



Chotanagpur Law College, Ranchi, Jharkhand

SEMESTER-VI

PAPER-I

LAW OF EVIDENCE **(INDIAN EVIDENCE ACT, 1872)**

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

ORAL AND DOCUMENTARY EVIDENCE.

General principles concerning oral evidence and documentary evidence, Exclusion of oral by documentary evidence, Hearsay evidence.

BURDEN OF PROOF

General conception to onus pro-bendi, general and special exceptions, the onus pro-bendi, justification of presumptions and of the doctrine of judicial notice. presumption as to certain offences. Presumption as to dowry death. The scope of doctrine of judicial notice.

ESTOPPEL

Introduction as to the rationale (section 115) estoppel. Res judicata and waiver and presumption, estoppel as a matter, estoppel by deed, equitable and promissory estoppel.

WITNESSES EXAMINATION AND CROSS! EXAMINATION

Competency to testified, state privilege professional privilege, accomplice, general principle of examination and cross-examination, leading questions, lawful questions in cross-examination. Compulsion to answer questions put to witness, hostile witness, impeachment to the standing or credited witness.



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SEMESTER-VI

PAPER-II

TORTS AND CONSUMER PROTECTION ACT

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

PART-A

TORTS

MARKS-15

- I. Negligence and Nervous shock.
- II. Strict liability.
- III. Remoteness of damages.
- IV. Joint Tort Feasor and Several Tort Feasor.
- V. Conversion.
- VI. Passing off.

PART-B

CONSUMER PROTECTION LAWS

MARKS-25

The course shall comprise of the following :

1. (a) Concept of Consumer Sovereignty.



(b) Need of Consumer Protection and Consumerism.

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- (d) Consumer Protection and Doctrine of Negligence.
2. Consumer Protection Act : Salient Features and the Relationship of the Act with other Consumer Protection Legislations.
 3. Consumer Protection Act, 1986 :
Important Definitions :
 - (a) Consumer
 - (b) Consumer Dispute
 - (c) Complaint
 - (d) Complainant
 - (e) Trader
 - (f) Manufacturer
 - (g) Service
 - (h) Unfair Trade Practice
 - (i) Defect and Deficiency
 - (j) Restricted Trade Practices
 4. Consumer's Rights and Consumer Protection Councils : Objective Jurisdiction and Procedure.
 5. Consumer Dispute Redressal Agencies : Their Constitution, Jurisdiction and Procedure.
 6. Enforcement of Decrees and Order : Dismissal of Frivolous or Vexatious Complaints, Limitation.

BOOK FOR REFERENCE:

1. Law of Torts - Winfield
2. -do- - Salmond



3. -do-

Ramaswamy Iyer

4. -do-

Rathan Lal and Dheeraj Lal

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6. -do-

R. K. Bangia

SEMESTER-VI

PAPER-III

CIVIL PROCEDURE CODE & LIMITATION ACT

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

PART-A

CIVIL PROCEDURE CODE

30-MARKS

Summons and Discovery. Issue and service of summons.

Appearance of parties and consequence of non-appearance. Ex-parte decree. Setting aside decree ex-parte. Discovery and Inspection. Settlement of issues and determination of suit on issue of law or on issue agreed upon.

Summoning and attendance of witness. Adjournment. Hearing of suit and Examination of witness Judgment and Decree. Execution of decree.

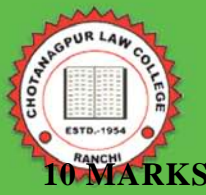
Appeal from original Decree. Second Appeal. Appeal to the Supreme Court. Cross-objection. Reference Revision and Review. Saving of inherent powers of court.

Arrest before Judgment, attachment before Judgment. Injunction. Receiver. Withdrawal of Suits. Compromise of suits.

Commissions, Restitution.

PART-B

LIMITATION ACT



10 MARKS

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Effect of death on or before the accrual of right to sue. Effect of fraud or mistake. Effect of acknowledgement in writing. Effect of substitution or adding new plaintiff or defendant. Continuing breach an tort.

Computation of time mentioned in instrument. Acquisition of ownership by possession.

SEMESTER-VI

PAPER-IV

ARBITRATION, CONCILIATION & ALTERNATE DISPUTE RESOLUTION SYSTEM

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

1. Jurisdiction and Procedure in Arbitral Tribunal.
2. The Arbitral Award-Making of Award and Termination of Proceeding.
3. Jurisdiction and Power of the Court-Extent of Judicial Intervention-Interim Measures by Court-Court Assistance in taking Evidence-Modification of the correction of the Award-Setting Asset of the Award.
4. Finalising and Enforcement of Domestic Arbitral Awards.
5. Appeals and Miscellaneous.
6. Enforcement of Certain Foreign Awards New York Convention Awards-Geneva Convention Award.
7. Conciliation-As per Statutorily Valid Procedure.
8. Supplementary Procession of the Act, 1966.



Books Referred :

The New Arbitration and Conciliation Law of India - G. K. Kwatra
Arbitration Act - Avtar Singh.

SEMESTER-VI

PAPER-V
LABOUR LAWS

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

1. Workmen’s Compensation Act, 1923

15-Marks

Definitions, Employer’s Liability for Compensation, Amount of Compensation, Method of Calculating Wages, Distribution of Compensation, Notice and Claim, Reference to Commissioners, Appointment of Commissioners, Venue of proceedings and transfer, Form of application, Powers and Procedure of Commissioners, Appeals, Withholding of certain payments pending decision of Appeal.

2. Trade Unions Act, 1926

15-Marks

Definitions, Mode of Registration, Application for Registration, Provisions to be contained in the Rules of Trade Union, Registration, Certificate of Registration, Cancellation of Registration, Appeal Registered office, Objects on which general funds may be spent, Constitution of a separate fund for political purposes, Amalgamation of Trade Unions, Notice of Change of Name or Amalgamation, Dissolution.

3. Payment of Wages Act, 1936

10-Marks



Definitions, Responsibility for payment of Wages, Deductions for absence from duty, Deductions for damage or loss, Deduction for services rendered, Deductions for recovery of advances, Claims arising out of deductions from Wages or delay in payment of Wages and penalty for malicious or vexatious claims, Single application in respect of claims from unpaid group, Appeal.

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PAPER-VI
INTERPRETATION OF STATUTES

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

- I. Statutes affecting jurisdiction of courts:-
General principles-the extent of exclusion of jurisdiction of superior courts.
- II. Construction of taxing statutes and evasion of statutes:-
Strict construction of taxing statutes-General Principles of strict construction-Illustration cases-Limits of Rule of strict construction-Evasion of Statutes.
- III. Remedial and Penal statutes, Meaning, Distinction between the two, Liberal construction of Remedial statutes, Strict construction of penal statutes, Mens Rea in statutory offences.
- IV. Use of different words, Use of negative words, Affirmative words may imply a negative, use of 'shall' or 'shall and may' 'must and should'- conjunctive words 'or' & 'and'.
- V. Principles of Legislation, Distinction between Morals and Legislation, Political good and evil, Circumstances which affect sensibility, Methods of reasoning on subject of legislation.

REFERENCES :

- (1) Maxwell on the interpretation of statutes.
- (2) Principles of Statutory Interpretation by Justice G. P. Singh.
- (3) The Interpretation and application of statutes by Reed Dickerson.
- (4) Crawford on Statutory Interpretation.
- (5) Principles of Legislation, Legislative Drafting and Statutory interpretation by M. Krishnan Nair & Gopinathan Pillai.
- (6) Interpretations of statutes – M. P. Tandon.



(7) The Drafting of Laws – G. R. Rajagopal (Chapters, VIII, IX, X)

SEMESTER-VI

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OPTIONAL PAPERS
(Any two of the followings)

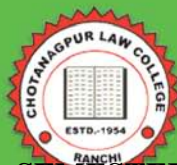
PAPER-I

LAW OF TAXATION

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

- | | |
|---|-----------------|
| 1. Value Added Tax | 20-Marks |
| 2. Central Sales Tax Act 1956 : | 20-Marks |
| 1. Inter State Sale and Purchase. | |
| 2. Sale in the Course of Export and Import. | |
| 3. Value Added Tax. | |
| 4. Bihar Agricultural Income Tax Act. | |
| 5. Service Tax. | |



SEMESTER-VI

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OPTIONAL
PAPER-II

CRIMINOLOGY AND PENOLOGY

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

1. Theories of Punishment.

- (1.1) Meaning of Punishment.
- (1.2) Forms of punishment.
- (1.3) Capital punishment.

2. The police and Criminal Justice.

- (2.1) The Police systems-structural organisations.
- (2.2) Power and duties of Police under Police Acts, Criminal Procedure Code and other laws-methods of Police Investigations.

3. The Prison Systems.

- (3.1) Evolution of Prison System.
- (3.2) Concept of Treatment in Prison.
- (3.3) Open prisons – Prisoners, rights and security compulsion.

4. Probation of offenders and Police.

5. Rehabilitations of convicts.

6. Recidivism.

Book for Reference:-

- (I) Criminology and Penology by – **N. V. Pranjape.**



(II) Criminology by – **Ahmad Siddique.**

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**OPTIONAL
PAPER – III**

LAW AND MEDICINE

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

1. Public Health

- (a) Health as a fundamental human right – role of medical professionals and courts in its realisation.
- (b) Important provision of law.
- (c) Constitution of India, Articles 21, 39, 47, 48A, 51A.
I.P.C., 1860 Sec. 268, 269, 270, to 278, 284, 285, and 286.
- (d) Epidemic Diseases Act, 1897.
- (e) The Cigarettes (Regulation of Production, Supply and Distributions) Act, 1975.

2. Health and Drug Laws

- (a) International Convention for the Protection of Human Rights and Dignity of Human Beings with regard to the Application of Biology and Medicine, Convention on Human Rights and Bio-Medicine, 1997.
- (b) Important Legislation
- (c) Dangerous Drugs Act, 1930.
- (d) Drugs and Magic Remedies
(Objectionable Advertisements) Act, 1954.



3. Experimental Abuses Special Groups.

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- (a) Children, Men tally ill, Women, Prisoners.
- (b) Important legislation attached to Special Group.
- (c) Vaccination Act, 1880.
(Sec. 6, 7, 9, 17 only)
- (d) Mental Health Act, 1987.
(Sec. 1 to 6, 15, 16, 19 and 81 only)
- (e) Medical Termination of Pregnancy Act, 1971.
(Sec. 3 & 4 only)
- (f) Prisoners Act, 1894.
(Sec. 13, 14, 15, 24, 37, 38, 39, and 39A only)

4. Medical Insurance – Necessity.



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SEMESTER-VI

PAPER-IX **(Compulsory Paper)** **PRACTICAL TRAINING**

FULL MARKS-100

Division of Marks

- (a) Theory Examination - 45 marks**
- (b) Practical Work - 45 marks**
- (c) Viva-Voce - 10 marks**

1. Drafting, Pleading & Conveyancing :

This course will be taught through class instructions and simulation exercises, preferable with assistance of practising lawyers/ retired judges. Apart from teaching the relevant provisions of law, the course will include 15 exercise in Drafting carrying a total of 45 marks and 15 exercise in Conveyancing carrying another 45 marks. (3 marks for each exercise)

NOTE :

(a) Drafting :

General principles of drafting and relevant substantive rules shall be taught.

(b) Pleadings :

1. **Civil:** (i) Complaint (ii) Written Statement (iii) Interlocutory Application (iv) Original Petition (v) Affidavit (vi) Execution petition and (vii) Memorandum of Appeal and Revision (viii) Petition under Article 226 and 32 of the Constitution of India.

2. **Criminal:** (i) Complaints (ii) Criminal Miscellaneous Petition (iii) Bail Application and (iv) Memorandum of Appeal and revision.

(c) Conveyancing :

(i) Sale Deed (ii) Mortgage Deeds (iii) Lease Deed (iv) Gift Deed (v) Promissory Note (vi) Power of Attorney and (vii) Will



The remaining 10 marks will be given in a viva voce examination which will test the understanding of legal practice in relation to Drafting, Pleading and Conveyancing.

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