

JIWAJI UNIVERSITY, GWALIOR

SYLLABUS AND SCHEME OF EXAMINATION

SESSION 2010 - 2011

B.A. LL.B.(5YDC) VI SEMESTER

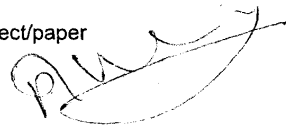
The candidate shall be examined by the university in the following subject / Paper

Paper	Nomenclature of Paper	Max. Marks	Min. Marks	Internal/Practical Marks	Min. Marks	Min. Passing Marks
I	International Relation and Organization (Major)	80	29	20	07	50
II	Legal language and Legal Writing	80	29	20	07	50
III	Civil Procedure Code & Limitation Act	80	29	20	07	50
IV	Practical Training of Computer Application	80	29	20	07	50
V	Law of Crimes - II (Criminal Procedure Code)	80	29	20	07	50
VI	Interpretation of Statutes	80	29	20	07	50
Total		500				300

The percentage of marks required for Passing in B.A. LL.B. (5YDC) VI Semester

Examination is as follows.

1. 36% i.e. 36 in each of the above six subjects.
2. 50% i.e. 300 marks in aggregate of all above subject/paper



1

JIWAJI UNIVERSITY, GWALIOR (M.P.)
B.A. LL.B. VI Semester

PAPER I

INTERNATIONAL RELATION AND ORGANIZATION (MAJOR)

UNIT-I

Meaning of International Relations, different approaches (Theory of power) International organization - UNO

UNIT- II

National power meaning and elements – population, geography, resources technology, military force, economic organization and ideology

1. Limitations on National power- International morality, public opinion, conventional and modern welfare, disarmament, balance of power and collective security

UNIT - III

National interest – meaning and instruments for the promotion imperialism diplomacy, role of media, (propogavada)

Indian Foreign policy

UNIT - IV

Major problems: North and South Rivalries Indian Ocean

Regional organization in International politics: NATO, ARAB, LEA, GUE, SAARC, and NAM

UNIT - V

India's relations with USA and neighboring countries

1. Pakistan
2. Bangladesh
3. China
4. Nepal
5. Shrilanka

Reference Books

- | | | |
|---------------------|---|---|
| 1. H. Morgenthau | : | Politics among Nations |
| 2. H. Haffman | : | Contemporary theories in Rela |
| 3. Palmer & Perkins | : | International Relations |
| 4. Mehendra Kumar | : | Theoretical aspects of International Politics |



JIWAJI UNIVERSITY, CAWALIOR (M.P.)

B.A. LL.B. VI Semester

PAPER - II

LEGAL LANGUAGE AND LEGAL WRITING

UNIT-I

Introduction to Legal Language

1. Characteristics of Legal Language
2. History of Legal Language
3. Legal Language in India

UNIT-II

Phonetics Theory and Practice

1. The phonetics Script
2. Reading exercises- stress, accent and intonation suitable for Indian speaker with emphasis on clarity speech and felicity of expression.
3. Reading comprehension pf principles and practice

UNIT-III

Legal Terminology

1. Terns used in civil law and criminal law
2. Latin word and expressions – law register
3. General Juristic Writings in English

UNIT-IV

Fundamental Principles of Legal Writing

1. Concision – clarity cogency – simplicity of structure
2. Brief writing and drafting of law reports
3. Writing of case comments
4. Essay writing on topics of legal interest

UNIT-V

Proficiency in Regional Language

1. Every student should acquire skills of understanding analysis writing and communication in the regional language, which he has to use in the interaction with the potential clientele. Necessarily the proficiency in the language will contribute in a substantial measure to a successful practice in law
2. Phrases translation from English to Hindi and Vice Versa practice of Translations of any Act from Hindi to English and Vice Versa
3. Writing reacting and comments on important Legal issues published in Newspaper in Hindi and English
4. Adding to vocabulary in Hindi and English
5. Learning local terms used in the courts, local Districts and expressions for various documents and their standard nomenclature
6. Writing essay in English and Hindi

Book Recommended



Sunil Sharma
Dr. Madabhush Shridhar
भारत सरकार द्वारा प्रकाशित
Stroud
Ballantine
Squires and Nambur
N.M. Tripathi, Bombay
बाबेल
Tripathi

Aiyor
R.L. Jain
Prof. Mark wojick

Washington
Lord Denning
New Delhi Aditiya Books

General English
Legal Language
विधि शब्दावली
Judicial Dictionary, 4th ed. 1982
Law dictionary (1969)
Legal writing in Nut shell, 1982,

विधिक भाषा लेखन एवं सामान्य अंग्रेजी
Legal writing Legal Essay and Gen.
Eng.

Concise Law Dictionary
Legal writing including Gen. English
Introduction to Legal English)
(International Law Institute,

" Plain English" The closing chapter



JIWAJI UNIVERSITY, GWALIOR (M.P.)
B.A. LL.B. VI Semester

PAPER - III
CIVIL PROCEDURE CODE & LIMITATION ACT

UNIT-I

Introduction

Concepts

1. Affidavit, order, judgment, decree, 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

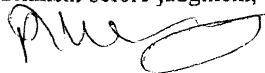
UNIT-II

Pleading

1. Rules of pleading, signing and verification
2. Alternative pleading
3. Construction of pleadings
4. Plaint: particulars
5. Admission, return and rejunction
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

UNIT - III

Appearance, Examination and Trial

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
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8. Execution
9. The concept
10. General principles
11. Power for execution of decreets
12. Procedure for execution (section 52-54)
13. Enforcement, arrest and detection (ss 55-56)
14. Attachment (ss 65-64)
15. Sale (ss 65-97)
16. Delivery of property
17. Stay of execution

UNIT - IV

Suits in particular Cases

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

UNIT - V

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
7. Amendments
8. Law of Limitation
9. The concept – the law assists the vigilant and not those who sleep over the rights

Object

1. Distinction with laches, acquiescence, prescription
2. Extension and suspension of limitation
3. Sufficient cause for not filling the proceedings
4. Illness
5. Mistaken legal advise
6. Mistaken view of law
7. Poverty, minority and purdha
8. Imprisonment
9. Defective vakalatnama
10. Legal liabilities
11. Foreign rule of limitation: contract entered into under a foreign law
12. Acknowledgement – essential requisites
13. Continuing tort and continuing breach of contract





Selected Bibliography.

1. Mulla, Code of Civil Procedure (1999), Universal Delhi
2. C.K. Thacker, Code of Civil Procedure (1999), Universal Delhi
3. M.R. Mallick (ed.), B.B. Mitra on Limitatio Act (1998), Eastern Lucknow
4. Majumdar P.K. and Kataria R.P. Commentary on the Code of Civil Procedure, 1908 (1998), Universal Delhi
5. Saha A.N. , The Code of Civil Procedure (2000), Universal Delhi
6. Sarkar's Law of Civil Procedure, Vols. (2000), Universal Delhi
7. Universal's Code of Civil Procedure (2000)

JIWAJI UNIVERSITY, GWALIOR (M.P.)

B.A. LL.B. VI Semester

Paper - IV

Practical Training of Computer Application

Unit - I

Introduction to Operating System :- (Win-XP)

Features and Functions of an operating System, User Interface, Concept of an active window, familiarity with Icons, Buttons and the task bar, Resizing windows Creating Folders, Coping Items, Moving Items, Deleting Items, Setting attributes of Items, Creating Shortcuts on the desktop, arseing the Folders on the desktop.

Unit - II

Computer Network :-

What is "network, Components of network, Types of network, Line configuration, Topology, Transmission mode, Protocol and It & need, MODEM (Modulation and Demodulation)

Unit - III

Internet :-

Working of internet, Connecting to Internet Creating an e-mail account, sending and Receiving e-mails, web servers, search engines, web browsers, web-sites, web address and web page, Information Retrieval.

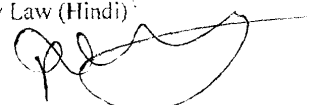
Unit - IV

MS-Excel :-

MS-Excel Basics, Editing cell contents, command for worksheet/work book, some useful functions, Formating Data, Charts in MS-Excel, Printing Worksheets/Charts.

Books Recommended :-

1. N.K. Naik - Information Technology
2. Nandan Kamath - Law Relating to Computer Internet, & E-Commerce.
3. P.M. Baxi - Syber and E-Commerce Law
4. Basanti Lal Bawel - Information Technology Law (Hindi)



B.A. LL.B. VI Semester
PAPER - V
LAW OF CRIMES - II (CRIMINAL PROCEDURE CODE)

UNIT-I
Introductory

1. The rationale of criminal procedure: the importance of fair trial
2. The constitutional perspectives: Article 14, 20 & 21

Pre-trial Process: Arrest

1. The distinction between cognizable and non cognizable offences: relevance and adequacy problems
2. Steps to ensure accused's presence at trial: warrant and summons
3. Arrest with and without warrant (Section 70-73 and 41)
4. The absconder status (section 82, 83, and 85)
5. Right of the arrested person
6. Right to know ground of arrest (section 50 (1), 55,75)
7. Right to be taken to magistrate without delay (section 56,,57)
8. Right to not being detained for more than twenty- four hours (section 57): 2.9 Article 22 (2) of the constitution of India
9. Right to consult legal practitioner, legal aid and the right to be told of rights to bail
10. Right to be examined by a medical practitioner (section 54)

Per-trial Process: Search and Seizure

1. Search warrant (section 83, 94,97, 98) and search without warrant (Section 103)
2. Police search during investigation (section 165, 166, 153)
3. General principles of search (section 100)
4. Seizure (section 102)
5. Constitutional aspects of validity of search and seizure proceedings

UNIT-II

Per-trial Process: Fir

1. F.I.R. (section 154)
2. Evidentiary value of F.I.R. (see section 145 and 157 of Evidence Act)

Per-trial Process: Magisterial Powers to Take Cognizance

Trial Process

1. Commencement of proceedings: (section 200, 201, 202)
2. Dismissal of complaints (section 203, 204)
3. Bail: concept, purpose: constitutional overtones
4. Bailable and non- bailable offences (section 436, 437, 439)
5. Cancellation of bail (section 437 (5))
6. Anticipatory bail (section 438)
7. Appellate bail powers (section 389 (1), 395 (1), 437 (5))
8. General principles concerning bond (section 441 - 450)



UNIT-III
Fair Trial

1. Conception of fair trial
2. Presumption of innocence
3. Venue of trial
4. Right of the accused to know the accusation (section 221- 224)
5. The right must generally be held in the accused's presence (section 221-224)
6. Right of cross- examination and offering evidence in defence: the accused's statement
7. Right to speedy trial

Charge

1. Faming of charge
2. From and content of charge (section 211, 212, 216)
3. Separate charge for distinct offence (section 218, 219, 220, 221, 223)
4. Discharge – pre- charge evidence

Preliminary Pleas to Mar the Trial

1. Jurisdiction (section 26, 177- 188, 461, 462, 479)
2. Time limitations: rationale and scope (section 468 - 473)
3. Pleas of autrefois acquit and autrefois convict (section 300, 22D)
4. Issue Estoppel
5. Compounding of offences

Trial before a Court of Sessions: Procedural Steps and Substantive Rights

UNIT-IV
Judgment

1. From and content (section 354)
2. Summary trial
3. Post conviction orders in lieu of punishment: emerging penal policy (section 360, 361, 31)
4. Compensation and cost (section 357,358)
5. Modes of providing judgement (section 353, 362, 363)

Appeal Review, Revision

1. No appeal in certain cases (section 372, 375, 376)
2. The rational of appeals, review, revision
3. The multiple ranges of appellate remedies
4. Supreme Court of India (section 374, 379, Article 31 132, 134, 136)
5. High Court (section 374)
6. Session Court (section 374)
7. Special right to appeal (section 380)
8. Government appeal against sentencing (section 377, 378)
9. Judicial power in disposal of appeal (section 368)
10. Legal aid in appeals



11. Revisional jurisdiction (section 397- 405)
12. Transfer of cases (section 406, 407)

UNIT - V

Juvenile Delinquency

1. Nature and magnitude of the problem
2. Causes
3. Juvenile court system
4. Treatment and rehabilitation of juveniles
5. Juveniles and adult crime
6. Legislative and judicial protection of juvenile offender
7. Juvenile justice (Protection and Care) Act 2000

Probation

1. Probation of offender's law
2. The judicial attitude
3. Mechanism of probation: standards of probation services
4. Problems and prospects of probation
5. The suspended sentences

Reforms of Criminal Procedure

Selected Bibliography

1. Ratanlal Dhirajlal, Criminal Procedure Code (1999), Universal, Delhi
2. Chandrasekharan Pillai, ed., Kelkar Lectures on Criminal Procedure (1998), Eastern Lucknow
3. Principle's commentaries on the Code of Criminal Procedure, 2 Vol. (2000) Universal
4. Woodroffe: Commentaries on Code of Criminal Procedure, 2. vol. (2000) Universal
5. Chandrasekharan Pillai, ed., Kelkar's outlines of Criminal Procedure (2001), Eastern Lucknow
7. Eastern Lucknow



JYAWAJI UNIVERSITY, GWALIOR (M.P.)

B.A. LL.B. VI Semester

PAPER - VI

INTERPRETATION OF STATUTES

UNIT-I

Interpretation of Statutes

1. Meaning of the term 'statutes'
2. Commencement, operation and repeal of statutes
3. Purpose of interpretation of statutes

UNIT-II

Aids to Interpretation

1. 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 - obstinate clause

2. External aids

1. Dictionaries
2. Translations
3. Travaux preparatoires
4. Statues in pari material
5. Contemporanea Exposito
6. Debates, inquiry commission reports and Law commission reports

UNIT-III

Rules of Statutory Interpretation

1. Primary rules
2. Literal rule
3. Golden rule
4. Mischief rule (rule in the Heydon's case)

UNIT-III

1. Rule of harmonious construction
2. Noscitur a sociis
3. Ejusdem generis
4. Reddendo singula singulis

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

UNIT-V

Principal 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, Principal of Statutory Interpretation, (7th ed.), 1999, Wadhwa Nagpur
2. P. St. Langan (ed.), Maxwell on The Interpretation of Statues (19760, N.M. Tripathi, Bombay
3. K. Shanmukham, N.S. Bindras's Interpretation of Statues (1997) The Law Book Co. Allahabad
4. V. Sarathi, Interpretation of Statues, (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 (19780 Eastern Lucknow

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