

CHHINDWARA UNIVERSITY, CHHINDWARA

LL.B. PART III SEMESTER-V

PAPER – I CIVIL PROCEDURE CODE AND LIMITATION ACT, 1963

UNIT–I: Suits in General

1. Definition - Decree, decree holder, judgment, judgment debtor, legal representative, mesne profit, order and pleader, Cause of action.
2. Jurisdiction of the Courts (Subject matter, territorial and pecuniary).
3. Res sub judice.
4. Res judicata.
5. Foreign Judgment.

UNIT -II: Suits

1. Parties to Suits.
2. Framing of Suits.
3. Pleadings generally (Order VI).
4. Plaint – Order VII.
5. Written Statement- Order VIII (Set-off & Counter-claim).
6. Appearances - Exparte Decree, dismiss for default.
7. Costs and Interest.
8. Filing a Caveat.

UNIT-III: Trial of suits and Execution of Decrees

1. Summons-Issue and Service of Summons.
2. Summoning and Attendance of witnesses.
3. Withdrawal and adjustment of Suits.
4. Examination of parties by the court.

5. Temporary & permanent injunction and Interlocutory Orders.
6. Arrest and Attachment before Judgment.
7. Execution of Decrees - Executing Court, Modes of Execution etc.

Special suits

1. Suits by/and against minors and person of unsound mind.
2. Suits by/ and against indigent person.
3. Suit by/and against Government

UNIT IV: Appeals, Reference, Review and Revision

1. General provisions relating to appeals
2. First Appeal
3. Second Appeal
4. Appeals to the Supreme Court
5. Appealable Orders
6. Reference
7. Review
8. Revision
9. Inherent Powers of Court

UNIT V: The Limitation Act, 1963

1. General Provisions as to the Bar of Limitation and Extension of the prescribed time (Sections 1-5)
2. Legal Disability, exclusion of time etc. (Sections 6-24)
3. Acquisition and Extinguishment of Proprietary rights by the virtue of limitation (Sections 25-27)

Selected Bibliography

1. Mulla, Code of Civil procedure (1999), Universal Delhi
2. C.K. Thakker, Code of Civil Procedure (1999), Universal Delhi

3. M.R. Mallick (ed.) B.B. Mitra on Limitation Act (1998), Eastern Lucknow.
4. Majumdar P.K. and Kataria R.P. Commentary on the Code of Civil Procedure.1908 (1998), Universal Delhi.
6. Saha A.N. The Code of Civil Procedure (2000) Universal Delhi
7. Sarkar Law of Civil Procedure Vols. (2000) Universal Delhi.
8. Universal's Code of Civil Procedure (2000)

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PAPER- II ALTERNATE DISPUTE RESOLUTION

Unit-I Concept

1. Arbitration: Meaning scope and types
2. Arbitration Agreement- Essentials, Kinds
3. Who can enter into arbitration agreement?
4. Validity
5. Reference to arbitration
6. Interim measures by court

Unit-II Arbitration Tribunal

1. Composition
2. Jurisdiction
3. Grounds of challenge
4. Powers
5. Procedure
6. Court assistance
7. Award, Rules of guidance, Form and content, Correction and interpretation
8. Grounds of setting aside an award-Want of proper notice and hearing, Contravention of composition and procedure.
9. Impartiality of the arbitrator
10. Bar of limitations, res judicata
11. Consent of parties
12. Enforcement
13. Appeals

Unit-III Conciliation

1. Distinction between “conciliation”, “mediation”, and “arbitration”.
2. Appointment of conciliator
3. Interaction between conciliator and parties
4. Communication, disclosure and confidentiality
5. Suggestions by parties
6. Settlement agreement and its effect
7. Resort to judicial proceedings, legal effect
8. Costs and deposit

Unit-IV International Arbitration

1. Enforcement of Foreign Award
2. New York convention Award
3. Geneva Convention Award

Unit-V Rule making Power

1. Legal Service Authorities Act, 1987
2. Lok Adalat
3. Legal Litreacy and Legal Aid Camp.

Selected Bibliography

1. Avtar Singh: Arbitration and Conciliation
2. Goyal: Arbitration and Conciliation Act
3. Shukla: Legal remedies
4. Jhabvala: Law of Arbitration and Conciliation

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PAPER - III INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

UNIT-I Interpretation of Statutes

1. Meaning of the term statute, Kinds of statutes
2. Commencement, operation, repeal of statutes
3. Purpose of interpretation of statutes
4. Meaning of construction and interpretation – their difference

UNIT-II Aids to Interpretation

Internal aids

1. Titles
2. Preamble
3. Heading and marginal notes
4. Sections and sub- sections
5. Punctuation marks
6. Illustrative exceptions, provisos and saving clauses
7. Schedules
8. Non - obstante clause

External aids

1. Dictionaries
2. Translations
3. Travaux preparatoires
4. Statutes in pari materia
5. Contemporanea Exposition
6. Debates, inquiry commission reports and Law commission reports
- 7 General Clauses Act

Unit-III Principles and Rules of Statutory Interpretation

1. Primary rules
2. Literal rule
3. Golden rule
4. Mischief rule (rule in the Heydon's case)
- 5 Rule of harmonious construction
6. Noscitur a sociis
7. Ejusdem generis
8. Reddendo singula singulis

UNIT-IV Interpretation with reference to the subject matter and purpose

1. Restrictive and beneficial construction
2. Taxing statutes
3. Penal statutes
4. Welfare legislation and principles of legislation
5. Presumption

UNIT-V Principle of Constitutional Interpretation

1. Harmonious constructions
2. Doctrine of pith and substance
3. Colourable legislation
4. Ancillary powers
5. “Occupied field”
6. Residuary power
7. Doctrine of repugnancy

Selected Bibliography

- 1- G.P. Singh, Principle of Statutory Interpretation,(7th ed.), 1999
Wadhwa Nagpur.
- 2- P.S. Langan (ed.), Maxwell on The interpretation of Statutes (1976,
N.M. Tripathi, Bombay
- 3- K. Shanmukham, N.S. Bindras’ Interpretation of Statutes (1997) The
Law Book Co. Allahabad.
- 4- V. Sarathi, Interpretation of Statutes (1984), Eastern & Co.
- 5- M.P. Jain, Constitutional Law of India, (1994) Wadhwa & Co.
- 6- M.P. Singh, (ed.) V.N. Shukla’s Constitution of India (1994) Eastern
Lucknow
- 7- U. Baxi, Introduction to Justice K.K. Mathews, Democracy Equality
and Freedom (19780 Eastern Lucknow.
- 8- Theories of Legislation by Jeremy Bentham, Tripathi Publication

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PAPER – IV BANKING LAW

UNIT -I Introduction

1. Evolution of Banking and its history in India.
2. Bank, Banking and Bank Regulation.
3. Structure and function of Banking Institutions—The different types of Banks viz. Central Bank, Commercial Bank, Co-operative Banks, Specialized Banks, Regional
4. Rural Banks (RRBs), NABARD, Financial Institutions and their respective functions
5. Commercial banks: Structure and function (Core functions and Ancillary functions)
6. Systems of Banking: Unit banking, branch banking, group banking and chain banking.

UNIT- II Relation between Banker and Customer

1. Legal character of Banker – Customer relationship.
2. Rights and obligations of Banker.
3. Banking Ombudsman
4. Types of Accounts.
5. Principles of good lending.

UNIT -III The Negotiable Instrument Act, 1881

Legal aspects of negotiable instrument in general and special features of the following:

1. Promissory Note, Bill of Exchange, Cheque, Drawer, Drawee, Payee, Holder, Holder in due course, Inland Instrument, Foreign Instrument, negotiable Instrument, Negotiation, Indorsement, inchoate stamped Instruments.
2. Crossing of Cheques-- Criminal liability on dishonour of Cheque (Section 138 – 142) the law relating to payment of customers cheque-- rights and duties of paying banker and a collecting banker.

UNIT IV Reserve Bank of India: Structure and Functions

1. Central Banking: Organizational Structure of RBI
2. Functions of the Reserve Bank: Primary and secondary

Banking Regulation Act, 1949

1. Control over Management.
2. Prohibition of certain activities in relation to Banking Companies.
3. Acquisition of the undertakings of Banking Companies.
4. Suspension of Business and winding up of Banking Companies.
5. Special provisions for speedy disposal of winding up proceedings.
6. Powers of the Central Government towards Banking Companies.

UNIT -V Control of Banks in India

The role of banking institutions in the socio-economic development of the country- Advanced to priority sector and Credit Guarantee Scheme.

1. Social Control of Banks.
2. Nationalisation of Banks.
3. Priority lending.

4. Protection of Depositors, Promotion of underprivileged classes, Development work and participation in national economy.
[Narshimam Committee Recommendations]

Emerging Dimensions in Banking System

1. E-commerce
2. E-banking/ Easy Banking

Selected Bibliography

- 1- M.S. Parthasarthy (ed.) Kherganvala on the Negotiable Instruments Act (1998), Butterworth, New- Delhi
- 2- M.L. Tanaon, Tannon's Banking Law and Practice in India, (2000) India Law House, New Delhi.
- 3- S.N. Gupta, The Banking Law in Theory and Practice, (1999), Universal New Delhi.
- 4- G.S.N. Tripathi (ed.), Sethi's Commentaries on Banking Regulation Act 1949 and Allied Banking Laws (2000), Law Pub. Allahabad

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PAPER -V

Public Interest Litigation, Legal aid and Para Legal Services

UNIT I:

1. Concept of Public Interest Litigation.
2. Public Interest Litigation in India.
3. Constitution of India, Articles in Parts III and

UNIT II:

1. Philosophical Basis of Public Interest in India.
2. Concept and Scope of Locus Standi.
3. Procedural Law in Public Interest Litigation.
4. Breach of Directive Principles of State Policy vis-à-vis Public Interest Litigation.
5. Socio-Economic Justice vis-à-vis Public Interest

UNIT IV:

1. Litigation in India.
2. Judicial Activism to Public Interest Litigation Act.
 - a) Judicial Activism – Genesis and Relevance.
 - b) Critical Appraisal of Public Interest Litigation in India.
 - c) Uses of Public Interest Litigation and

UNIT IV

1. Abuses of Public Interest Litigation.
2. Role of Judiciary in enforcement of rights through Public Interest
3. Litigation and Social

UNIT V

Action Litigation.

- a. Atrocity over foot path dwellers.
- b. Police atrocities. Some leading cases on custodial death, torture, handcuffing and illegal detention by police.
- c. Environment and Pollution.
- d. Misuses of Public Property.
- e. Status and Rights of women in Indian Society.

Selected Bibliography:

1. Mamta Rao, Public Interest Litigation Legal Aid and Lok Adalats
2. Dr. B.L. Wadehra, Public Interest Litigation - A Handbook

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PAPER-VI COMPANY LAW (The Companies Act, 2013)

UNIT I. Formation of Companies:

1. History of Company Legislation in India
2. Meaning and Nature of Company with Emphasis on its Advantages and Disadvantages over
3. Other Forms of Business Organisations.

UNIT II

1. Kinds of Companies
2. Corporate Personality and Lifting the Corporate Veil
3. Promotion of Companies:
 - (a) Promoters and Pre-Incorporation Contracts
 - (b) Registration of Companies
4. Memorandum of Association and Articles of Association:
 - (a) Meaning, Nature and Contents and Relationship Between the two
 - (b) Objects Clause and Doctrine of Ultra-Vires
5. Prospectus and Statement in Lieu of Prospectus
6. Membership of Company - Its Acquisition and Termination.

UNIT III. Corporate Capital:

- 1- Share and Share Capital: Meaning, Nature and Kinds; Various Rights and Duties Attached to these Shares.
- 2- Issuance and Allotment of Shares.

3. Alteration of Share Capital:

- (a) Increase in Share Capital
- (b) Reduction of Share Capital
- (c) Pre-Emptive Rights and Variation of Class Rights

UNIT IV Company Management and Administration:

1. Company and its Various Organs Including Division of Powers between Board of Directors and Company in General Meeting.
2. Company Meetings and Resolutions:
 - (a) Types / Kinds of Meetings
 - (b) Essential Conditions of a Valid Meeting
 - (c) Procedure for Calling Company Meetings
 - (d) Resolution Kinds and Procedures Relating Thereto
3. Directors and Managing Director: Appointment and Legal Position.
4. Oppression and Mismanagement
5. Investigation into the Affairs of Companies
6. Reconstruction and Amalgamation
7. National Company Law Tribunal: Composition and Powers

UNIT V Winding up of Company:

1. Modes of Winding Up:
 - (a) Compulsory Winding up - Conditions and Positions
 - (b) Voluntary Winding Up: Kinds and Distinctions.
2. Officials Liquidator and Liquidator:

Appointment and Powers.

Selected Bibliography:

1. Avtar Singh Indian, Company Law' 17th Edition Eastern Book Company Lucknow
2. Taxmma's, Company Law A Comprehensive text book on companies Act, 2013 22nd Edition 2019
3. S.C. Tripathi New Company Law (The Companies Act 2013) Central Law Publication.