

SWAMI RAMANAND TEERTH MARATHWADA UNIVERSITY, NANED

SYLLABUS – 2012 – 2013

LL.B – III and BSL – V

Vth Semester

Paper – I

Civil Procedure Code and Limitation Act

(This paper comprises of 84 units of one-hour duration)

Syllabus (w.e.f. 2012-2013)

1. Introduction

Units 5

1. Conceptions 2. Affidavit, Order, Judgment, decree, plaint, restitution, execution, decree-holder, judgment – debtor, mesne profits, written statement. 3. Distinction between decree and judgment and between decree and order.

2. Jurisdiction

Units 7

1. Kinds 2. Hierarchy of courts, suit of civil nature – scope and limits 3. Res-subjudice and Resjudicata 4. Foreign judgment – enforcement 5. Place of suing 6. Institution of suit, parties to suit: joinder, mis-joinder or non-joinder of parties : representative suit, frame of suit : cause of action, Alternative disputes resolution (ADR), Summons

3. Pleadings

Units 7

1. Rules of pleading, signing and verification, Alternative pleadings, Construction of pleadings 2. Plaint: particulars, Admission, return and rejection 3. Written statement: particulars, rules of evidence, Set off and counter claim : distinction 4. Affidavits.

4. Appearance, examination and trial

Units 8

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 and costs

5. Execution

Units 12

1. The concept 2. General principles 3. Power for execution of decrees 4. Procedure for execution (ss. 52-54) 5. Enforcement, arrest and detention (ss. 55-59) 6. Attachment (ss.60-64) 7. Sale (ss.65-97) 8. Delivery of property 9. Stay of execution

6. Suits in particular cases

Units 12

1. By or against government (ss. 79-82)

2. Public nuisance (ss. 91-93)

3. Suits in forma pauperis

4. Interpleader suits

7. Appeals

Units 8

1. Appeals from original decree
2. Appeals from appellate decree
3. Appeals from orders
4. General provisions relating to appeal
5. Appeal to the Supreme Court

8. Review, Reference and Revision

Units 5

9. Miscellaneous

Units 2

10. Law of Limitation

Units 14

1. The concept – the law assists the vigilant and not those who sleep over the rights.
2. Object
3. Computation of Limitation
4. Extension and suspension of limitation
5. Sufficient cause for not filing the proceedings, illness, mistake of legal advise, Mistaken view of law, Poverty, Minority and Purdha, Imprisonment, Defective Vakalatnama
6. Legal disabilities
7. Acknowledgement – essential requisites

Select Bibliography

Mulla, Code of Civil Procedure (1999), University, Delhi.

C.K. Thacker, Code fo Civil Procedure (2000), Universal, Delhi.

M.R.. Mallick(ed.), B.B. Mitra on Limitation Act (1998), Eastern, Lucknow

Majumdar. P.K and Kataria. R.P., Commentary on the Code of Civil Procedure, 1908 (1998), Universal, Delhi.

Saha. A.N., The Code of Civil Procedure (2000), Universal, Delhi.

Sarkar's Law of Civil Procedure, Vols. (2000) Universal, Delhi.

Universal's Code of Civil Procedure, (2000).

Note :- Out of 84 units, 14 units are allotted to Internal Assessment.

SYLLABUS – 2012 – 2013

LL.B – III and BSL – V

Vth Semester

Paper – II

LAW OF EVIDENCE

(This paper comprises of 84 units of one-hour duration)

Syllabus (w.e.f. 2012-2013)

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|---|-----------------|
| 1. Introductory | Units 6 |
| 1.1. The main features of the Indian Evidence Act 1861. | |
| 1.2. General Principles of Evidence Law | |
| 1.3. Other acts which deal with evidence (special reference to CPC, Cr PC). | |
| 1.4. Problem of applicability of Evidence Act | |
| 1.4.1. Administrative Actions | |
| 1.4.2. Administrative Tribunals | |
| 1.4.3. Industrial Tribunals | |
| 1.4.4. Arbitration & Conciliation | |
| 1.4.5. Commissions of Enquiry | |
| 1.4.6. Court – martial | |
| 1.4.7. Disciplinary authorities in educational institutions. | |
| 2. Central conceptions in Law of Evidence | Units 9 |
| 2.1. Facts: section 3 definition: distinction – relevant facts – facts in issue | |
| 2.2. Evidence : oral and documentary. | |
| 2.3. Circumstantial evidence and direct evidence | |
| 2.4. Presumption (section 4) | |
| 2.5. “proving”, “not proving” and “disproving” | |
| 2.6. Witness | |
| 2.7. Appreciation of evidence | |
| 3. Facts : relevancy (Sec 5 to Sec 55) | Units 4 |
| 3.1. The doctrine of res gestae (Section 6,7,8,10) | |
| 3.2. Evidence of common intention (section 10) | |
| 3.3. The problems of relevancy of “Otherwise” irrelevant facts (Section 11) | |
| 3.4. Relevant facts for proof of custom (Section 13) | |
| 3.5. Facts Concerning bodies & mental State (Section 14, 15) | |
| 4. Admissions and confessions | Units 20 |
| 4.1. General principles concerning admission (Section 17 to Section 23) | |
| 4.2. Differences between “admission” and “confession” | |
| 4.3. The problems of non-admissibility of confessions caused by “any inducement, threat or promise’ (Section 24) | |
| 4.4. Inadmissibility of confession made before a police officer (Section 25) | |
| 4.5. Admissibility of custodial confessions (Section 26) | |
| 4.6. Admissibility of “information” received from accused person in custody; with special reference to the problem of discovery based on “joint statement” (Section 27) | |
| 4.7. Confession by co-accused (Section 30) | |
| 4.8. The problems with the judicial action based on a “retracted confession” | |
| 5. Statements by Persons who cannot be called as Witnesses | Units 4 |
| 5.1. General principles. | |
| 5.2. Dying declaration | |
| 5.2.1. The Justification for relevance on dying declaration(Section 32) | |
| 5.2.2. The Judicial standards for appreciation of evidentiary value of dying declaration. | |
| 5.3. Special problems concerning violation of women’s rights in marriage in the law of evidence | |

6. Relevance of Judgments	Units 4
6.1. General Principles	
6.2. Admissibility of judgments in civil and criminal matters (Section 43)	
6.3. “Fraud” and “Colusion” (Section 44)	
7. Expert Testimony	Units 4
7.1. General Principles	
7.2. Who is an expert? Types of expert evidence	
7.3. Opinion on relationship especially proof of marriage (Section 50)	
7.4. The problems of judicial defence to expert testimony.	
8. Modes of Proof	Units 5
8.1. General principles concerning oral evidence (Sections 59-60)	
8.2. General principles concerning Documentary Evidence (Sections 67-90)	
8.3. General Principles Regarding Exclusion of Oral by Documentary Evidence	
8.4. Special Problems : re-hearing evidence	
9. Character when Relevant Civil/Criminal (Sections 52 to 55)	
10. Burden of Proof	Units 8
10.1. The general conception of onus probandi (Section 101)	
10.2. General and special exceptions to onus probandi	
10.3. The justification of presumption and of the doctrine of judicial notice	
10.4. Justification as to presumptions as to certain offences (Section 111A)	
10.5. Presumption as to dowry death (Section 113-B)	
10.6. The scope of the doctrine of judicial notice (Section 114)	
11. Estoppel	Units 8
11.1. Why estoppels? The rationale (Section 115)	
11.2. Estoppels, res judicata and waiver and presumption	
11.3. Estoppels by deed	
11.4. Estoppels by conduct	
11.5. Equitable and promissory estoppels	
11.6. Questions of corroboration (section 156-157)	
11.7. Improper admission and of witness in civil and criminal cases.	
12. Witnesses, Examination and Cross Examination	Units 8
12.1. Competency to testify (Section 118)	
12.2. State privilege (Section 123)	
12.3. Professional privilege (Section 126, 127, 128)	
12.4. Approval testimony (Section 133)	
12.5. General principles of examination and cross examination (Section 135-166)	
12.6. Leading questions (Section 141-143)	
12.7. Lawful questions in cross-examination (Section 146)	
12.8. Compulsion to answer questions put to witness	
12.9. Hostile witness (Section 154)	
12.10. Impeaching of the standing or credit of witness (Section 155)	
Select bibliography	
Sarkar and Manohar, Sarkar on Evidence (1999), Wadha & Co., Nagpur	
Indian Evidence Act, (Amendment up to date)	
Rattan Lal, Dhiraj Law: Law of Evidence (1994), Wadhwa, Nagpur	
Polein Murphy, Evidence (5 th Edn. Reprint 2000), Universal, Delhi.	
Albert S. Osborn, The Problem of Proof (First Indian Reprint 1998), Universal, Delhi.	
Avtar Singh, Principles of the Law of Evidence (1992), Central Law Agency, New Delhi.	
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LL.B – III and BSL – V

Vth Semester

Paper – III

ENVIRONMENTAL LAW

(This paper comprises of 84 units of one-hour duration)

Syllabus (w.e.f. 2012-2013)

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|---|-----------------|
| 1. Historical perspectives and legal control | Units 10 |
| 1. Indian tradition: dharma of environment 2. British Raj – Industrial development and exploitation of nature, Nuisance: penal code and procedural codes 3. Free India – continuance of British influence, Old laws and new interpretations | |
| 2. Concept of environment and pollution | Units 10 |
| 1. Environment, Meaning and contents 2. Pollutions, Meaning, Kinds of pollution, Effects of pollution | |
| 3. Constitutional Perspectives | Units 10 |
| 1. Constitutional approach regarding protection of environment under fundamental rights, Directive Principles of State Policy and Fundamental duties. | |
| 4. Water and Air Pollution | Units 5 |
| 1. Meaning and standards 2. Culprits and victims 3. Offences and penalties 4. Judicial approach | |
| 5. Noise Pollution | Units 5 |
| 1. Legal control 2. Court of balancing : permissible and impermissible noise | |
| 6. Environment Protection | Units 10 |
| 1. Protection agencies: power and functions | |
| 2. Protection: means and sanctions | |
| 3. Emerging protection through delegated legislation and Rules framed there under The Environment protection Act Related to Bio-medical waste, Genetic engineering, Disaster emergency preparedness, Environment impact assessment | |
| 4. Coastal zone management | |
| 5. Environmental audit and eco mark | |
| 6. Judiciary: complex problems in administration of environmental justice | |
| 7. Town and country planning | Units 5 |
| 1. Law: enforcement and constrain | |
| 2. Planning – management policies | |
| 8. Forest and Greenery | Units 10 |
| 1. Greenery conservation laws | |
| 2. Forest conservation | |
| 3. Conservation agencies, | |
| 4. Prior approval for non-forest purpose | |
| 5. Symbiotic relationship and tribal people | |
| 6. Denudation of forest: judicial approach | |
| 7. Wild life protection Act, 1972 | |

8. Sanctuaries and national parks.
9. Licensing of zoos and parks
10. State monopoly in the sale of wild life and wild life articles
11. Offences against wild life.

9. Bio-diversity Act, 2000

Units 09

9.1. Legal control of eco-unfriendly experimentation on animals, plants, seeds and micro organism.

10. International regime

Units 10

1. Stockholm conference
2. Green house effect and ozone depletion
3. Rio conference
4. Bio-diversity
5. U.N. declaration on right to development.
6. Wetlands

Select bibliography

Aaramin Rosencranz, et al., (eds.) Environmental Law and policy in India, (2000), Oxford

R.B. Singh & Suresh Misra, Environmental Law in India (1996), Concept Publishing Co., New Delhi.

Kailash Thakur, Environmental Protection Law and policy in India (1997), Deep & Deep Publication, New Delhi.

Richard L. Riversz, et.al. (eds.) Environmental Law, the Economy and Sustainable Development (2000), Cambridge.

Christopher D. Stone, Should Trees Have Standing and other Essays on Law, Morals and the Environment (1996), Oceana

Leelakrishnan, P et. Al. (eds.), Law and Environment (1990), Eastern, Lucknow

Leelakrishnan, P, The Environmental Law in India (1999), Butterworths – India

Department of Science and Technology, Government of India, Report of the Committee for

Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report).

Indian Journal of Public Administration, Special Number on Environment and Administration, July-September 1988, Vol. XXXV, No.3, pp.353-801

Centre for Science and Environment, The state of India's Environment 1982, The State of India's Environment 1984-85 and The State of Indian Environment 1999-2000.

World Commission on Environment and Development, Our Common Future (1987), Oxford.

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LL.B – III and BSL – V

Vth Semester

Paper – IV

PUBLIC INTERNATIONAL LAW

(This paper comprises of 84 units of one-hour duration)

Syllabus (w.e.f. 2012-2013)

- 1. Nature and Development of International Law** **Units 10**
- 1.1. Definition of International Law
 - 1.2. International Law as “Law” – Basis of International Law – Jurisprudential Theories
 - 1.3. Codification of International Law
 - 1.4. Sanctions of international Law
 - 1.5. Subjects of International Law
 - 1.6. Approach of Developing Countries towards International Law
- 2. Sources of International Law** **Units 10**
- 2.1. Statute of the International Court of Justice, 1945, Article 38-
 - 2.1 International Treaties and Conventions;
 - 2.2 International Custom; - Types of Treaties – Pacta Sunt Servanda
 - 2.3 General Principles of Law Recognized by Civilized Nations;
 - 2.4 Judicial Decisions, Juristic Opinion
 - 2.5 Ex aequo et bono
 - 2.2. Other Sources of International Law:
 - 2.1 Resolutions of General Assembly;
 - 2.2 Resolutions of Security Council
 - 2.3 State of Paper
 - 2.4 International Comity
 - 2.5 Equity and Justice, etc.
- 3. Relationship Between International Law and Municipal Law** **Units 10**
- Theories:
- 3.1.1 Monistic Theory
 - 3.1.2 Dualistic Theory
 - 3.1.3 Specific Adoption Theory
 - 3.1.4 Transformation Theory, etc.
 - 3.1.5 Practice of States :India, United Kindom, United States of America
- 4. State Jurisdiction** **Units 10**
- 4.1 Basis of Jurisdiction and exercise of Jurisdiction
 - 4.2 Territorial Jurisdiction – Subjective and Objective Theory
 - 4.3 Criminal Jurisdiction – S.S. Lotus Case-Universal Principles.
 - 4.4 Immunities and Servitudes – Union of India Vs. Sukumar Sen Gupta.
 - 4.5 Sovereign equality of states.
- 5. State Responsibility** **Units 15**
- 5.1. Basis of International Responsibility – Meaning –Types-Original-Vicarious
 - 5.2. Constituent Elements of International Responsibility: Damage Theory; Fault Theory; Absolute Liability and Risk Theory
 - 5.3. Injury is aliens – Act of Private individuals, mob Violence
 - 5.4. International Crimes and Delicts-Notion of imputability - youmans Case
 - 5.5. Forms of Reparation:
 - 5.5.1 Restitution;
 - 5.5.2. Indemnity;
 - 5.5.3. Satisfaction;
 - 5.5.4. Guarantee Against Repetition
 - 5.6. Expropriation of Property of Aliens:

- 5.6.1 Calvo clause
- 5.6.2 Position of Shareholders and Nationality of Corporation
- 5.6.3 Liability of Multinational Corporations Bhopal gas leak case
- 5.6.4 Rule of Exhaustion of Local Remedies

5.7. ILC Draft Code on Responsibility of States for Internationally Wrongful Acts, 2001

6. Nationality, Extradition, Asylum. Units 10

- 6.1 Nationality – Meaning-importance-modes of acquisition-statelessness.
- 6.2 Extradition-Meaning and definition-Conditions for extradition-SAARC ACCORD-Mubarak Ali V. State of Madras
- 6.3 Asylum-meaning and definition-types-Asylum case-Refugees-International Protection-Refoulement.

7. Law of The Sea Air and Outer Space. Units 10

- 7.1. Maritime Zones: Territorial Sea, Contiguous Zone, Continental Shelf, Exclusive Economic Zone and the High Seas – Jurisdictions-hot pursuit-I'm Alone Case
- 7.2. Delimitation of Adjacent and Opposite Maritime Boundaries
- 7.3. Concept of “Common Heritage of Mankind” Relating to the Resources of International Seabed Area
- 7.4 Hijacking with reference to International conventions on Hijacking and celestial bodies.

8. International Institutions Under U.N Units 09

- 8.1 General Assembly
- 8.2 Security Council
- 8.3 WHO, ILO, UNICEF
- 8.4 WTO.

Prescribed Books:

1. Robert Jennings and Arthur Watts (eds.), Oppenheim’s International Law [Vol. I-Peace] (1996)
2. I. Brownlie, Principles of Public International Law (7th ed., 2008)
3. I.A. Shearer, Starke’s International Law (2007)
4. D.J. Haries, Case and Materials on International Law (6th ed., 2004)
5. Gurdip Singh, International Law (2003)
6. S.K. Verma, An Introduction to Public International Law (1998)
7. S.K. Kapoor, Public International Law.

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LL.B – III and BSL – V

Vth Semester

Paper – V

LAND LAWS

(This paper comprises of 84 units of one-hour duration)

Syllabus (w.e.f. 2012-2013)

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|---|-----------------|
| 1. Constitutional Provisions | Units 4 |
| 1.1 Right to property – Art – 300A. | |
| 1.2 Constitutional Amendment – Art – 368 with special reference to 1 st , 4 th , 7 th , 9 th , 24 th , 44 th .
Amendments. | |
| 2. The Maharashtra Land Revenue Code – 1966 | Units 20 |
| 2.1 Definitions Under Land Revenue Code. | |
| 2.2 Revenue Officers | |
| 2.3 Assessment and Settlement of Revenue | |
| 2.4 Non-Agricultural use of Land | |
| 2.5 Appeal and Revision | |
| 3. The Land Acquisition Act, 1894 | Units 20 |
| 2.1. Definitions Under Land Acquisition Act, 1894 | |
| 3.2. Land Acquisition process through preliminary notification | |
| 3.3. Notice | |
| 3.4. Enquiry and Award | |
| 3.5 Reference to courts | |
| 4. The Maharashtra Rent Control Act, 1999 | Units 20 |
| 4.1. Definitions under Maharashtra Rent Control Act, 1999 | |
| 4.2. Fixation of standard rent and permitted increase | |
| 4.3 Recovery of possession of premises and procedure | |
| 4.4. Special provisions for recovery of possession of premises of scientists and Members of Armed Forces. | |
| 4.5. Provisions regarding to Land Lord's duty not to cut off or with hold essential supply or service. | |
| 5. The Hyderabad Tenancy and Agricultural Lands Act, 1948 | Units 20 |
| 5.1. Definitions | |
| 5.2 General provisions regarding tenancies | |
| 5.3. Rights and privileges of Tenants | |
| 5.4. Termination of Tenancy | |
| 5.5. Procedure and jurisdiction of Tribunal, Mamlatdar, Collector | |
| 5.6 Appeal and revision. | |

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Prescribed Books

1. **Constitutional Law of India – H.M. Seervai, Universal**
2. The Constitutional Law of India – Dr. J.N. Pandey – CLA
3. The Indian Constitution Cornerstone of a Nation Granville Austin, Oxford University
4. The Constitutional Law of India – Prof. Narendra Kumar Allahabad Law Agency.
5. The Hyderabad Tenancy And Agricultural Lands Act, 1950 H.S. Moulvis, Nashik Law House
6. The Maharashtra Land Revenue Code, 1966 A.K.Gupte & S.D. Dighe 2000 VIth Edition
7. Land Laws in Maharashtra A.K. Gupte, Hind Law House
8. Law of Land Acquisition And Compensation K.Shanmukhan, Butter Worths English Edition
9. The Maharashtra Rent Control Act, 1999 A.K.Gupte Hind Law House
10. Law of Rent Control, Eviction and Leases in India. R.D.Agrwal 3rd Edition Butterworth.