

Devi Ahilya Vishwavidyalaya, Indore, M.P.

LL.B. (Hons) Revised Syllabus

LL.B. (HONS) PART - III SEMESTER - V

PAPER I : Law Of Evidence

Unit - I :

Introductory 1. The main features of the Indian Evidence Act 1861 2. Applicability of Evidence Act 3. Administrative Tribunals 4. Industrial Tribunals 5. Commissions of enquiry 6. Court- Martial Central Conceptions in Law of Evidence 1. Facts: section 3 definition: distinction - relevant facts/facts in issue 2. Evidence: oral and documentary 3. Circumstantial evidence and Direct evidence 4. Presumption 5. "Proving" "not proving" and "disproving" 6. Witness 7. Appreciation of evidence

Unit - II :

Facts: Relevancy 1. The Doctrine of res gestae 2. The problems of relevancy of "otherwise" irrelevant facts (section ii) 3. Facts concerning bodies and mental state Admission and Confessions 1. General principles concerning admission 2. Differences between "admission" and "confession" 3. Non- admissibility of confessions caused by "any inducement, threat or promise" 4. Inadmissibility of confession made before a police officer 5. Admissibility of custodial confessions 6. Admissibility of "information" received from accused person in custody; with special reference to discovery based on "joint statement" 7. Confession by co-accused 8. The problems with the judicial action based on a "retracted confession"

Unit - III :

Dying Declarations 1. The justification for relevance of dying declarations 2. The judicial standards for appreciation of evidentiary value of dying declarations 3. Conclusive Evidence Relevance of Judgments 1. Admissibility of judgments in civil and criminal matters 2. "Fraud" and "Collusion". Expert Testimony 1. Who is

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an expert? : types of expert evidence 2. Opinion on relationship especially proof of marriage 3. Judicial defence to expert testimony

Unit – IV :

Oral Documentary Evidence 1. General principles concerning oral evidence, Primary / Secondary evidence. 2. General principles concerning documentary evidence. 3. General principles regarding exclusion of oral by documentary evidence, public & private documents. 4. Special problems: re-hearing evidence 5. Estoppel Witness Examination and cross Examinations 1. Competency to testify 2. State privilege 3. Professional privilege 4. Approval testimony 5. General principles of examination and Cross examination 6. Leading questions 7. Lawful questions in Cross-examination 8. Reexamination 9. Compulsion to answer questions put to witness 10. Hostile witness 11. Impeaching of the standing or credit of witness

Unit – V :

Burden of Proof 1. General principles conception of onus-probands and onus-probandi 2. General and special exceptions to onus probandi 3. The justification of presumption and of the doctrine of judicial notice 4. Justification as to presumption as to certain offences 5. Presumption as to dowry 6. The scope of the doctrine of judicial notice Estoppel 1. Why estoppel? The rationale 2. Tenomacy Estoppel 3. Estoppel, res-judicial and waiver and presumption 4. Question of corroboration 5. Improper admission and of witness in civil and criminal cases.

Texts & References

1. Sarkar and Manohar, Sarkar on evidence (1999), Wadhwa & Co. Nagpur
2. Indian Evidence Act, (Amendment up to date)
3. Ratanlal, Dhirajlal: Law of Evidence (1994), Wadhwa Nagpur
4. Polein Murphy, Evidence (51h Reprint 2000), Universal Delhi
5. Albert S. Osborn, The Problem Proof (First Indian Reprint 1998). Universal Delhi
6. Avtar Singh, Principles of Law of evidence (1992), Central Law Agency, New Delhi

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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 detention (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 vakalatnama 12. Legal liabilities 13. Acknowledgement- essential

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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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Devi Ahilya Vishwavidyalaya, Indore, M.P.

LL.B. (Hons) Revised Syllabus

LL.B. (HONS) PART –III SEMESTER - V

**PAPER III : Interpretation Of Statutes And Principal
of legislation**

Unit – I :

Interpretation of Statutes 1. Meaning of the term statute, Kinds of statutes 2. Commencement, operation, repeal of statutes 3. Purpose of interpretation of statutes 4. Meaning of construction and interpretation – their difference

Unit – II :

Aids to Interpretation Internal aids 1. Titles 2. Preamble 3. Heading and marginal notes 4. Sections and sub-sections 5. Punctuation marks 6. Illustrative exceptions, provisos and saving clauses 7. Schedules 8. Non - obstante clause External aids 1. Dictionaries 2. Translations 3. Travaux preparatoires 4. Statutes in pari materia 5. Contemporanea Exposition 6. Debates, inquiry commission reports and Law commission reports 7 General Clauses Act

Unit – III :

Principles and Rules of Statutory Interpretation 1. Primary rules 2. Literal rule 3. Golden rule 4. Mischief rule (rule in the Heydon's case) 5 Rule of harmonious construction 6. Noscitur a sociis 7. Eiusdem generis 8 8. Reddendo singula singulis

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Unit – IV :

Interpretation with reference to the subject matter and purpose 1. Restrictive and beneficial construction 2. Taxing statutes 3. Penal statutes 4. Welfare legislation and principles of legislation 5. Presumption

Unit – V :

Principle of Constitutional Interpretation 1. Harmonious constructions 2. Doctrine of pith and substance 3. Colourable legislation 4. Ancillary powers 5. "Occupied field" 6. Residuary power 7. Doctrine of repugnancy Selected

Bibliography

1. G.P. Singh, Principle of Statutory Interpretation, (7th ed.), 1999 Wadhwa Nagpur
2. P.S. Langan (ed.), Maxwell on The interpretation of Statutes (1976, N.M. Tripathi, Bombay
3. K. Shanmukham, N.S. Bindras' Interpretation of Statutes (1997) The Law Book Co. Allahabad.
4. V. Sarathi, Interpretation of Statutes (1984), Eastern & Co.
5. M.P. Jain, Constitutional Law of India, (1994) Wadhwa & Co
6. M.P. Singh, (ed.) V.N. Shukla's Constitution of India (1994) Eastern Lucknow
7. U. Baxi, Introduction to Justice K.K. Mathews, Democracy Equality and Freedom (1978) Eastern Lucknow.
8. Theories of Legislation by Jeremy Bentham, Tripathi Publication

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LL.B. (Hons) Revised Syllabus

LL.B. (HONS) PART –III SEMESTER - V

PAPER IV : Property Law

Unit - I

Introduction: 1. Concept and meaning of property, 2. Various definitions given under Transfer of Property Act, 3. Kinds of property (i) movable and immovable property (ii) tangible and intangible property 4. intellectual property-copyright, patents and designs, trademarks

Unit - II

Law relating to Transfer of Property under Transfer of Property Act, 1882 1. General principles of transfer of property whether movable or immovable (Sec. 5 to 37) 2. What may be transferred 3. Competence, operation, conditions of restraining, alienation and repugnant to interest 4. Other Conditions – determinable on insolvency, transfer to unborn person, Rule against perpetuity, accumulation, transfer for benefit of Public in perpetuity 5. Conditional transfers – Condition precedent and subsequent, Vested and Contingent interest, Void condition, Election – Doctrine and Apportionment

Unit - III

Transfers of Immovable Properties and Movable Properties 1. Sale 2. Mortgage 3. Gift 4. Leases 5. Exchanges 6. Actionable claims

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Unit - IV

M.P. Accommodation Control Act 1961 1. Preamble, Definitions and Provisions Regarding Rent 2. Control of Evictions of Tenants 3. Eviction on grounds of bonafide Requirement 80 4. Deposit of Rents

Unit - V

Rent Controlling Authority 1. Appointment 2. Powers and Functions of Rent Controlling Authority 3. Procedure 4. Appeals 5. Special obligations and penalties of Land Lords 6. Miscellaneous provisions Selected

Bibliography

1. Mulla : Transfer of Property Act
2. V.P. Sarthy : Transfer of Property
3. R.K. Sinha : Law of Transfer of Property

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26/8/21

Devi Ahilya Vishwavidyalaya, Indore, M.P.

LL.B. (Hons) Revised Syllabus

LL.B. (HONS) PART –III SEMESTER - V

PAPER V : Moot Court Practice & Internship

This paper may have three components of 30 marks each and a viva for 10 marks.

(a) Moot Court (30 Marks). Every student may be required to do at least three moot courts in a year with 10 marks for each. The moot court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

(b) Observance of Trial in two cases, one Civil and one Criminal (30 marks):

Students may be required to attend two trials in the course of the last two or three years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.

(c) Interviewing techniques and Pre-trial preparations and Internship diary (30 marks):

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Each student will observe two interviewing sessions of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary, which will carry 15 marks.

(d)The fourth component of this paper will be Viva Voce examination on all

the above three aspects. This will carry 10 marks.

Suggested Readings :

1. Moot Court : Kailash Rai
2. Cr. P.C. : Paranjape

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Devi Ahilya Vishwavidyalaya, Indore, M.P.

LL.B. (Hons) Revised Syllabus

LL.B. (HONS) PART -III SEMESTER - V

**OPTIONAL PAPER VI : Land Laws Including Tenure
Tenancy System**

Unit-I Concept

1. Objects and Reasons and Basic features of enacting Madhya Pradesh Land Revenue Code and 1959 and M.P.L.R.C.(Amendment) Act .2019
2. Definitions : Abadi, Agriculture, Agriculture and Revenue years, Board, Bonafide Agriculturist, Co-operative Society, Government Forest, Government Lessee, Holding, Improvement, Land, Landless Person, Land Records, Mango grove, Orchard, Plot number, Rents, Revenue Officer.
3. Tenant, Tenure-holder,

Unit – II Revenue Board and Revenue officer

1. Constitution and Conditions of service of members.
2. Jurisdiction of Board and Powers of Board.
3. Revenue Officers, Their Classes and Powers and Procedure of Revenue Officer and revenue courts.
4. Powers of State Government to alter the limits
5. Powers of State Government of appointing Revenue Officers
6. Sub-Divisional Officers
7. Powers to transfer Cases
8. Conferral of Status of Courts, Inherent Powers and other Powers of Revenue Courts

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9. Appeal, Revision and Review
10. Appellate, Authorities and their powers and limitation for appeals,
11. Revision
12. Review of orders
13. Stay of execution of orders 97 Land and Land Revenue
 1. State ownership in all lands, Liability of land to pay land revenue, land exempted from payment of land revenue, and variation of land revenue
 2. Assessment, Reassessment,
 3. Revenue Survey and Settlement in Non Urban Area.
 4. Appointment and Powers of Settlement Officers,
 5. Revenue Survey,
 6. Settlement of Rent,
 7. Assessment and Re-Assessment of Land in Urban Area,
 8. Land Records
 9. Formation of circles and appointment of Patwari and Revenue Inspectors,
 10. Land Records, Field Map, Record of rights,
 11. Realization of Land Revenue

Unit – III Tenure Holders

1. Bhuswami
2. Right of Transfer, Forfeiture, lease, set aside of transfer, Reversion of land of members of aboriginal tribes, Diversion of land, Relinquishment, abandonment, disposal and partition of holding,
3. Occupancy Tenants,

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Unit – IV Government lessee and service land rights and liabilities of Government lessee

1. Government lease - Appointment, Termination of lease, Service Land
2. Alluvion and Deluvion
3. Consolidation of Holding
4. Village Officers
5. Patels
6. Kotwars

Unit – V Rights in Abadi and unoccupied Land

1. Gram Sabha
2. Wajib-ul-arz
3. Nistar Patrak
4. Rights in forest Easement
5. Exclusive Jurisdiction of Revenue Courts
6. Miscellaneous Provisions

Texts & References

1. M.P. Land Revenue Code – 1959 (Jindal) 2008 Ed.
2. M.P. Land Revenue Code- (Amendment) Act .2019

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LL.B. (Hons) Revised Syllabus

LL.B. (HONS) PART -III SEMESTER - V

OPTIONAL PAPER VI : ANIMAL PROTECTION LAWS

UNIT-I

General Background : Concept of Right with Reference to Animals; General Legal Framework - Early Legislations. Constitutional Provisions Relating to Animals - Directive Principles of State Policy and Fundamental Duties; Wild Life (Protection) Act, 1972 . Historical Background of Legislation; Definitions; Authorities Under the Act. Hunting of Wild Animals. Sanctuaries, National Parks and Closed Areas.. Central Zoo Authorities and Recognition of Zoos. Trade or Commerce in Wild Animals Articles and Trophies. Prohibition on Trade or Commerce in Trophies and Animal Articles; Prevention and Detection of Offences

UNIT-II

Provisions Under the Indian Penal Code, 1860 . Concept of Cruelty. The Prevention of Cruelty to Animals Act, 1960, Definitions : Animal Welfare Board - Constitution, Powers and Function; Performing Animals; Experimentation on Animals.

UNIT-III

Street Dogs and Companion Animals: Humane street dog population management – law and policy, Breeders and Pet shops, Online trade in animals, Responsible pet ownership, Law relating to feeding of street dogs, Right of the companion animal to live with its guardians and 139 use common facilities restrictive regulations by RWA, builders, landlords etc. Domestic disputes: how to establish intentional harm and evaluate it.

UNIT-IV

Prosecuting animal abuse: using article 226 and 32 to seek writs to implement laws to protect animals, common types of animal abuse: Simple Neglect, Abandonment,

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Severe Neglect, Hoarding, Commercial breeders and pet shops, Animals in Hot Vehicles, Intentional Harm, Illegal Transport and Slaughter, Organized Criminal Enterprise: Animal Fighting, Ritualistic Abuse, Dog culling, Bestiality (act, video production and distribution). Responding to Animal Abuse: Investigating Animal Abuse Response to Complaint, Early Co-ordination, Search Warrants and Warrantless Seizures, Gathering evidence, Seizure and Holding of Animal Victims, Preparing the Animal Abuse Case for Prosecution.

UNIT – V :

Investigating & Prosecuting Animal Abuse: Taking the Animal Abuse Case to Trial, Anticipating Defences, Meet with your Investigator, Witnesses and attending Veterinarian, Expert Witnesses: Veterinary Testimony, Other Expert Testimony, Sentencing Options: Fine Imprisonment, Fine and Imprisonment Banning ownership/possession of animals.

SUGGESTED BOOKS :

Raj Panjwani, Ozair Husain, Maneka Gandhi. Animal Laws of India (Latest Ed.)

- David DeGrazia. Animal Rights: A Very Short introduction, (Latest Ed.)
- Jonathan Safran Foer. Eating Animals, (Latest Ed.)
- Gary L. Francione and Robert Garner. The Animal Rights Debate, Abolition or Regulation? (Latest Ed.)
- Robert Garner. Political Animals: Animal Protection Politics in Britain and the United States, (Latest Ed.)
- Andrew Linzey Dominion. Why Animal Suffering Matters, Philosophy, Theology and Practical Ethics (Latest Ed.)

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