

**NAME OF SUBJECT: LAW OF EVIDENCE**

**PAPER CODE: LAW 722**

**MAXIMUM MARKS: 30+70=100**

**TIME ALLOWED: 3 HRS.**

**INTERNAL ASSESSMENT: 30 MARKS**

**TERM-END EXAMINATION: 70 MARKS**

**OBJECTIVE:** The law of evidence is an integral part of both substantive and procedural laws. This course intends to develop the skills of examination and appreciation of oral and documentary evidence in the budding lawyers to find out the truth. Art of examination and cross examination and shifting nature of burden of proof are crucial aspects of law of evidence.

**MODULE-I: Introduction and Relevancy.**

- a) Evidence and its relationship with the substantive and procedural laws.
- b) Definitions
  - i. Facts.
  - ii. Relevant Facts and Facts in issue.
  - iii. Evidence proved, disproved and not proved.
  - iv. Oral and Documentary evidence.
  - v. Relevancy and Admissibility.
  - vi. Doctrine of *res gestae*.
  - vii. Conspiracy.

**MODULE-II: Statement**

- a) Admissions
- b) Confessions
- c) Dying Declarations

**MODULE-III: Method of Proof of Facts**

- a) Presumptions.
- b) Expert Opinion.
- c) Character.
- d) Oral and Documentary Evidence.
- e) Rules relating to Burden of Proof.
- f) Estoppel.
- g) Privileged Communications.

**MODULE-IV: Presumptions regarding discharge of Burden of Proof**

- a) Evidence by accomplice.
- b) Judicial notice.
- c) Dowry Death.
- d) Certain Offences.

### RELEVANT CASES

1. **Teper v. Reginam All ER 1952-448**
2. **G. Vijaya Vardhan Rao v. State of A.P, AIR 1996 SC 2791**
3. **R.M. Malkani v. State of Maharashtra, AIR 1973 SC 157**
4. **Mirza Akbar v. Emperor, AIR 1940 PC 176**
5. **Badri Rai v. State of Bihar**
6. **Bishwanath Prasad v. Dwarka Prasad**
7. **Pakala Narayana Swamyv. King Emperor (1939) 66 IA 66**
8. **Palvinder Kaur v. State of Punjab AIR 1952 SC 354**
9. **Veera Ibrahim v. State of Maharashtra**
10. **Pulukuri Kottaya v Emperor**
11. **Aghnu Nagesia v. State of Bihar**
12. **Khushal Rao v. State of Bombay**
13. **Kusa v. State of Orissa**
14. **Kans Raj v. State of Punjab, AIR 2000 SC 2324**
15. **Sudhakar v State of Maharashtra AIR 2 000 SC2602**
16. **Bhubhoni Sahu v. King Emperor., AIR(36) 1949 P C 257**
17. **Haroon Hajiv. State of Maharashtra**
18. **M.C. Verghese v. T.J. Ponnann**
19. **Sat Paul v. Delhi Administration**
20. **Balwinder Singh v. State of Punjab**
21. **State of U.P. v. Deoman Upadhyaya, AIR 1960 SC 1125**

### RECOMMENDED READINGS

1. **Ratal Lal Dheeraj Law--- Evidence.**
2. **Avtar Singh--- Evidence.**
3. **Monir--- Evidence.**
4. **Peter Murphy--- A Practical Approach to Evidence.**
5. **Ameer Ali & Woodroffe--- Law of Evidence. Butterworth.**
6. **Modis--- Medical Jurisprudence and Toxiology, 23<sup>rd</sup> edition, 2006, Lexis Nexis, Butterworth.**
7. **Lyons--- Medical Jurisprudence and Toxiology, 11<sup>th</sup> edition, 2005, Delhi Law House.**
8. **Albert S Osborn--- The Problem of Proof.**
9. **Sarkar and Manohar, Sarkar on Evidence (1999), Wadhwa and Co. Nagpur.**
10. **Indian Evidence Act, (Amendm**

**NAME OF SUBJECT: CIVIL PROCEDURE CODE AND LIMITATION ACT**

**PAPER CODE: LAW 723**

**MAXIMUM MARKS: 30+70=100**

**TIME ALLOWED: 3 HRS.**

**INTERNAL ASSESSMENT: 30 MARKS**

**TERM-END EXAMINATION: 70 MARKS**

**OBJECTIVE:** Civil Procedure Code relates to day to day activities of the courts and lawyers. This course equips students with basic knowledge court activities before they enter into the profession.

**MODULE-I: Introduction**

**a) Definitions**

- i. Decree.**
- ii. Judgment.**
- iii. Order.**
- iv. Foreign Court.**
- v. Foreign Judgment.**
- vi. Mesne.**
- vii. Profits.**
- viii. Affidavits.**
- ix. Suit.**
- x. Plaint.**
- xi. Written Statement.**

**b) Concepts**

- i. Res Sub-Judice.**
- ii. Resjudicata.**
- iii. Restitution.**
- iv. Caveat.**
- v. Inherent Powers of Courts.**

**c) Distinction between Civil and Criminal Procedure.**

**d) Substantive and Procedural Law.**

**e) Significance of Procedural Law for a just society.**

**f) History of Civil Procedure in India.**

**g) Scheme of the Code of Civil Procedure.**

**MODULE-II: Initial Steps in a Suit**

**a) Jurisdiction and place of suing.**

**b) Institution of suit.**

**c) Pleadings**



- e) Appeals by the Indigent persons.

#### **MODULE-VIII: Reference, Review and Revision**

- a) Reference to High Court.
- b) Review.
- c) Revision.

#### **MODULE-IX: Limitations Act, 1963**

- a) Limitation of Suits, Appeals and Applications
  - i. Bar of Limitation.
  - ii. Extension of Prescribed Period.
  - iii. Effect of Legal Disability.
  - iv. Suits against Trustees and their Representatives.
- b) Computation of Limitation
  - i. Exclusion of Time.
  - ii. Exclusion of Time for Proceedings bonafide in court which lacks jurisdiction.
  - iii. Exclusion of Time in Miscellaneous Cases.
  - iv. Effect of Fraud or Mistake; Acknowledgement / Payment and Substituting / Adding party.
- c) Acquisition of Ownership by Possession.
- d) Miscellaneous Provisions.

#### **RELEVANT CASES**

1. Gundaji satwaji shinde v. Ramchandra Bhikaji Joshi, AIR 1979 SC 653
2. Iftikar Ahmed v. Syed Meharban Ali, AIR 1974 SC 749
3. Bharat Nidhi Ltd v. Megh Raj Mahajan, AIR 1967 Del 22
4. Indian Bank v. Maharashtra State Cooperative Marketing Federation Ltd, AIR 1998 SC 1952
5. Y. Narsimha Rao v. Y. Venkata Lakshmi, (1991) 2 SCR 821
6. Ram Chander Arya v. Maharaja Man Singh, AIR 1968 SC 454
7. Kasturi Bai v. Anguri Chaudhary, AIR 2001 SC 1361
8. M.L. Sethi v. R.P. Kapoor, AIR 1972 SC 2379
9. Mahant Ram Das v. Ganga Das, AIR 1961 SC 882
10. Manohar Lal v. Seth Hira Lal, AIR 1962 SC 527
11. Samrendra Nath Sinha v. Krishna Kumar Nag, AIR 1967 SC 1440
12. Dalpat Kumar v. Prahlad Singh, AIR 1993 SC 276
13. Dwarka Dass v. State of M.P., (1999) 3 SCC 500
14. Modi entertainment Network v. W.S.G. Cricket Ltd, 2003 (1) SCALE 388, AIR 2003 SC 1177
15. Sangram Singh v. Election Tribunal, AIR 1955 SC 425
16. Arjun Singh v. Mohinder Kumar, AIR 1964 SC 993
17. Rajni Kumar v. Suresh Kumar Malhotra, 2003 (3) SCALE 434; AIR 2003 SC 1322

## CASE LAWS ON LAW OF LIMITATION

1. P.K. Kutty Anuja Raja v. State of Kerala, AIR 1996 SC 2212
2. Punjab National Bank v. Surendra Prasad Sinha, AIR 1992 SC 1815
3. Union of India v. West Coast Paper Mills Ltd., AIR 2004 SC 1596
4. R.B. Policies at Lloyd's v. Butler, (1949) 2 All ER 226
5. Maqbool Ahmad v. Onkar Narain Pratap Singh, AIR 1935 PC 85
6. M.L. & B Corporation v. Bhutnath, AIR 1935 SC 1336
7. Ram Lal v. Rewa Coal Fields Ltd., AIR 1962 SC 361
8. N. Balakrishnan v. M. Krishnamurthy, AIR 1998 SC 3222
9. Darshan Singh v. Gurdev Singh, AIR 1995 SC 75
10. Bailochan Karan v. Basant Kumari Naik, AIR 1999 SC 876
11. Kolandavel Gounder v. Chinnappan, AIR 1965 Madras 541
12. Wali Mohammed v. Rahmat Bee, AIR 1999 SC 1136
13. The C.S.T. U.P. v. M/s Madan Lal Das & Sons, AIR 1977 SC 523
14. Udayn Chinubhai v. R.C. Bali, AIR 1977 SC 2319
15. State of U.P. v. Maharaj Narain, AIR 1968 SC 960
16. SBH v. Joint Family of Mukundas Raja Bhagwan Dass, 1995Supp (2)SCC544
17. Deena v. Bharat Singh, AIR 2002 SC 2768
18. Rameshwar Lal v. Municipal Council, Tonk (1996) 6 SCC 100
19. Mahabir Kishore v. State of M.P., AIR 1990 SC 313
20. State of Kerala v. T.M. Chacko, (2000) 9 SCC 722
21. Sampuran Singh v. Niranjana Kaur, AIR 1999 SC 1047
22. Karuppaswamy v. C. Ramamurthy, AIR 1993 SC 2324
23. M/s L.C. Mills Ltd., v. Aluminium Corporation of India Ltd., AIR 1971 SC 1482
24. Tilak Ram v. Nathu, AIR 1967 SC 935
25. Shantilal M. Bhayani v. Shanti Bai, 1995 Supp (4) SCC 578
26. Mukri Gopalan v. Chappilat Puthanpurayil Aboobacker, AIR 1995 SC 2275

## RECOMMENDED READINGS

1. Mulla--- Code of Civil Procedure. 11<sup>th</sup> Ed. 2006. Wadhwa Publications Nagpur.
2. Sarkar's Code of Civil Procedure.
3. M.P. Tandon---Code of Civil Procedure.
4. Basu--- Law on Limitation Act. 6<sup>th</sup> Ed. Delhi Law House.
5. J.D. Jain--- Indian Limitation Act. Allahabad Law Agency.
6. C.K. Takwani--- Civil Procedure. 5<sup>th</sup> Ed. Eastern Book Company.
7. M.P. Jain--- The Code of Civil Procedure. 2007. Wadhwa Publications, Nagpur.
8. Mulla--- The Code of Civil Procedure. 16<sup>th</sup> Ed. Lexis Nexis. Butterworth Publications.
9. U.N. Mitra--- The Law of Limitation and Prescription. 2000 ed.
10. M.R. Mullick & B.B. Mitra--- The Limitation Act, 1963. 1998 ed.

**NAME OF SUBJECT: CYBER LAWS**

**PAPER CODE: LAW 730**

**MAXIMUM MARKS: 30+70=100**

**TIME ALLOWED: 3 HRS.**

**INTERNAL ASSESSMENT: 30 MARKS**

**TERM-END EXAMINATION: 70 MARKS**

**OBJECTIVE:** With the growth of Information Technology throughout the Globe and introduction of Information Technology Act, 2000, it is imperative that the law students must be aware of new development in the field of law. Law students should have insights into the complexities of information technology. This course aims at providing the students understanding of legal recognition and procedure of cyber space, digital signature, legal recognition of cyber authorities and cyber appellate tribunal, legal implications of new genre of offences and penalties under the IT Act, 2000.

**MODULE-I: Introduction**

- a) Need and role of law in cyber space.
- b) Authority and scope of Governments to regulate Internet.
- c) Free speech and expression on Internet.
- d) Impact of Telecommunication and Broadcasting Law on Internet Regulation.
- e) Privacy issues and Access Rights.
- f) Related issues under International Law Jurisdiction.
- g) Issues of enforcement.

**MODULE-II: Property in Cyber Space**

- a) Concept of Property in cyber space.
- b) Nature of Intellectual Property Rights and Copyrights issues.
- c) Berne Convention.
- d) WIPO Copyright Convention.
- e) TRIPS Agreement.
- f) Application of Copyright Act, 1957.
- g) Scope of Protection of Computer Programme.
- h) Application of Patents to Computer Technology.

**MODULE-III: Electronic Commerce**

- a) Introduction to Electronic Commerce.
- b) Online Contracts.
- c) Establishing and Maintaining Brand Identity.
- d) Spamming.

- e) Disclaimer.
- f) Competition Law.
- g) Licensing and Regulatory Requirements.
- h) Electronic Fund Transfer.
- i) Evidence and Security.
- j) Taxation.
- k) Work in UNCITRAL, WTO & WIPO regarding Commerce.

#### **MODULE-IV: Cyber Crime**

- a) Obscenity.
- b) Defamation.
- c) Hacking and Cracking.
- d) Crime through Mobile Phone.

#### **MODULE-V: Genetic and Medical Technologies.**

- a) Regulation of Genetic Technology.
- b) Laws on Medical Technologies.

#### **MODULE-VI: Broadcasting**

- a) Regulation and Control of Broadcasting.
- b) Law relating to Cable Television Network.

#### **MODULE-VII: Information Technology Act, 2000.**

- a) History.
- b) Objectives.
- c) Legal Recognition of Electronic Records and Procedure.
- d) Legal Recognition of Digital Signature.
- e) Certifying Authority and its Role.
- f) Controller of Certifying Authority- Appointment, Functions and Powers.
- g) Cyber Appellate Tribunal: Offences and Punishment under Act.

#### **MODULE-VIII: Liabilities**

- a) Liabilities of Internet Service Providers.
- b) Amendment to Indian Penal Code, 1860.
- c) Amendment to Indian Evidence Act, 1872.
- d) Amendments to Bankers Books Act, 1891.
- e) Amendments to Reserve Bank of India Act, 1934.



## **RECOMMENDED READINGS**

1. Relevant Acts and Conventions.
2. Information Technology Act--- Prof. S.R. Bhansali.
3. Cyber Laws (Text and Cases)--- Gerald R. Ferrera, WEST THOMSON LEARNING.
4. Cyber Crime--- Vakul Sharma.
5. Law Relating to Computers, Internet and E-Commerce--- Nandan Kamath.
6. Cyber Law--- K.K. Kumar
7. Patents, Trademarks, Copyrights, Design and Geographical Indications--- B.L. Wadhera.
8. Intellectual Property Law--- Ganguly.

**NAME OF SUBJECT: PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM**

**PAPER CODE: LAW 716**

**MAXIMUM MARKS: 30+70=100**

**TIME ALLOWED: 3 HRS.**

**INTERNAL ASSESSMENT: 30 MARKS**

**TERM-END EXAMINATION: 70 MARKS**

**OBJECTIVE:** This course aims at familiarizing the students of law about the ethical aspects of legal profession and essential etiquettes for legal practitioner to be observed at the Bar. More so accountability and transparency are sine qua non for the profession and cordial Bar Bench relations reflects depth and richness of this profession. Students are expected to imbibe these subtle nuances so that they emerge as responsible citizens and good lawyers.

Lawyers are supposed to perform an important function of helping people to abide by the law. They are officers of courts and supposed to help them arrive at the truth and just resolution of disputes. In the successful operation of the lawyers to the cause of Justice, various ethical questions arise. The purpose of this paper is to acquaint the student with:

- (a) Social background of the lawyers.
- (b) How far career opportunities in the profession are determined by their caste/class/sex context and public relations backgrounds?
- (c) How for legal profession is apprised of the law as an instrument of social change?
- (e) How far it can participate meaningfully in the transformation effort?
- (f) What ethical standards are expected of the lawyers and how are such standards enforced?

**MODULE-I: Historical Development**

- a) **Early Development.**
  - i. **Were there lawyers in Ancient India?**
  - ii. **Role of jurists in development of Hindu Law, Mohammedan Law.**
  - iii. **Origin of Common Law lawyering in India.**
  - iv. **Barrister- Vakils- High Court Pleaders- Advocates etc.**
  - v. **Origin of Legal Education in India.**
- b) **The Legal Practitioners Act, 1879.**
- c) **The Chamier Committee and the Indian Bar Council Act, 1926.**
- d) **The Advocate Act, 1961.**
- e) **Supreme Court Rules, 1967.**
- f) **State Bar Councils.**
- g) **The Bar Council of India.**

**MODULE-II: Lawyers in Politics**

- a) **Why were lawyers in the forefront in the national movement for Independence?**

- b) **Lawyers in the Constituent Assembly- Successive Parliament.**

**MODULE-III: Role Allocation for the Legal Profession in Independent India : Bench-Bar Relations**

- a) **Judicial Review- Fundamental Rights, Directive Principles.**
- b) **Advocates Act- Uniform Bar, All India Bar.**
- c) **Lawyers Role in Accelerating and facilitating the social change visualized by the Indian Constitution.**
- d) **Right to Legal Aid.**
- e) **Monopoly of Representation.**
- f) **Exclusion of Lawyers.**
- g) **Self-representation by Litigants.**
- h) **Reciprocity as Partners in Administration of Justice.**
- i) **Professional Misconduct & Power and Procedure of Disciplinary Committee.**
- j) **Rights and Privileges of Advocates.**

**MODULE-IV: Legal and Professional Ethics**

- a) **Nature of Legal Profession-Bar against soliciting work.**
- b) **Necessity for an Ethical Code: Under-cutting--- An unethical Practice.**
- c) **Brief Stealing, Lawyers not to advertise, not to use tauting.**
- d) **Fee structure-Black Money and High Fees.**
- e) **Ethics and Statutory Sanctions.**
- f) **Ethics and Professional Duty.**
- g) **Rights, Privileges and Duties of Advocate, viz. duty to court, duty to client, duty to opponent, duty to colleague, duty towards society and obligation to render legal aid.**
- h) **Legal Profession and Strike- Conduct of Advocates.**

**MODULE-V: Social Profile of the Legal Profession**

- a) **Class/ Caste/ Education/ Sex composition of the Bar.**
- b) **Professional opportunities- Upward Mobility.**
- c) **How far have underprivileged groups such as SC/ST advanced in the profession.**
- d) **Women Lawyers- Opportunities and handicaps.**

**MODULE-VI: Professional Misconduct and Control**

- a) **The Contempt of Court Act, 1971.**
- b) **Contempt proceedings against lawyers.**
- c) **Procedure- Supreme Court and High Court rules to regulate contempt cases.**
- d) **Advocates Act.**
- e) **Functions of the Bar Councils.**
- f) **Disciplinary committees- tribunals.**

- g) Appeal to the Supreme Court, etc.**

#### **MODULE-VII: Types and Classes of Lawyers**

- a) Delhi-Supreme Court, Senior Advocates, Advocates on Record.**
- b) Mumbai, Kolkata etc.- Advocates: Original side- Advocates: Appellate side-Solicitors.**
- c) Mofussil- Advocates.**
- d) Muktiars.**
- e) Bare-Footed Lawyers.**
- f) Lawyers' Collectives and Firms.**
- g) Senior- Junior Relationship.**
- h) Problems of Retired High Court Judges.**

#### **MODULE-VIII: Lawyers in Court**

- a) How to address the Court?**
- b) Attitude towards Opponent Counsel.**
- c) Duty to cite all relevant authorities.**
- d) Arguments should be precise and brief.**
- e) Selective use of precedents.**

#### **MODULE-IX: Accountability and Role Conflicts- The Bar Council of India and the University Grant Commission.**

#### **MODULE-X: 50 Selected opinions of the Disciplinary Committees of Bar Council of India and 10 major judgments of the Supreme Court of India to be discussed and analyzed.**

#### **SUGGESTED READINGS**

- 1. Challenges to Legal Profession- Law and Investment in Developing Countries--- P.N. Bhagwati.**
- 2. Sociology of Legal Profession and Legal System--- J.B. Gandhi. 1987.**
- 3. Upendra Baxi, "The Pathology of Indian Legal Profession", 13 Indian Bar Review. 455 (1986).**
- 4. Administrative Law--- S.P. Sathe.**
- 5. Legal Ethics-Accountancy for Lawyers and Bench and Bar Relations ---Dr. Kailash Rai.**
- 6. Supreme Court Practice and Procedure--- R.R. Aggarwala.**
- 7. Legal and Professional Ethics---P. Ramanatha Iyer.**
- 8. The Limitation Act--- B.B. Mitra.**
- 9. Advocacy--- Krishnamurthy Iyer.**

10. Advocate Act, 1961.
11. The Contempt of Court Act, 1971.
12. Pleading, Conveyancing and Drafting and Legal Professional Ethics--- A.N. Chaturvedi.

#### ESSENTIAL CASE LAWS

1. A.M. Mathur v. Pramod Kumar Gupta, 1990(2) SCC, 533.
2. Bar Council of Maharashtra v. M.V. Dabhulkar 1976 (1) SCR 306 also 1976(2) SCR 48.
3. Hanraj L. Chulani v. Bar Council of Maharashtra, 1996 (3) SCC 342.
4. K. Daniel v. Hymavathy Amma, AIR 1985 Ker.322.
5. Advocate Genl Bihar v. Patna High Court, 1986 (2) SCC 577.
6. P.D. Gupta v. Ram Murti, 1997 (7) SCC 147.
7. H.D. Srivastava v. G.N. Verma 1977 (2) SCR 6011.
8. Mangilal v. State of M.P. 1994 (4) SCC 564.
9. Harish Uppal v. Union of India. AIR 2003 SC 793.
10. Copeland v. Smith 2000 (1) All.E.R. 457.
11. In the matter of 'P' an advocate AIR 1963 SC 1313.
12. R.D. Saxena v. Balram Prasad AIR 2000 SC 2912.
13. Indian Council of Legal Aid v. Bar Council of India. AIR 1995 SC 691.
14. In Re Sanjiv Dutta 1995 (3) SCC 619.
15. Vikas Deshpande v. Bar Council AIR 2003 SC 309.
16. State of Bihar v. Kripalu Shankar, AIR 1987, SC 1554.
17. Supreme Court Bar Association v. Union of India, AIR 1983 SC 1895.
18. In re Ajay Kumar Pandey Advocates AIR 1998.
19. In re S. Mulgaokar AIR 1978 SC 990.