

CHHINDWARA UNIVERSITY, CHHINDWARA

(Session 2019-20)

LL.B. PART III SEMESTER VI

PAPER-I CIVIL PROCEDURE CODE-II

Note – This paper shall consist of 100 marks provided that 80 marks shall be reserved for written theory paper and 20 marks for sessional .

UNIT-I: Suits in particular cases

1. By or against government (ss.79 – 82)
2. Public nuisance (ss. 91 – 93)
3. Suits by or against firm.
4. Suits in forma pauperis.
5. Interpleader suits
6. Suits relating to mortgages of immovable property (O-34)

UNIT-II:

1. Commissions (O-26) and (Sec- 75 to 78)
2. Settlement of disputes outside the court (Sec- 89)
3. Special Case (O-36) (S-90)
4. Suits relating to Public matters (S-91-93)
5. Summary Procedure or Negotiable Instruments (O-37)
6. Arrest and Attachment before judgment (O-38) (S-94 & 95)
7. Temporary Injunctions and Interlocutory Orders (O-39)
8. Appointment of Receiver (O-40)

UNIT-III:

1. Appeals
2. Appeals from original decree
3. Appeals from appellate decree
4. Appeals from orders
5. General provisions relating to appeal
6. Appeal to the Supreme Court
7. Review, reference and revision.

UNIT-IV: Miscellaneous

1. Transfer of cases
2. Restitution
3. Caveat
4. Inherent powers of courts
5. Provisional Small Causes Courts (O-.50)
6. Presidents small causes courts (O- 51)

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Dr. Anil Kumar
Dr. Anil Kumar

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
5. 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 MOOT COURT

Note :

1. Three components of 30 marks each and viva for 10 marks shall be conducted by University.
2. Each component and viva-voce examination of this paper will be conducted by a panel of two examiners out of which one external examiner shall be appointed by the examination committee of the University and Internal examiner who may be Law Experts/Judges may be appointed by the Principal/Director/Head of the Institution concerned. The remuneration shall be as per Chhindwara University norms.
3. (a) Moot Court (30 Marks). Every student will be required to participate in moot courts in a year. The moot court work will be on assigned problem.
(b) Observance of Trial in two cases, one Civil and one Criminal (30 marks):
Students may be required to attend two trials in the course of the last two or three years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.
(c) Interviewing techniques and Pre-trial preparations and Internship diary (30 marks):
Each student will observe two interviewing sessions of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary, which will carry 15 marks.
(d) The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks



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PAPER- III ALTERNATE DISPUTE RESOLUTION

(LATEST AMENDMENT)

Note – This paper shall consist of 100 marks provided that 80 marks shall be reserved for written theory paper and 20 marks for sessional .

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 (part 2 of the act)

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

Unit-V Lok Adalat

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-IV DRAFTING, PLEADING AND CONVEYANCE

Note:

1 This paper shall have Diary of 90 (45+45) marks and viva- voce of 10 marks, which shall be evaluated by a panel of two examiners out of which one external examiner shall be appointed by the examination committee of the University and Internal examiner shall be appointed by the Principal/Director/Head of the Institution concerned. The remuneration shall be as per Chhindwara University norms.

2. (a) Drafting : General principles of drafting and relevant substantive rules shall

be taught

(b) Pleadings :-

(i) Civil : Complaint, 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.

(ii) Criminal: Complaint, Criminal Miscellaneous petition, Bail Application, Memorandum of Appeal and Revision.

(iii) Conveyance: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed

(iv) Drafting of writ petition and PIL petition

The course will be taught through class instructions and simulation exercises, preferably with assistance of practicing lawyers/retired judges.

Apart from teaching the relevant provisions of law, the course may 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.

Select Bibliography

1. R.N. Chaturvedi: Pleading, Drafting and Conveyancing,
2. Manohar Murli: The art of Conveyancing and Pleading.


M. Murli

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LL.B. PART III SEMESTER-VI

PAPER-V SOCIO ECONOMIC OFFENCES

Note – This paper shall consist of 100 marks provided that 80 marks shall be reserved for written theory paper and 20 marks for sessional .

UNIT I. Conceptions

1. Notion of "White Collar Crimes"
2. Sutherland's analysis, applications to Indian conditions.
3. From Santhanam Committee Report to the 29th and Forty Law Commission of India Report.

Corruption:

1. General concept of "Corruption Nepotism" "Favouritism" and Bribery.
2. Special Legal regime.
3. Causes of corruption.
4. Investigation (Under Criminal Laws Amendment Act)
5. Sanction for prosecution (Under Criminal Procedure Code; Prevention of Corruption Act)
6. The category of "Public servants liable for prosecution for corruption offences. Relevant aspect of the A.R. Antuly's case.
7. Sentencing policies & Trends

UNIT II. Black Money:

1. Conception of Black Money
2. Legal Provisions for Investigation into Black Money.
3. Disproportionate Assets.
4. The Role of the Central Vigilance Commission.
5. Sentencing Policies and pattern
6. Amnesty-Retroactive legislation of Black Money (through Voluntary disclosure Schemes) bearer boards etc.



UNIT III. Organised Crimes:

1. Drug Trafficking addiction and above.
2. Smuggling.
3. Chit-fund swindlers.
4. Prostitution.
5. Begging
6. Buying and selling of women across state borders

Crimes against-Consumers of goods and Services

1. Food Adulteration
2. Drug Adulteration
3. Offences relating to weight and measures.
4. Pollution Offences (
5. Medical Malpractices

UNIT IV. Legal Regimes of investigation and Enforcement

1. Differentiation in onus of proof through presumptions of guilt and due process problems.
2. Role of special courts.
3. The variety of enforcement mechanism specialised and general.
4. Withdrawal from prosecution.
5. Strict-liability and vicarious liability
6. Group liability (Associational, Corporate)

UNIT V. Alternative/Additional Strategies :

1. Role of Lokpal/Lokayukt in The Prevention Of Socio-Economic Crimes.
2. Tax Reforms.
3. Electoral Reforms
4. Reform of Prosecutorial Structure



Selected Bibliography:

1. Sutherland : White Collar Crimes
2. K.P. Chakravarty : Prevention of Corruption in Public Services.
3. Mahesh Chandra : Socio-Economic Crimes (Tripathi)
4. A.P. Mathur : Commentaries on Food Adulteration Act (Eastern Book
5. Co.)
6. S.K. Clore : Economic Offences



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LL.B. PART III SEMESTER-VI

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

Note – This paper shall consist of 100 marks provided that 80 marks shall be reserved for written theory paper and 20 marks for sessional .

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.




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LL.B. PART III SEMESTER VI

PAPER-VII LAW OF INSURANCE

Note – This paper shall consist of 100 marks provided that 80 marks shall be reserved for written theory paper and 20 marks for sessional .

UNIT – I Introduction

1. History and Growth of Insurance Business in India
2. Definition of Insurance and Nature of Insurance Contract
3. Insurance Contract-A Contract of Indemnity
4. Contingent Contract and Insurance
5. Wager and Insurance
6. Utmost good faith and Insurance
7. Principles of Insurance

UNIT – II Life Insurance

- a. Kinds of Insurance-Life, Fire, Marine and Motor Vehicles Insurance
- b. General Principle of Insurance
 - i. Insurable interest- In Life, Fire and Marine
 - ii. Premium
 - iii. Risk-scope and elements of risk
- c. Life Insurance Contract – Nature and Scope
- d. Establishment and Functioning of LIC

UNIT – III Marine Insurance

1. Nature and scope of Marine Insurance
2. Different kinds of marine policies
3. Voyage –Deviation
4. Implied warranties in marine insurance contract
5. Assignment of Marine Policy

UNIT –IV Fire Insurance

1. Nature of Fire Insurance Contract
2. Double insurance and reinsurance
3. Special Doctrines: Reinstatement, Subrogation and Contribution.





UNIT – V Motor Vehicle Insurance


1. Motor Vehicle Insurance and Rights of third parties
2. Burglary Insurance
3. Insurance Regulatory and Development Authority; it's power and function


Suggested Readings

1. M.N. Srinivasan, Principles of Insurance Law , Ramaiya Publishers, Bangalore
2. Avatar Singh : Law of Insurance , Eastern Book Company, Lucknow
3. K.S.N. Murthy and KVS. Sharma: Modern Law of Insurance in India, Butterworths, Delhi
4. Haring and Eveanly : General Principles of Insurance
5. Michael Parkington : Insurance Law , Sweet and Maxwell, London
6. Brij Nandan Singh : Insurance Law , University Book Agency, Allahabad, Sweet and Maxwell, London
7. B.C. Mithra : The Law relating to Marine Insurance, The University Book Agency, Allahabad
8. J.V.N. Jiaswal: Law of Insurance, Eastern Book Company, Lucknow
9. John Birds, Modern Insurance Law, Sweet and Maxwell, London

 Dr. B. K. Akodiga

 Dr. Pamyanti Jaiswal - 18/10/2021

 Anshu Singh

 Saha Kurnasi 18/10/2021