

Devi Ahilya Vishwavidyalaya ,Indore, M.P.

B.B.A.LL.B. (Hons) Revised Syllabus

B.B.A.LL.B. (HONS) PART -V SEMESTER - X

PAPER I : Civil Procedure Code & Limitation

Act

Unit -I

Introduction Concepts. 1. Affidavit, order, judgment, degree, plaint, restitution, execution. decree- holder, judgment- debtor, mense profits, written statement. 2. Distinction between decree and judgment and between decree and order

Jurisdiction 1. Kinds 2. Hierarchy of courts 3. Suit of civil nature- scope and limits 4. Res subjudice and resjudicata 5. Foreign judgment – enforcement 6. Place of suing 7. Institution of suit 8. Parties to suit: joinder mis- joinder or non-joinder of parties representative suit 9. Frame of suit: cause of action 10. Alternative disputes resolution (ADR) 11. Summons

Unit-II

Pleading 1. Rules of pleading, signing and verification 2. Alternative pleading 3. Construction of pleadings 4. Plaint: particulars 5. Admission, return and rejection 6. Written statement: particulars, rules of Evidence 7. Set off and counter claim: distinction 8. Discovery, inspection and production of documents 9. Interrogatories 10. Privileged documents 11. Affidavits

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Unit-III

Appearance, Examination, Trial and Suit in particular cases

1. Appearance 2. Ex-parte procedure 3. Summary and attendance of witnesses 4. Trial 5. Adjournments 6. Interim orders: commission. arrest or attachment before judgment, injunction and appointment of receiver. 7. Interests or costs 8. Execution - concept General principles 9. Power for execution of decrees 10. Procedure for execution (section 52-54) 11. Enforcement, arrest and detection (ss 55-56) 12. Attachment (ss 65-64) 13. Sale (ss 65-97) 14. Delivery of property 15. Stay of execution

Suits in Particular Cases - 1. By or against government (ss 79-82). 2. By aliens and by or against foreign rules or ambassadors (ss 83-87-A) 3. Public nuisance (ss. 91-93) 4. Suits by or against firm 5. Mortgage 6. Interpleader suits 7 Suits relating to public charities 8 Indigent (Pauper) suits

Unit -IV

Appeals, Review, Reference and Revision 1. Appeals from decree and order general provisions relating to appeal 2. Transfer of cases 3. Restitution 4. Caveat 5. Inherent powers of courts 6. Law Reform : Law Commission on Civil Procedure - Amendments

Unit-V

Limitation 1. The concept- the law assists the vigilant and not those who sleep over the rights. 2. object of the law of Limitation 3. Distinction with laches, acquiescence, prescription. 4. Extension and suspension of limitation 5. Sufficient cause for not filing the proceedings. 6. Illness. 7. Mistaken legal advise. 8. Mistaken view of law. 9. Poverty, minority and purdha. 10. Imprisonment 11. Defective

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vakalatnama 12. Legal liabilities 13. Acknowledgement- essential requisites 14. Continuing tort and continuing breach of contract 15. Foreign rule of limitation : contract entered into under a foreign law

Select bibliography

1. Mulla, code of civil procedure (1999), Universal Delhi
2. C.K. Thakkar, CODE OF CIVIL PROCEDURE(1999) Universal Delhi
3. M.R. MALIK(ed.) B.B. Mitra on Limitation Act (1998), Eastern Lucknow.
4. Majumdar P.K. and Kataritya r.p. Commentry on the CODE OF CIVIL PROSEDURE. 1908 (1998), Universal Delhi.
5. Saha A.N. The CODE OF CIVIL PROCEDURE(2000) Universal Delhi.
6. Sarkar Law of CIVIL PROCEDURE VOLS. (2000) Universal Delhi
7. Universal CODE OF CIVIL PROCEDURE(2000).

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PAPER II : Health Law

Unit - I

Concept 1. Concept & Definition of Health. 2. Right to health 3. International law & health. 4. Indigenous and Allopathic health system

Unit – II

Constitution of India 1. Constitutional protection – Fundamental Right & Directive principle.

Unit – III

Public health offences and Law 1. Offence affecting the Public Health, (Chapter XIV of IPC) 2. Nuisance, Miscarriage, (312.3.313 IPC), relevant provision of CRPC.

Unit – IV

Special critical problems 1. Immoral trafficking, 2. Female foeticides 3. Kidnapping and abduction – National protections

Unit – V

Health and Legal Protection 1. Health and Legal protection – Environments law, J.J. Act, prenatal diagnostic technique, regulation & prevention of misuses, 2. Factory Act, Mental Health Act 1987, Maternity Benefit Act. 107 UNIT-V Jurisprudence of health services 1. Health law & Judiciary. 2. Types of health insurance 3. Public service related situations – Negligence (Private eye sterilization camp etc.) 4. Disposal of medical and surgical waste 5. Health Care Units (Public/Private)

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Texts & References

1. Right to life and Right to Death : A study – The ICFAI University Press.
2. HIV/Aids – Health Care and Human rights approach – The ICFAI University Press.
3. Public Health : Enforcement and Law - The ICFAI University Press
4. Clinical Trials : Law and Regulations- The ICFAI University Press
5. Right to Public Health and Impact of Patents - The ICFAI University Press.

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PAPER III : Right To Information

Unit – I

Introduction of Right to Information Act 2005: History, Background, Objectives, Preamble of Right to Information Act 2005, Obligation of Public Authorities (Section 3 to 11) Right to Information in Global Perspective: (World right to Know) a. United Nations and the Right to Information b. The Commonwealth and the Right to Information c. The Right to Information in USA d. The Right to Information in UK e. Rome Convention for the Protection of Human rights and Fundamental Freedoms, 1950

Unit – II

Right to Information as Constitutional rights: Protection of Article 19(1) (a), Right to privacy, Contempt of Court, Public Interest vis-à-vis Information

Unit – III

The Central Information Commission: Constitutions, Eligibility criteria and Process of Appointment, Term of office and Condition of Service, Removal of Informational Commissioner

Unit – IV

The State Information Commission: Constitutions, Eligibility criteria and Process of Appointment, Term of office and Condition of Service, Removal of Informational Commissioner

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Unit – V

Power and Function: Information Commission, Appeal and Penalties under Right to Information Act 2005. Breach of Confidentiality and Privacy: The Indian perspective an 'offence' under the Indian Information Technologies Act 2000

Texts & References

1. The Right to Information Act Book, By Shruti Desai
2. The Right to Information Act, 2005 By Dheera Khanawal & Krishna K. Khanawal
3. The Right to Information :Law-Policy-Practice By Rodney D Ryder
4. Handbook on The Right to Information Act By P.K.Das
5. Treaties on The Right to Information Act 2005 By Dr.Hiraj Kumar

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PAPER IV: Drafting, Pleading And Conveyance

Note: 1.

This paper shall have Diary of 90 (45+45) marks and viva- voce of 10 marks, which shall be evaluated by a panel of two examiners out of which one external examiner shall be appointed by the examination committee of the University and Internal examiner shall be appointed by the Principal/Director/Head of the Institution concerned. Drafting: General principles of drafting and relevant substantive rules shall be taught (b)

Pleadings:-

- (i) Civil : Complaint, 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.
- (ii) Criminal: Complaint, Criminal Miscellaneous petition, Bail Application, Memorandum of Appeal and Revision.
- (iii) Conveyance: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed.
- (iv) Drafting of writ petition and PIL petition. The course will be taught through 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 conveyancing carrying another 45 marks (3 marks for each exercise) remaining 10 marks will be given for viva voice. 137 Select

Bibliography

1. R.N. Chaturvedi : Pleading, Drafting and Conveyancing,
2. Manohar Murli : The art of Conveyancing and Pleading.

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PAPER V : Women And Criminal Law

Unit - I

Introduction crimes against women, nature, kinds, international commitments.

Unit - II

Major Hardships to woman and Indian laws, Rape, sexual harassment of working women in workplace, indecent representation of women-meaning, protection under Indian laws.

Unit - III

Particular and general offences Dowry death, assault, unnatural offences – National protections.

Unit - IV

Special offending act Immoral trafficking, female foeticide, kidnapping and abduction – National protections.

Unit - V

Cruelty and violence Cruelty and domestic violence against women – National protections.

Select Bibliography

1. Indian Penal Code- Ralanlal Dhirajlal-Wadhwa
2. SITA (Supression of Immoral Trafficking in Women)
3. Domestic Violence Act, 2005
4. Vishaka's Case, Chandrima Das Case.
5. Indira Jaising – Hand book on law of Domestic Violence.
6. Krishna Pal Malik – Women & Law – Allahabad Law Agency
7. Manjula Batra – Women and Law - Allahabad Law Agency.

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PAPER V : Penology & Victimology

Unit - I

Evolution and nature of punishment Kinds of punishment 2.Corporeal punishment
Capital Punishment Death Penalty by Public hanging Capital punishment in India
Death Penalty or life imprisonment Rarest of the rare cases Constitutionality and
grounds of capital punishment Minority judgment of justice Bhagwati

Unit – II

1. Simple Imprisonment 2.Rigorous Imprisonment 3.Solitary confinement
4.Imprisonment for life 5.Monetary Punishment (i) Fines (ii) Forfeiture of Property

Unit – III

Prison Administration

1. Prisons in India 2. Indian Jail Reforms Committee Report 1919-20
(Recommendations) 3. Plea for setting up Prison Panel, Role of Prisons in Modern
Penology, The problem of Overcrowding in prisons, The problem of prison
Discipline, The problem of Prisoners' Health, The problem of Criminality in
Prisons Self-Government in Prisons Prison Labour.

1. The Prison Community - Classification of Prisoners and Jail Reform
Committee's Report (1980-83), Views on classification of prisoners The
Problem of Undertrial Prisoners, Prison Reforms, Custodial torture in Prisons,
Open Prisons in, India

Unit – IV

Victimology

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- Nature and Development, categories
- Compensation
- Compensation to persons groundlessly arrested
- Exgratia payment

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- Application of articles 21 and 301A – Comparison
- National Police commission 1977-80

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Unit - V

1. Historical Background, Definition 2. Contributing factors 3. White collar crime in India 4. Hoarding, Black marketing and adulteration. Tax evasion 5. White collar crime in certain profession - medical, engineering, legal, educational, Business deal 7. Disposal by anti-corruption and vigilance departments of state & UTs under Prevention of corruption Act 1983 and related sections of I.P.C.

Texts & References

1. Criminology and Penology: N.V. Paranjpe

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