

**Revised Syllabus of Three Year LL.B/ LL.B.(H) Programme**

<b>SEMESTER – IV</b>		
<b>Code</b>	<b>Paper</b>	<b>Marks</b>
LL.B.: 4.1	Law of Evidence	100
LL.B.: 4.2	Civil Procedure Code & Limitation Act	100
LL.B.: 4.3	Transfer of Property Act	100
LL.B.: 4.4	Administrative Law	100
LL.B.: 4.5 P <sub>2</sub>	Practical – 2 Drafting, Pleading & Conveyancing	100
LL.B. (Hons): 4.6 H <sub>5</sub>	<b>Honours – 5</b> , any one from following: 1. Methods of Interpretation of Statute (CL Group) 2. Advanced Tax law (BL Group) 3. Probation and Parole (Cr. Group)	100
LL.B. (Hons): 4.7 H <sub>6</sub>	<b>Honours – 6</b> , any one from following: 1. Right to Information (CL Group) 2. Corporate Restructuring and Insolvency Law (BL Group) 3. Victimology (Cr. L Group)	100
<b>Total for Non Honours Course</b>		<b>500</b>
<b>Total for Honours Course</b>		<b>700</b>

**Semester IV**  
**LL.B.: 4.1**

**Law of Evidence**

End Semester: 80  
Internal Assessment: 20  
Full Marks: 100

**Marks**

**Unit 1: Introduction**

**16**

- 1.1 The main features of the Indian Evidence Act, 1872
- 1.2 Definition of Evidence Interpretation clause – Sec. 3-4, Nature and Purpose Law of Evidence in Civil and Criminal cases, 'May presume', 'Shall presume', Conclusive Proof.
- 1.3 Central conceptions in Law of Evidence
  - 1.3.1 Facts, Distinction between Relevant facts and facts in issue.
  - 1.3.2 Proved, Not Proved and Disproved.
  - 1.3.3 Oral and Documentary Evidence.
  - 1.3.4 Circumstantial Evidence and Direct Evidence.
  - 1.3.5 Presumption (Ss. 4, 113A-113-B, 114)
  - 1.3.6 Witness
  - 1.3.7 Appreciation of evidence.
- 1.4 Applicability of Evidence Act on Electronic Record.
- 1.5 Division of Evidence – Direct, Indirect, Real and Personal, Original and Hearsay, Primary and Secondary, Oral and of Documentary, judicial etc.

**Unit 2: Relevancy & Admissibility of Facts:**

**16**

- 2.1 Facts – Relevancy of facts (S.S – 16), facts in Issue, Facts distinguished from law, facts which is to be proved, not proved and Proof in civil and criminal cases disproved,
- 2.2 Doctrine of Res. Gestae (Ss. 6-9, 11)
- 2.3 Evidence of Common Intention – relating to conspiracy (S. 10)
- 2.4 The problems of relevancy of "otherwise" irrelevant facts (Sec. 11)
- 2.5 Relevant facts for proof of custom (S. 13)
- 2.6 Facts concerning bodies and mental state (Ss. 14, 15)
- 2.7 Relevancy and Admissibility of facts
- 2.8 Admission and confession (Ss. 24-30)
  - 2.8.1 Definition
  - 2.8.2 Similarity and difference between 'admission' and 'confession'
  - 2.8.3 Admission in civil cases, when relevant (S. 23)
  - 2.8.4 Classification of confession – judicial and Extra-judicial
  - 2.8.5 Confession to police (Ss. 25-30)
  - 2.8.6 Retracted confession (S. 27)
  - 2.8.7 Improper admission and rejection of evidence

**Unit 3: Dying Declaration (Ss. 32-55)**

**16**

- 3.1 Statements by persons who cannot be called as witnesses (Ss. 32-33)
  - Justification for relevance on dying declarations
  - Judicial standards for appreciation of evidentiary value of dying declaration
- 3.2 How much of a statement to be proved (S. 39)
- 3.3 Relevance of judgment (Ss. 40-44)

- 3.4 Opinion of third person when relevant (Ss. 45-51)
- 3.5 Character when relevant (Ss. 52-55)
  - in civil cases, character to prove conduct imputed, irrelevant
  - in criminal cases, previous good character relevant, previous bad character not relevant, except in reply, character as affecting damages.

**Unit 4: Proof, Burden of Proof And Estoppel :**

16

- 4.1 Facts which need not be proved (Ss. 56-58)
- 4.2 Oral Evidence (Ss. 59-60)
- 4.3 Documentary Evidence (Ss. 61-73)
  - in aspect of electronic records, video conferencing and digital signatures and its verification.
- 4.4 Public Documents (Ss. 74-78)
- 4.5 Presumptions of documents (Ss. 79-90), including electronic forms, electronic agreements, electronic records and digital signatures, electronic messages etc.
  - Presumption to electronic records of five years old (Ss. 90-A)
- 4.6 Exclusion of oral by documentary evidence (Ss. 91-100)
- 4.7 Burden of Proof. – in civil and criminal cases (Ss. 101-114A)
- 4.8 Estoppel (Ss. 115-117)

**Unit 5: Witnesses and Examination of Witnesses (Ss. 118-166)**

16

- 5.1 Who may testify
- 5.2 Dumb witnesses
- 5.3 Parties to a civil suit and their wives or husbands
  - Husband of wife of person under criminal trial.
- 5.4 Judicial privileges
- 5.5 Privileged communications
  - during marriage, as to affairs of state
  - information as to commission of offences
  - sources of information as to offences
- 5.6 Official communication, Professional communication, position of interpreters etc.
  - voluntary evidence, – non compellable witnesses
  - confidential communications
  - production of electronic records which another person having possession (S. 131), (as substituted by the Information Technology Act, 2000)
- 5.7 Evidence of Accomplice
- 5.8 Examination of witnesses
  - Examination in chief, cross examination, re-examination, order of examination, - leading questions,
  - Hostile witnesses
  - Child witness
- 5.9 Improper admission and rejection of evidence

**Internal Assessment :**

20

**Referred cases :**

1. *State of Maharashtra V. Praful B. Desai* (2003) 4 SCC 601; AIR 2003 S.C. 2053 (Evidence by means electronic records)
2. *Iqbal Singh Marwah V. Meenakshi Marwah* (2005) 4 S.C.C. 370 ; AIR 2005 S.C. 2119 (Degree of standard of Proof)
3. *Bhim Singh V. State of Haryana* AIR 2003 S.C. 693, (Post-mortem Report as Evidence)
4. *State of Assam V. Mahim Barkakati* AIR 1987 S.C. 98 : (1986) 4 S.C. C. 439 (Testimony of Police officer)
5. *Shukla V. Daroga Singh* AIR 2009 S.C. 320 (Chance Witness)
6. *State of Karnataka V. Papanaiika* AIR 2004 S.C. 4967

- (Post-mortem Report)
7. *State of Maharashtra V. VasudeoRamchandraKaidalwar (1981) 3 S.C.C. 199 (Burden of Proof)*
  8. *Public Information officer V. A.P. Information Commissioner AIR 2009 A.P. 73*
  9. *Rita Pandit V. AtulPandi A.I.R. 2005 AP. 253 (Examination in chief)*
  10. *SomNath V. State of Haryana A.I.R. 1980 S.C. 1226 (Dying Declaration)*

Recommended Books:

1. RatanlalDhirajlal, Indian Evidence Act
2. Dr. Avtar Singh Indian Evidence Act
3. BatukLal
4. RameshwarDayal Law of Evidence
5. Vepa P. Sarathi
6. Robert Cross
7. Sarkar

**Semester IV**

**LL.B.: 4.2**

**Civil Procedure Code and Limitation Act**

End Semester -80  
Internal Assessment -20  
Marks: 100

**Marks**

<b>Unit 1: Introduction</b>	<b>16</b>
1.1 SUITS IN GENERAL (S.1 -35) Object of the code, scope, meaning of substantive law and procedural law, important terms and definitions related with code –Affidavit, Appeal, Cause of Action, Caveat, Issue, Jurisdiction, Suit, Summons, Pleading, Written Statement, Decree, Judgment, Order, Decree holder and Decree debtor, Legal representative, Mesne Profit, Execution etc.	
1.2 Jurisdiction of Civil Courts, Cause of action, Res subjudice, Res Judicata, Constructive Resjudicata.	
1.3 Institution of Suit, Essentials of Suits, Parties to Suit, Representative Suit, Frame of Suit.	
1.4 Pleadings, Definition, Basic Rules, Construction of Pleadings, Singing and verification of pleading, Amendment of pleading.	
1.5 Plaint –Meaning, particulars, Written Statement, Set-off, Legal set-off, Equitable set-off, Set-off and Counter –claim.	
1.6 Issue and Service of summon, Meaning and essentials of summons, contents of summon, modes of service of summons.	
<b>Unit-2: Appearance &amp; Non-appearance of Parties-Withdrawal of Compromise of Suits, Trial and Special Suits:</b>	<b>16</b>
2.1 Appearance and non-appearance of parties, Ex parte decree.	
2.2 First Hearing –Meaning, object. Disposal of Suit at first hearing.	
2.3 Discovery, Inspection and Production of Documents.	
2.4 Issue –meaning framing of issues, kinds of issue, importance of issues, materials for framing issues, omission to France issues, Disposal of suit, penalty for default Adjournments.	
2.5 Interim orders, Issue of commission and its purpose arrest before judgment, attachment before judgment, -Temporary injunction, Interlocutory orders (order 39, Rules 1-5) s	
2.6 Withdrawal and Compromise of suits.	
2.7 Summoning and attendance of witness, summons to produce documents, adjournments,	
2.8 Hearing of suit.	
2.9 Judgment –its essentials, pronouncement of judgment, copy and contents of judgment, alteration in judgment.	
2.10 Decree –its essentials, decree and judgment, contents etc.	
2.11 Award of Interest and Award of Costs.	
<b>Unit 3: Special Suits:</b>	<b>16</b>
3.1 Suits by or against Government or public officers, suits by aliens, suits by or against Foreign Rules, Ambassadors and Envoys.	
3.2 Suits by or against corporations, suits by or against partnership firms, suits by or against trustees, executors and administrators.	
3.3 Suits against minors and lunatics, guardians or next friends, suits concerning family matters.	
3.4 Interpleader Suit	



- 3.5 Suits by indigent persons.
- 3.6 Summary Suits.
- 3.7 Arrest and attachment before judgment

**Unit 4: Appeals, Reference, Review, Revision and Execution**

16

- 4.1 Meaning of Appeals, Reference, Review and Revision
  - First Appeals –meaning, essentials, different stages of Appeals, right of appeal, who may appeal, who cannot appeal, decision where appeal heard by two or more judges, cross-objection, cross appeal, powers of Appellate Court, Appeal from appellate decree.
  - Second Appeal 100 to 103, 107 -108 and Order 42 –substantial question of law.
  - Appeals from orders, appeals by indigent/persons, appeals to Supreme Court, Limitation, Savings powers of High Court.
- 4.2 Review –meaning, nature and scope, object, review and appeal, review and reference, review and revision, circumstances, grounds, procedure at hearings.
- 4.3 Revision –meaning, Sec. 115, nature and scope, object revisions and appeal, revision and second appeal, revision and reference, revision and review, appeal, reference, review and revision –distinction.
- 4.4 Reference –object, nature and object, condition, who may apply, power and duty of the referring court, power and duty of High Court, distinction with appeal, review and revision, reference under CPC and Cr. P. C., reference under CPC and Constitution.
- 4.5 Execution (Sec. 36 -74) –meaning, nature and scope, execution proceedings.
  - Courts executing decrees, -court passing a decree, courts by which decrees may be executed
  - Application for execution, procedures on receiving application, mode of execution.
  - Attachment of Property, garnishee order.
- 4.6 Miscellaneous –restitution
  - Notice under C. P. C.
  - Caveat –meaning, Sec. 148 –A.
  - Inherit Powers of the Courts (S. 148 to 151)
  - Causes of delay, in Civil Litigation, amendments of 1999 and 2002.

**Unit 5: Limitation Act, 1963 –Sec. 1-31**

16

- 5.1 Meaning of law of limitation, nature and object.
- 5.2 Plea of bar of limitation and its efficiency
- 5.3 Condonation of delay and the doctrine of sufficient cause.
- 5.4 Doctrine legal disability, continuous running of time,
- 5.5 Rules regarding execution of prescribed time.
- 5.6 Effect of certain events on computation of period of limitation

*Referred Cases:*

1. NawabShaquafath Ali Khan V. NawabImdadJahBahadur (2009) S. Sec 162
2. Narayan Rajendram V. LakshmySarojiny (2009) S Sec. 264
3. Director General of Police, Central Reserve Polcie Force, New Delhi V. P. M. Ramalingam, AIR 2009 SC 956
4. Malwa Strips Pvt. Ltd. V. Jyoti Ltd. V. Jyoti Ltd., AIR 2009 SC 1581
5. BooddoreddyChandraiahV.ArigelaLaxmi, AIR 2008 SC 380
6. Puran Ram V. Bhagyaram, AIR 2008 SC 1960
7. Union of India V. KamalenduShukla, AIR 2006 Pat 117
8. KsihorKirtila Mehta V. LjlavatiKirtilal Mehta Medical Trust, 2007 (9) Scale 36.
9. R. N. Jadu V. Subhashchandra, AIR 2007 SC 2571
10. State of U. P. V. NawabHussain, AIR 1977 SC 1680
11. Salem Advocate Bar Association, Tamil Nadu V. Union of India, AIR 2003 SC 189.

**Internal Assessment:**

20

**Recommended Books:**

-on the Civil Procedure Code by -

1. C. K. Takwani (Thakkar)
2. Dr. Avatar Singh
3. M. P. Tandon
4. S. N. Singh
5. S. Rows.

-on Law of Limitation by -

1. K. K. Srivastava
2. Dr. D.N.R. Pandey

**Semester IV**  
**LL.B.: 4.3**

**Transfer of Property Act**

**End Semester – 80**

**Internal Assessment – 20**

**Total Marks – 100**

**Marks**

**Unit 1: Introduction:**

**16**

- 1.1. Definition, Object and Scope of the Act.
- 1.2. Transfer of Property- movable and immovable.
- 1.3. Interpretation Clause- 'Immovable clause', 'Instrument', 'Attested', Registered, Attached to the earth, 'Actionable claim', 'Notice', Actually express and constructive notice.
- 1.4. Vested and Contingent interest, Difference, Conditional Transfer, (5.25) Difference between Contingent interest and Spes-Succession is.

**- NORMS PART -**

**Unit 2: Transfer of Property by Act of Parties:**

**16**

- 2.1 Sec 5 – Transfer of Property defined
- 2.2 Sec. 6- Spes-successionis, Mere right of re-entry, Easements, Restricted Interest, Right to future maintenance, Mere right to Sue, Pensions and stipends,
- 2.3 Sec. 7- Persons competent to transfer, Easements of valid transfer, Competency of transfer.  
Sec. 8- Operation of transfer.  
Sec. 9- Oral transfer.  
Sec. 10- Conditions restraining alienation.
- 2.4 Sec 13 – Transfer for benefit of unborn child, Sec. 14- Rule against perpetuity- Object, Maximum Remoteness of Vesting, Ultimate beneficiary in mothers' womb, Exceptions to the Rule.
- 2.5 Sec. 26 to 29- Condition Precedent and Condition subsequent, Fulfilment of Condition Precedent and Condition subsequent
- 2.6 Sec.35- Doctrine of Election.

**Unit 3: Transfer of Immovable Property**

**16**

- 3.1 Sec.38- Transfer by person authorized only under certain circumstances to transfer.
- 3.2 Sec.39- Transfer where third person is entitled to maintenance.
- 3.3 Sec. 40- Burden of obligation imposing restriction on use of land or of obligation annexed to ownership, but not amounting to interest of easement.
- 3.4 Sec. 41- Transfer by Ostensible Owner, Benami Transaction Act, 1988.  
Sec. 42- Transfer by person having authority to revoke former transfer, Sec 43 –Transfer by unauthorized persons Sec. 44 & 47, Transfer by Co-owner, Sec. 44-46, joint transfer for consideration, Sec. 48 & 78- Priority of Rights created by Transfer. Sec. 49- Transferee's rights under policy.



- 3.5 Sec. 50-51- Bonafide holders under defective title. Sec. 52- Transfer of property during pendency of suit. (Doctrine of Lis Pendens). Sec.53- Fraudulent Transfer, voidable by creditors.
- 3.6 Sec. 53A- Doctrine of Part- Performance, Partial information of equity of redemption, difference between English and Indian Law.
- 3.6 Relevant provisions of Indian Registration Act

**- FORMS PART -**

**Unit 4: Sales of Immovable Property: 16**

- 4.1 Sec. 54- Definition of Sale, how made, 'Contract for sale', Essential of valid sale.
- 4.2 Hire- purchase agreements, Distinction between sale and exchange, Distinction between sale and gift.
- 4.3 Sec. 55- Rights and liabilities of buyer and seller.
- 4.4 Sec. 56- Marshalling by subsequent purchase.
- 4.5 Sec. 57- Provision by Court for incumbrances and sale freed therefrom.

**Unit 5: Mortgages, Leases, Exchanges, Gift & Actionable Claims : 16**

- 5.1 Sec. 58- Mortgages- Definition and Essential its kinds of Rights and Liabilities of Mortgagors and Mortgagees. Sec. 100- Charges- Definition and kinds- Distinction between charge and mortgage, charge and lien.
- 5.2 Sec. 105- Leases – Definition of Lease, Lessor, Lessee, premium and rent. Sec. 107- How made Sec. Rights and Liabilities of Lessor and Lessee. Sec. 111- Forfeiture of Lease. Holding over, Determination of Lease.
- 5.3 Sec. 118- Exchange- Definition, Rights and Liabilities of parties.
- 5.4 Sec. 122- Gift- Definition and Essential.  
Sec. 123- Transfer how effected, modes of making gift.  
Sec. 124- Gift of existing and future property.  
Sec. 125- Gift to several of whom one does not accept.  
Sec. 126- When gift may be suspended & revoked.  
Sec. 127- Onerous gift.  
Sec. 128- Universal donee.
- 5.5 Sec. 130- Transfer of Actionable claim, - Definition, Transfer how effected, Sec. 130 & 132- Rights of a transfer of an actionable claim.  
Sec. 133 & 134- Warranty of solvency of debtor, Mortgaged debt.  
Sec. 135- Assignment of rights under policy of insurance against fire.

**Internal Assessment : 20**

**Referred Case Laws:**

1. M. Ramkrishna Reddy V. Sub- Registrar, Bangalore, AIR (2000) Kant. 46.
2. Godrej and Boyee Manufacturing Co. Ltd. v State of Maharastra (2009) 5 Sec.24.
3. Kaliperumal V. Rajagopal, (2009) 4 Sec. 193.
- 4 C. Cheriathan V. P. Narayanan Embranthiri (2009) 2 Sec. 673
5. Vimal Chand Ghevarchand Jain V. Ramakanta Eknath Jadoo (2009) 5 Sec. 713.

## **Recommended Books**

1. Prof. R. K. Sinha, **The Transfer of Property Act**, Central Law Agency, 2016 Edition.
2. H. N. Tiwari, **The Transfer of Property Act**, Allahabad Law Agency, 2015 Edition.
3. S. N. Sukla, **The Transfer of Property Act**, Allahabad Law Agency, 2016 Edition.
4. S. M. Lahiri, **The Transfer of Property Act**, Eastern Law House, 2014 Edition.
5. D. F. Mulla, **The Transfer of Property Act**, Eastern Book Company, 2016 Edition.

End Semester -80  
Internal Assessment -20  
Total Marks: 100

<b>Unit1:</b>	<b>Evolution and Scope of Administrative Law</b>	<b>Marks 16</b>
	<ul style="list-style-type: none"> <li>1.1 Definition, Nature, Scope and reasons for development of Administrative Law</li> <li>1.2 Relationship between Constitutional Law and Administrative Law</li> <li>1.3 Meaning &amp; concept of Rule of Law –Rule of Law and Administrative Law</li> <li>1.4 Separation of powers and its relevance –application in India</li> <li>1.5 Droit Administrative</li> <li>1.6 Classification of functions of Administration</li> </ul>	
<b>Unit2:</b>	<b>Delegated Legislation</b>	<b>16</b>
	<ul style="list-style-type: none"> <li>2.1 Meaning and scope of Delegated Legislation</li> <li>2.2 Reasons for the growth of Delegated Legislation –Constitutionally</li> <li>2.3 Advantages and disadvantages of Delegated Legislation</li> <li>2.4 Forms of Delegated Legislation</li> <li>2.5 Delegated Legislation in India and the United Kingdom</li> <li>2.6 Control Mechanism –Judicial, Parliamentary, and procedural control</li> <li>2.7 Sub delegation of legislative powers</li> <li>2.8 Difference between delegated legislation and conditional legislation</li> <li>2.9 Colourable Legislation</li> </ul>	
<b>Unit3:</b>	<b>Judicial Function of Administration and Principles of Natural Justice</b>	<b>16</b>
	<ul style="list-style-type: none"> <li>3.1 Need for devolution of adjudicatory authority on administration</li> <li>3.2 Nature of tribunals –Constitution, powers, procedures, rules of evidence</li> <li>3.3 Administrative Tribunals –advantages –distinction between administrative Tribunals and Court of Law</li> <li>3.4 Principal of Natural Justice <ul style="list-style-type: none"> <li>3.4.1 Rule against bias</li> <li>3.4.2 Audi AlteramPartem</li> <li>3.4.3 Reasoned decisions</li> </ul> </li> <li>3.5 Administrative Tribunals established under the Administrative Tribunals Act, 1985</li> </ul>	
<b>Unit4:</b>	<b>Administrative Discretion and Judicial Control of Administrative Action</b>	<b>16</b>
	<ul style="list-style-type: none"> <li>4.1 Administrative Discretion <ul style="list-style-type: none"> <li>4.1.1 Need and its relationship with rule of law</li> <li>4.1.2 Constitutional imperatives and exercise of discretion</li> <li>4.1.3 Grounds of judicial review <ul style="list-style-type: none"> <li>-Abuse of discretion</li> <li>-failure to exercise discretion</li> </ul> </li> <li>4.1.4 Doctrine of legitimate expectations</li> <li>4.1.5 Doctrine of Public Accountability</li> <li>4.1.6 Doctrine of Proportionality</li> </ul> </li> <li>4.2 Judicial Control of Administrative Action <ul style="list-style-type: none"> <li>4.2.1 Introduction</li> </ul> </li> </ul>	

- 4.2.2 Court as the final authority to determine the legality of administrative action
- 4.2.3 Exhaustion of Administrative remedies
- 4.2.4 Locus standi
- 4.2.5 Res Judicata
- 4.2.6 Judicial review and its extent

- 4.3 Methods of judicial review
  - 4.3.1 Statutory appeals
  - 4.3.2 Writs –Certiorari –Prohibition –Mandamus –Quo Warranto –Habeas Corpus
  - 4.3.3 Declaratory judgements and injunctions
  - 4.3.4 Civil Suits for Compensation

**Unit5: Liability of Government/Administration, Public Corporations, Ombudsman and Constitutional protection of Civil Servants etc. 16**

- 5.1 Liability of Administration
  - 5.1.1 Liability in Contract
  - 5.1.2 Liability in Tort
  - 5.1.3 Privileges and Immunities of the Administration in suits
- 5.2 Public Corporations –characteristics –classification –liability – status of employees- control of Public Corporations –Government Companies
- 5.3 Ombudsman –meaning –objectives-development
  - Working of Lokayuktas in States
  - Right to Information Act and good Governance
  - Working of Vigilance Commission
- 5.4 Constitutional protection of Civil Servants
  - 5.4.1.1 Doctrine of Pleasure
  - 5.4.1.2 Article 311 of the Indian Constitution
  - 5.4.1.3 Procedural safeguards
    - No termination of subordinate authority
    - Reasonable opportunity to defend

**Internal Assessment**

20

**Referred Cases:**

1. *A.D.M. Jabalpur V. ShivakantShukla, (1976) 2 SCC 521 (Doctrine of Separation of Powers)*
2. *Olga Tellis Vs. BMC, AIR 1986 SC 180*
3. *Indira, Nehru, Gandhi V. RajNarayan(1975) Supp. SCC1*
4. *Supreme Court Advocates on Record Assn. V. Union of India (1993) 4 SCC 441 (Delegated Legislations)*
5. *Sahni Silk Mills V.E.S.I. Corp (1994) 5 SCC 346 (Natural Justice)*
6. *A.K. Kraipak V. Union of India, AIR 1970 SC 150*
7. *J. Mohapatra of Co. V. State of Orissa, AIR 1987 SC 1572*

**Recommended books:**

1. Principles of Administrative Law –M. P. Jain & S. N. Jain
2. Administrative Law –I. P. Massey
3. C. K. Takwani –Administrative Law
4. S. P. Sathe –Administrative Law
5. KailashRai –Administrative Law
6. Wade –Administrative Law



**Semester IV**  
**LL.B.: 4.5 P<sub>2</sub>**

**Drafting, Pleading and Conveyancing**

**Practical - 2**

Full Marks: 100

Practical Assignments: 90

Viva-voce: 10

[Teachers of C.P.C, Cr.P.C, Evidence and Transfer of property will combinely entrusted with the teaching of this paper, therefore, the above teachers while taking their particular content relating to their above specified subjects which are related to drafting should teach the students how to draft practically (with norm and forms) involving all the prescribed items in the syllabus of this paper. See also the rule 20.2 of the regulation and notes 1 & 2 written below]

*Apart from teaching the relevant provisions of law, the course will include not less than 15 practical exercises in drafting, carrying a total of 45 marks (3 marks for each) and 15 exercises in conveyancing carrying another 45 marks (3 marks for each exercise) remaining 10 marks will be given for viva voce. Viva Voce examination will test the understanding of legal practice in relation to Drafting, Pleading and Conveyancing.]*

*[No Internal assessment as distribution of 100 marks has been made by the BCI as mentioned below]*

**Outline of the course:**

- a) **Drafting** – General principles of drafting and relevant substantive rules shall be taught.
- b) **Pleadings** –
- i) Pleadings in general, object of pleadings and fundamental rules of pleadings.
  - ii) **Civil:** Plaint, written statement, interlocutory application, original petition, affidavit, execution petition, memorandum of appeal and revision, petition under Article 226 and 32 of the Constitution of India.
  - iii) **Criminal:** Complaint, criminal miscellaneous petition, bail application, memorandum of appeal and revision.
  - iv) **Form of Pleadings:** Practical exercises on any of the 15 following topics:  
**15x3 = 45**
    - Suit for recovery under order XXXVII of the Code of Civil Procedure 1908.
    - Suit for Permanent Injunction.
    - Application for Temporary Injunction under Order 39 Rules 1 & 2 of the CPC.
    - Application under Order 39, Rule 2-A of the CPC.
    - Suit for Ejectment and Damages for Wrongful Use and Occupation.
    - Petition for Restitution of Conjugal Rights under S.9 of the Hindu Marriage Act, 1955.
    - Petition for Judicial Separation under S.10 of the Hindu Marriage Act, 1955.
    - Petition for Dissolution of Marriage by Decree of Divorce under S.13 & S.13B(1) of the Hindu Marriage Act, 1955.
    - Petition for Grant of Probate in High Court.
    - Petition for Grant of Letters of Administration.
    - Contempt Petition under Ss. 11 & 12 of the Contempt of Courts Act, 1971 before High Court.
    - Writ petition under Article 226 of Constitution of India.
    - Caveat under S. 148-A of CPC.



- Caveat for Special Leave Petition (Civil) under Article 136 of the Constitution of India.
- Special Leave Petition (civil) under Article 136 of the Constitution of India.
- Counter Affidavit in Special Leave Petition (Civil).
- Application for Bail.
- Application for Grant of Anticipatory Bail.
- Complaint under S. 138 of the Negotiable Instruments Act, 1881.
- Application U/S. 125 of Cr.PC.
- Special Leave Petition (Criminal) under Article 136 of the Constitution of India.
- Transfer Petition (Civil) U/S. 25 of CPC.
- Curative Petition under Articles 129, 137, 141 and 142 of the Constitution of India.
- Complaint under S. 12 of the Consumer Protection Act, 1986.
- Written Statement to the Complaint under Consumer Protection Act, 1986.

**c) Conveyancing:**

- i) Conveyancing in general, object of conveyancing and component parts of a deed.  
 ii) Forms of deeds and notices: practical exercises on any fifteen of the following: -

**15x3=45**

- Sale deed
- Mortgage deed
- Lease deed
- Gift deed
- Promissory note
- Power of attorney – general and special power of attorney
- Will
- Trust deed
- Relinquishment deed
- Partnership deed
- Deed of dissolution partnership
- Hire-purchase agreement
- Deed of family settlement between rival claimants of an estate
- Notice of ejection to the tenant under S. 106 of the T.P. Act., 1982
- Notice under S. 80 of the Code of Civil Procedure, 1908.

**Viva-voce**

**10**

Viva-voce examination of 10 marks will be mainly on the above practical works to test the understanding of the students on the topics besides general principles of drafting, pleadings and conveyancing.

**Note 1:** The practical exercises (minimum 15 for Drafting and minimum 15 for Conveyancing) should regularly be submitted by the students to the teacher of the paper throughout the semester for continuous evaluation.

**Note 2:** The evaluated exercises along with the list of the marks awarded would be placed before the external examiner at the time of viva-voce examination. The teacher of this paper would be internal examiner who along with the external examiner would jointly award final marks on the exercises and viva-voce examination.

**Prescribed Legislation:**

*The Code of Civil Procedure. 1908, Orders VI to VIII.*

**Referred cases:**

1. *Ram Sarup Gupta vs. Bishunarayan Inter College*, AIR 1987 SC 1242.
2. *Hari Chand vs. Daulat Ram*, AIR 1987 Sc 94.
3. *Dhoom Singh vs. Prakash Ch. Sethi*, 1975 (1) SCC 597.

4. *Delhi Development Authority vs. Durga Chand*, AIR 1973 Sc 2609.

**Recommended Books:**

1. M.C. Agarwal and G.C. Mogha, *Mogha's The Law of Pleadings in India*
  2. J.M. Srivastava and G.C. Mogha, *Mogha's The Indian Conveyancer*
  3. M.R. Mallick, Ganguly's, *Civil Code: Practice and Procedure*
  4. C.R. Datta and M.N. Das, *Dé Souza's, Forms and Precedents of Conveyancing.*
  5. N.S. Bindra, *Conveyancing*, Vol. 1-5, Law Publisher, Allahabad
- Chaturvedi A.N – *Law of Pleading Conveyancing.*
  - D'souza – *Conveyancing.*
  - Srivastava – *The Law of Drafting Pleading and Conveyancing*
-