disable person

4. The Protection of Human Rights Act, 1993:

Definitions

National Human Rights Commission

State Human Rights Commissions, Human

Their Constitution, Functions and Power

Suggested Readings:

1. Agarwala, H. O. : International Law and Human Rights
2. Kapoor, S. K. : International Law and Human Rights
3. Jaiswal, Paramjeet, Jaiswal, Nista: Human Rights
4. Basu, Polok: Human Rights

NOTE- 1. Questions are to be set taking from each unit of the syllabus of a paper

2. Number of Questions to be set- 12 questions x 2 marks (for answering 10 questions) and 8 Questions x 12 marks (for answering 5 questions).
3. Amendment of Law, if any, shall be deemed to revise the relevant syllabus automatically.

Paper - 705A
Banking Law
(Optional Paper–III)

Full Marks: (Written 80+Internal 20) =100. Credit-5

1. Evolution and Development of Banking System: The Banking Company Regulation Act, 1949; Nationalization of Banks

2. Systems of Banking: Unit Banking, Branch Banking, Group Banking, Chain Banking, Commercial Bank, Merchant Banking, Indigenous Banking, Co-operative Banking, Regional Rural Bank, Land Development Bank, NABARD, Core Banking System and Digital Banking; UPI Payment System.

3. General Structure and Method of Banking in India:

(i) RBI- Management and Organizational structure, Functions of RBI, Credit Control by RBI

(ii) SBI and its Functions

(iii) Commercial Banks and services rendered by them

(iv) Non-Banking Financial Companies (NBFCs)

4. Banker and Customer Relationship; special types of customers:

Lunatics, Minors, Partnership Firms, Hindu Undivided Family, Trustees, Married Woman; Types of Accounts of Customers: Savings, Current, Recurring, Fixed, Joint, Demat.

5. Banking Ombudsman in India

6. Contract of Guarantee as Security

7. The Negotiable Instruments Act, 1881:

Promissory Note, Bill of Exchange, Cheque, Holder, Holder in due course, Letters of Credit, Dishonour of Cheque and Liability of Banker/Drawer

Suggested Readings:

1. Taxman: Banking Law and Practice in India
2. Gupta, R. K.: Banking Law & Policy

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Paper - 705B
Dispute Resolution and Legal Aid
(Optional Paper–III)

Full Marks: (Written 80+Internal 20) =100. Credit-5

1. Introduction to Alternative Dispute Resolution:

Overview and Historical Development of ADR Processes and Legal Aid

Constitutional Provision of Legal Aid

Arbitration Law before 1996 and Arbitration Law after 1996

2. Law of Arbitration under Arbitration and Conciliation Act, 1996:

Arbitration Agreement and Appointment of Arbitrator

Conduct of Arbitral Proceeding

Power of Courts to interfere in Arbitral Proceeding

Places of Arbitration, International Commercial Arbitration

3. Law of Mediation:

Meaning and Scope and Importance of Mediation

Adjudication vs. Mediation

Technique of Mediation

4. Law of Conciliation:

Appointment of Conciliator and Role of Conciliator

Commencement and Termination of Conciliation proceeding

Principle of Confidentiality

5. Negotiation:

Meaning, Nature, Merits and Demerits, Principles, Difference between Negotiation and Conciliation

6. Dispute Resolution at grass root Level:

Lok Adalat

Nyaya Panchayat

Preventive and Strategic of Legal Aid

Legal Aid Clinic, Legal Aid Camp, Role of Law Institute

7. Legal Aid and relevant Provision of the Legal Services Authority Act, 1987

Suggested Readings:

1. Singh, Avatar: Law of Arbitration
2. Ray, Sukumar : Alternative Dispute Resolution

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2. Number of Questions to be set- 12 questions x 2 marks (for answering 10 questions) and 8 Questions x12 marks (for answering 5 questions).
 3. Amendment of Law, if any, shall be deemed to revise the relevant syllabus automatically.

Paper - 706
Drafting, Pleading and Conveyance
(Clinical Paper-I)

(To be assessed internally)

Full Marks: (Written Submission 80+ Viva 20) = 100. Credit-5

(Written Submission 90+ Viva 10) As per BCI Rule

1. Drafting:

General Principles of Drafting and relevant substantive Rules

2. Pleadings:

Civil: Complaint, Written Statement, Affidavit, Execution Petition, Interlocutory Application, Original Petition, Memorandum of Appeal and Revision, Petition under Articles 32 and 226 of the Constitution of India, Public Interest Litigation (PIL) Petition

Criminal: Complaint, Criminal Miscellaneous Petition, Bail Application, Memorandum of Appeal and Revision

Constitutional Remedies: Petition under Articles 32 and 226 of the Constitution of India, Public Interest Litigation (PIL) Petition

3. Conveyance:

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

NOTE- 1. Apart from teaching the relevant provisions of Law, the Course to include not less than 15 Practical Exercises in Drafting, carrying a total of 45 Marks (3 Marks for each Exercise) and 15 Exercises in Conveyance carrying another 45 Marks (3 Marks for each Exercise); remaining 10 marks will be given for Viva-Voice.

3. Amendment of Law, if any, shall be deemed to revise the relevant syllabus automatically.

NOTE for Semesters VI, VII, VIII, IX and X:

Students will have to put in 4 (Four) Weeks of Internship Compulsorily in each of the Semesters VI, VII, VIII, IX and X and obtain a Certificate of Internship from the following Institutions or

Organisations, without which the Bar Council may not Enroll them. The Students must maintain a Diary. They will be evaluated in the Xth Semester along with Moot Court Practical.

1. NGO
2. Trial and Appellate Advocates (Compulsory)
3. Judiciary
4. Legal Regulatory Authorities
5. Legislatures and Parliament
6. Market Institutions
7. Law Firms
8. Companies
9. Local Self-Government
10. Other Legal Functionaries
11. Any Other Body approved by the University