

Subodh Law College

B.A, LL.B. Five Year Integrated course

Paper 10.46 Code of Civil Procedure and Limitations

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20(10 internal Exam
10 Project & Viva)

MODULE-I

- a. Introduction, Definitions (Decree, Decree Holder, Foreign Judgment, Foreign Court, Judgment, Judgment Debtor, Mesne Profit, Legal Representative, Order etc.)
- b. Suits of civil nature s.9, *res sub judice* s.10

MODULE-II

- a. Doctrine of *Res judicata* s.11, comparison between s.10 and s.11
- b. Foreign judgment and presumption as to foreign judgment ss.13&14

MODULE-III

- a. Place of suing ss.15 to 20, objection to place of suing s.21 and 21-A
- b. Transfer of suits ss.22 to 25

MODULE-IV

- a. Institution of Suit S.26, O.IV, Plaint O.VII, Parties to Suit O.I, Framing of Suits O.II
- b. Summon, Mode of Service ss.27-29, O.V

MODULE-V

- a. Written Statement O.VIII, Pleading O.VI
- b. Appearance of Parties, Examination, Production of Documents, Admission. O.IX-XIII and s.30

MODULE-VI

- a. Framing of issues O.XIV, Hearing of parties O.XV

Subodh Law College

B.A, LL.B. Five Year Integrated course

- b. Summon to Witnesses ss.31-32 and O.XVI, Adjournment O.XVII, Hearing of the Suit O.XVIII, Affidavits O.XIX
MODULE-VII

Judgment and Decree, Interest, Costs. Ss.33-35- B and O.XX and O.XX-A

Judgments

1. Firm Radha Krishnan v. Ludhiana Municipality, AIR 1963 SC 1547
2. Aziz Ahmed v. State Bank of India, Vinyaambedi, AIR 1995 AP 166
3. Ram Chander Pandurang Sonar v. Murlidhar Ram Chander, AIR 1990 SC 1973
4. Tilak Ram v. Nathu and other, AIR 1967 SC 935
5. Ram Lal v. Reva Coal Fields, AIR 1969 SC.
6. Iftikhar Ahmed v. Syed Meharban Ali, AIR 1974 SC 749
7. Bihari Lal v. Bhuri Devi, AIR 1997 SC 1879
8. Teharoo Chadn v. Suraj Mal Nagar Mal, AIR 1984 Cal. 82
9. Kanodiba Dagadu Kadam v. Savitri Bai Sopan, AIR 1999 SC 2213
10. Ajaib Singh v. Shital Puri, AIR 1993 All. 138

Books Referred

1. The Code of Civil Procedure - Mulla
Civil Procedure Code - C.K. Takwani

Paper 10.47 Drafting, Pleading and Conveyancing and Rules of Court

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20(10 internal Exam
10 Project & Viva)

Aims and Objectives:

Drafting is a primary stage of writing. A good writing is an outcome of a good draft, similarly

Subodh Law College

B.A, LL.B. Five Year Integrated course

Pleadings being the backbone of Legal Profession and paramount requirement of a good lawyer. Whole case of the party depends upon how skillfully it is drafted by an advocate. So a great care should be exercised while drafting the pleadings. So this subject will help to make good lawyers with proficient art of pleadings.

Module - 1

- (a) Drafting
 - i. General principles of drafting
 - ii. What are deeds and its kinds?
- (b) i. Components of deeds
 - ii. Kinds of writs

Module - 2

- (a) Pleadings
 - i. What are pleadings?
 - ii. Functions of Pleadings.
 - iii. When Pleadings will be Dispensed with?
 - iv. Forms of modern pleadings
 - v. Cardinal rules of pleadings
 - vi. Material facts.
- (b) Civil Suits:
 - i. Suits in contracts
 - ii. Suits in Torts

Module - 3

- (a) i. Suits for others; i.r.t. civil: miscellaneous

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B.A, LL.B. Five Year Integrated course

- ii. Written statements for contracts
- iii. Written statement for torts
- (b) i. Written statement for others (miscellaneous)
 - ii. Interlocutory Application
 - iii. Petition for the Winding up of the company

Module - 4

- (a) i. Affidavit
 - ii. Execution application for final decree
 - iii. Memo of appeal
- (b) i. Memorandum of revision
 - ii. Writ of Certiorari
 - iii. Writ of Habeus Corpus.

Module - 5

- (a) Criminal
 - i. complaints
 - ii. Application for exemption from appearance
- (b) i. Bail Application
 - ii. Memo of appeal
 - iii. Memo of revision

Module - 6

- (a) Conveyancing
 - i. What is conveyancing ?

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- ii. Things to be considered while conveyancing
 - iii. Sale deed.
- (b)
- i. Mortgages deed
 - ii. Lease deed
 - iii. Gift deed

Module - 7

- (a)
- i. Promisory Note
 - ii. Power of Attorney
 - iii. Will
- (b)
- i. Separation deed
 - ii. Service contracts
 - iii. Hire-Purchase Agreements
 - iv. Patents

Suggested Readings:

1. Pleading, Drafting and Conveyancing by R.N. Chaturvedi
2. The law of Pleadings, drafting and conveyancing by R.D. Srivastava law of pleadings in India by Mogha
3. Indian Conveyance by Mogha

Paper 10.48 Competition Law

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20(10 internal Exam

10 Project & Viva)

This Course comprises of seven Modules of eight hours teaching duration. Each Module has been divided in to two units again to be discussed in four hours in one week.

Module - 1

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B.A, LL.B. Five Year Integrated course

- (1) The Competition Act, 2002
- (2) Origin of Anti-Trust Laws
- (3) Global developments on Competition Law
- (4) Abuse of dominant position

Module - 2

- (i) Consumer interest and public interest
- (ii) Mergers and efficiency
- (iii) Entry Barriers
- (iv) Exit Barriers
- (v) Price Control

Module -3

- (1) Liberalization
- (2) Delicensing
- (3) State Monopolies
- (4) Privatization and Regulation
- (5) Cartel
- (6) Predatory pricing mechanism
- (7) Corporate Governance and Competition

Module - 4

- i) Objects and reasons of competition act
- ii) Anti-competitive agreement
- iii) Abuse of dominant position
- iv) Regulation of Combination

Module - 5

- (i) Composition of Competent Commission of India
- (ii) Duties, powers and functions of the Commission

Module- 6

- i. Enquiry into agreements and dominant position of enterprise
- ii. Procedure for investigation of combinations

Module- 7

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- (i) Penalties for contravention of orders of commission
- (ii) Competition advocacy

- i. Foreign trade (Development and Regulation) Act, 1992
- ii. Depository Act

Paper 10.49 Public Interest Lawyering

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20 (10 Internal Exam
10 Project & Viva)

Module-I

- A- I. Public Interest Litigation: It is origin and meaning
II. Scope and nature and object of public interest litigation
- B- I. Difference between public interest litigation and private interest litigation
II. Doctrine of Locus Standi

Module-II

- A- I. Judicial Activism. It's emergence
II. Judicial activism and Public Interest Litigation in changing societal needs
- B- I. Judicial process and procedure in writ jurisdiction and public interest litigation

Module-III

- A- Dynamics and trades of public interest litigation in India:-
 - I. Right to life
 - II. Right of accused and prisoners
 - III. Bonded labour

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- B- I. Woman and children
- II. Right to education
- III. Ecological balance

Module-IV

- A- Problems of practice of Public Interest Litigation in India
 - I. Effective implementation of public interest litigation decision
 - II. The need for clarity, certainty and efficacy in public interest litigation adjudication
- B- Regulation of public interest litigation

Module-V

- A- Legal Service and legal education in India concept and functionalities
- B- Para legal service in India

Module-VI

- A- I. Legal Services under the
 - i. Constitution
 - ii. Code of criminal procedure
 - iii. Code of civil procedure
- II. The Legal Service Authorities Act 1987, Legal Aid and Legal Profession
- B- LokAdalts- Jurisdiction working and powers under the Legal Services Authorities Act 1987

Module-VII

- A- Writing of public interest litigation
- B- Writing of application for legal aid

Leading cases

1. Bandhua Mukti Morcha v. Union of India (1984) 3 SCC 161
2. Olga Tellis v. Bombay Municipal Corporation (1985) SCC 545
3. Sheela Barse v. State of Maharashtra, AIR 1988 SC 378

Subodh Law College

B.A, LL.B. Five Year Integrated course

4. M.C. Mehta v. Union of Indian (2000_ 5 SCC 525
5. Nilabati Bahera v. State of Orissa, AIR 1993 SC 1960
6. Peoples Union for Civil Liberties v. Union of India (1997) 3 SCC 433
7. Vishakha v. State of Rajasthan, AIR 1997 SC 241

Paper 10.50 Cyber Laws

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20 (10 Internal Exam
10 Project & Viva)

Aims and Objectives

- To understand emerging issues in cyber space
- To provide effective mechanism for resolution of cyber issues

Module- 1

- (a)
 - i. Genesis object and scope of IT Act
 - ii. Definitions
- (b)
 - i. E Commerce and Digital Signature
 - ii. E Governance

Module- 2

- (a)
 - i. Dispatch and Receipt of Electronic Records
 - ii. Security and Receipt under IT Act
- (b)
 - i. Regulation of Certifying Authorities
 - ii. Digital Signature Certificate

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Module- 3

- (a)
 - i. Duties of Subscriber
 - ii. Penalties and Adjudication
- (b)
 - i. Cyber Regulation Appellate Tribunal

Module- 4

- (a)
 - i. Offences under IT Act
 - ii. Tampering with Computer Source documents
- (b)
 - i. Hacking with Computer System
 - ii. Publishing of obscene Information in electronic form

Module- 5

- (a)
 - i. Breach of confidentiality and privacy
 - ii. Offences related to digital signature certificate
- (b)
 - i. Computer Forensic and Process of confirmation
 - ii. Liability of network service providers

Module- 6

- (a)
 - i. Power of Police Officer
 - ii. Miscellaneous provisions under IT Act
- (b)
 - i. Amendment to IPC 1860
 - ii. Amendment to Evidence Act 1872
 - iii. Amendment to Banker's Books Evidence Act 1891
 - iv. Amendment to Reserve Bank of India Act 1934

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B.A, LL.B. Five Year Integrated course

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Module- 7

- (a) i. Issue of jurisdiction of Cyber Space
- ii. Issue of Online defamation
- (b) i. Copyright issue in digital medium
- ii. Trade Mark in online medium

References

1. Computer Law: Reed Cherish, Eastern Book Company, New Delhi
2. Information Technology and Cyber Law : S.R. Bhansali
3. Cyber Law in India : Dr. Farooq Ahmed
4. Information Technology Law and Practice : Vakul Sharma

Cases referred

1. United States v. Simpson 152 F. 3d 1241(10th cir. 1998) USA
2. United States v. 1992 U.S. App. LEXIS 9562 (4th cir. May 4, 1992)
3. Miller v. California 413 U.S.1524 (1973)
4. Ranjit D. Udeshi v. State of Maharashtra, AIR 1965 SC 881
5. United States v. Moris, 928 F. 2d 504, 505 (2nd cir 1991)
6. Director of Public Prosecutions v. Murdoch (1993) IVR 406