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.
   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
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
10. Pulukuri Kottaya v Emperor
11. Aghnu Nagesia v. State of Bihar
15. Sudhakar v State of Maharashtra AIR 2 000 SC2602
17. Haroon Hajiv. State of Maharashtra
18. M.C. Verghese v. T.J. Ponnar
19. Sat Paul v. Delhi Administration

RECOMMENDED READINGS
4. Peter Murphy--- A Practical Approach to Evidence.
10. Indian Evidence Act, (Amendm
NAME OF SUBJECT: CIVIL PROCEDURE CODE AND LIMITATION ACT

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. Plaintiff.
   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
   i. Meaning, Object, General Rules, Amendments of Pleadings.
d) Plaintiff and written statements.
e) Discovery, Inspection and Production of Documents.

f) Appearance and non-appearance of parties.

g) First hearing.

MODULE-III: Interim Orders

a) Commissions.
b) Arrest before judgment.
c) Attachment before judgment.
d) Temporary Injunctions.
e) Interlocutory orders.
f) Receiver.
g) Security of costs.

MODULE-IV: Suits in Particular Cases

a) Suits by or against Government.
b) Suits by indignant persons.
c) Interpleader Suit.
d) Summary Procedure.
e) Suits relating to public nuisance.

MODULE-V: Judgment and Decree

a) Judgment: Definition, Essentials, Pronouncement, Contents and Alteration.
b) Decree: Definition, Essentials, Types, Drawing up of a decree, Contents and Decree in particular cases.
c) Interest.
d) Costs.

MODULE-VI: Execution

a) Courts by which decree may be executed.
b) Payment under decree.
c) Application for Execution.
d) Mode of Execution.
e) Stay of Execution.
f) Questions to be determined by executing court.

MODULE-VII: Appeals

a) Appeals by original decree.
b) Appeals from appellate decree.
c) General provisions relating to appeals.
d) Appeals to the Supreme Court.
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 bona fide 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

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
23. Milkhiram (India) Pvt. Ltd. v. Chamanlal Bros., AIR 1965 SC 1698
CASE LAWS ON LAW OF LIMITATION

7. Ram Lal v. Rewa Coal Fields Ltd., AIR 1962 SC 361
8. N. Balakrishnan v. M. Krishnamurthy, AIR 1998 SC 3222
11. Kolandavel Gounder v. Chinnappan, AIR 1965 Madras 541
12. Wali Mohammed v. Rahmat Bee, AIR 1999 SC 1136
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

RECOMMENDED READINGS

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.
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.
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.
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 far 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.
   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

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.
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

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.
5. Legal Ethics-Accountancy for Lawyers and Bench and Bar Relations ---Dr. Kailash Rai.
7. Legal and Professional Ethics---P. Ramanatha Iyer.
8. The Limitation Act--- B.B. Mitra.
12. Pleading, Conveyancing and Drafting and Legal Professional Ethics--- A.N. Chaturvedi.

ESSENTIAL CASE LAWS
5. Advocate Genl Bihar v. Patna High Court, 1986 (2) SCR 577.
11. In the matter of ‘P’ an advocate AIR 1963 SC 1313.
17. Supreme Court Bar Association v. Union of India, AIR 1983 SC 1895.