

CHHINDWARA UNIVERSITY, CHHINDWARA (M.P.)

B.A. LL.B. (Hons.) Semester – VIII

PAPER I LAW OF EVIDENCE

UNIT – I

Introductory

1. The main features of the Indian Evidence Act 1861
2. Problem of applicability of Evidence Act
3. Administrative Tribunals
4. Industrial Tribunals
5. Commissions of enquiry
6. Court- material

Central Conceptions in Law of Evidence

1. Facts: section 3 definition: distinction – relevant facts/ facts in issue
2. Evidence: oral and documentary
3. Circumstantial evidence and direct evidence
4. Presumption (section 4)
5. “Proving” “not proving” and “disproving”
6. Witness
7. Appreciation of evidence

UNIT – II

Facts: relevancy

1. The Doctrine of res gestae (section 6, 7, 8, 10)
2. The problems of relevancy of “otherwise” irrelevant facts (section 11)
3. Facts concerning bodies and mental state (section 14, 15)

Admission and Confessions

1. General principles concerning admission (section 17, 23)
2. Differences between “admission” and “confession”
3. The problems of non – admissibility of confessions caused by “any inducement, threat or promise” (section 24)
4. Inadmissibility of confession made before a police officer (section 25)

CHHINDWARA UNIVERSITY, CHHINDWARA (M.P.)

5. Admissibility of custodial confessions (section 26)
6. Admissibility of “information” received from accused person in custody; with special reference to the problem of discovery based on “joint statement” (section 27)
7. Confession by co-accused (section 30)
8. The problems with the judicial action based on a “retracted confession”

UNIT – III

Dying Declarations

1. The justification for relevance on dying declarations (section 32)
2. The judicial standards for appreciation of evidentiary value of dying declarations

Relevance of judgments

1. Admissibility of judgments in civil and criminal matters (section 43)
2. “Fraud” and “Collusion” (section 44)

Expert Testimony

1. Who is an expert? : types of expert evidence
2. Opinion on relationship especially proof of marriage (section 50)
3. The problem of judicial defence to expert testimony

UNIT IV

Oral Documentary Evidence

1. General principles concerning oral evidence (sections 59- 60)
2. General principles concerning documentary evidence (section 67-90)
3. General principles regarding exclusion of oral by documentary evidence
4. Special problems: re-hearing evidence
5. Issue estoppel
6. Tenancy estoppel (section 116)

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Witness Examination and cross Examinations

1. Competency to testify (section 118)
2. State privilege (section 123)
3. Professional privilege (section 126, 127,128)
4. Approval testimony (section 133)
5. General principles of examination and cross examination (section 135- 166)
6. Leading questions (section 141- 143)
7. Lawful questions in cross – examination (section 146)
8. Compulsion to answer questions put to witness
9. Hostile witness (section 154)
10. Impeaching of the standing or credit of witness (section 155)

UNIT V

Burden of Proof

1. General principles conception of onus probandi (section 101)
2. General and special exceptions to onus probandi
3. The justification of presumption and of the doctrine of judicial notice
4. Justification as to presumption as to certain offences (section 111A)
5. Presumption as to dowry (section 115)
6. The scope of the doctrine of judicial notice (section 114)

Estoppel

1. Why estoppel? The rationale (section 115)
2. Estoppel, res-judicial and waiver and presumption
3. Question of corroboration (section 156-157)
4. Improper admission and of witness in civil and criminal cases

Selected Bibliography

1. Sarkar and Manohar, Sarkar on evidence (1999), Wadhwa & Co. Nagpur
2. Indian Evidence Act, (Amendment up to date)
3. Ratanlal, Dhirajlal: Law of Evidence (1994), Wadhwa Nagpur
4. Polein Murphy, Evidence (5th Reprint 2000), Universal Delhi
5. Albert S. Osborn, The Problem Proof (First Indian Reprint 1998), Universal Delhi
6. Avtar Singh, Principles of Law of evidence (1992), Central Law Agency, New Dehli

CHHINDWARA UNIVERSITY, CHHINDWARA (M.P.)

B.A. LL.B. (Hons.) Semester – VIII

PAPER II

GENDER JUSTICE & FEMINIST JURISPRUDENCE

UNIT - I

Women in Pre- Independence India

1. Social and legal inequality
2. Social reform movement in India
3. Gandhian movement
4. Nehru's views- joint family etc
5. Karachi congress- Fundamental Rights Resolution,
6. Equality of sexes

UNIT-II

Women in Post- Independence India

1. Preamble of the Constitution – Equality provisions in fundamental Rights and Directives principles of State Policy
2. Negative Aspects of the Constitutions – Exploitation of sex not mentioned in Article 23.
3. Different personal laws- unequal position of women
4. Uniform Civil Code towards gender justice
5. Indian tradition and family ideology: growth of feminism

UNIT -III

Sex Inequality in Inheritance Rights

1. Continuance of feudal Institutions of joint family – women's inheritance position under Hindu Law
2. Inheritance right of women under Christian law
3. Inheritance right of women under Parsi law
4. Inheritance right of women under Muslim law
5. Movement towards uniform Civil Code
6. Matrimonial Property
7. Separation of property
8. Maintenance different system of personal law
9. Division of assets on divorce

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UNIT-IV

Social Welfare Laws for women

Non-implementation of protective labour legislation

1. Maternity benefits Act
2. Equal remuneration Act
3. Factories Act
4. Inequality in the work place
5. Additional burden of domestic responsibilities
6. Male bias
7. Lack of neutrality in law

UNIT-V

Criminal Law

1. Adultery
2. Rape
3. Dowry death
4. Cruelty to married women
5. Bigamy
6. Dowry prohibition
7. Amniocentesis

Suggested readings

1. Sivaramya B. matrimonial property law in India (1998),Oxford
2. Ratna Kapoor and Brinda Cossman, Subversive Sites: Feminist Engagements with law in India (1996), Sage
3. Patricia Smith (ed.) Ferminist jurisprudence (19930, Oxford
4. 42nd Report Law Commission Dissenting Note Anna Chandy on provisions of adultery
5. towards Equality – Report of the Committee on the status of women (Govt. of India0, Ch. IV and section IV : General Conculsions and recommendations
6. Lotika sakar: The Law of commission of India (1988)
7. Sathe, S.P. Towards Gender justice (19930, Research Centre for Women’s studies

CHHINDWARA UNIVERSITY, CHHINDWARA (M.P.)

B.A. LL.B. (Hons.) Semester – VIII

PAPER III HEALTH LAW

UNIT – I

Concept & Definition of Health, Right to health, International law & health

UNIT – II

Constitution protection,- Fundamental Right & directive principle

UNIT – III

Offence affecting the Public Health, (Chapter XIV of IPC) Nuisance, miscarriage, (312.313IPC,) relevant provision of CrPC

UNIT – IV

Health & Legal protection- environmental law, J.J. Act, prenatal diagnostic technique, regulation & prevention of misuses Factory Act, Mental Health Act 1987, Maternity benefit Act

UNIT – V

Health law & Judiciary

CHHINDWARA UNIVERSITY, CHHINDWARA (M.P.)

B.A. LL.B. (Hons.) Semester – VIII

PAPER IV INVESTMENT & SECURITY LAWS (OPTIONAL)

UNIT – I

Introduction- History of Investment law in India, Banks and Liquidity- Liquidity Assets

UNIT - II

Advances- Considerations for sound lending, forms of advances, collection of credit information, factors limiting the level of advances, consortium advances, recalling of advances, transfer of borrowed accounts

UNIT - III

Housing loan, interest terms, no diversion of loan funds, modes of charging the security, lien, pledge, hypothecation, mortgage of charge, registration of Mortgage and Charges, Assignment.

UNIT - IV

Types of Securities: General Principles, Advances against Immovable properties, Advances against Goods, Advances against Documents of Title, Stock- Exchange policies, advances Letters of Allotment, ,

UNIT - V

Advances against Life Insurance policies, Advances against Fixed Deposit Receipts, Advances against Book Debt, Advances against Supply Bills

CHHINDWARA UNIVERSITY, CHHINDWARA (M.P.)

B.A. LL.B. (Hons.) Semester – VIII

PAPER IV

PENOLOGY & VICTIMOLOGY (OPTIONAL)

UNIT-I

Criminology

1. The concept of Crime
2. Nature and scope of criminology
3. Schools of criminology

UNIT- II

1. Theories of crime demagogical theory, free wills theory, organic deficiency, mental deficiency theory, psycho-analytical theory, heredity theory, ecological theory

UNIT-III

1. Organized crimes- meaning, kinds
2. White collar Crime- Vohra committee
3. Alcoholism and crime report
4. Drug addiction and crime
5. Crime statistics

Penology

UNIT-IV

1. Theories of punishments- deterrent, preventive, retributive, reformatory and expiatory theory
2. Functions of punishment and judicial sentencing
3. Capital punishment
4. The police system
5. Criminal laws Courts protection to the accused strict construction of penal statutes penal law not to be retrospective in operation

UNIT-V

1. The prison administration
2. Probation
3. Parole
4. Recidivism
5. Juvenile delinquency prohibition against double prohibition against in crimination presumption of innocence of the aid accused speedy trial

CHHINDWARA UNIVERSITY, CHHINDWARA (M.P.)

B.A. LL.B. (Hons.) Semester – VIII

PAPER IV INTERNATIONAL HUMAN RIGHTS (OPTIONAL)

1. Development of the Concept of Human Rights under International Law
 - I. Role of International Organization and Human rights
 - II. Universal Declaration of Human Rights (1948)
 - III. Covenant of political and Civil Rights (1966)
 - IV. Covenant on Economics, Social and Cultural Rights (1966)
 - V. ILO and other Conventions and protocols dealing with human rights

2. Role of Regional Organizations
 - I. European Convention on human Rights
 - II. European Commission on Human Rights / Court of Human Rights.
 - III. American Convention on Human Rights
 - IV. African Convention on Human Rights
 - V. Other regional Conventions.

3. Protection agencies and mechanisms
 - I. International Commission of Human Rights
 - II. Amnesty International

 - III. Non- Governmental Organizations (NGOs)
 - IV. U.N. Division of Human Rights
 - V. International Labour Organization
 - VI. UNESCO
 - VII. UNICEF
 - VIII. Voluntary organization
 - IX. National and state Human Rights Commissions

International enforcement of Human Rights

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Role of ICJ and regional institutions

Select bibliography

- Benedetto Conforti and Francesco Francioni, *Enforcing International Human Rights in Domestic courts* (1997).
Francisco Forrest Martin, *International Human rights Law and practice*, (1997)
Luck Clements, *European Human Rights Taking a Case under the Convention*, (1994)
Evelyn A. Ankumah, *The African Commission on Human Rights and people's Rights*, (1996)
R.K. Sinha, *human Rights of the world*, (1997)
Philip Alston, *The United Nations and Human Rights A Critical Appraisal*, (1992)
R.S. Sharma and R.K. Sinha, *perspectives in Human rights Development*, (1997)
The Human Rights Watch *global Report on Women's human rights*, (2000), Oxford
B.P. Singh Gehat, *Human Rights in India* (1996)
Chandan Bala, *International Court of Justice: Its Functioning and settlement of International Disputes*, (1997)

CHHINDWARA UNIVERSITY, CHHINDWARA (M.P.)

B.A. LL.B. (Hons.) Semester – VIII

PAPER V PROFESSIONAL ETHICS, ACCOUNTABILITY FOR LAWYERS & BAR BENCH RELATION (CLINICAL COURSE)

Recommended Material

1. Mr. Krishnan Murty Iyer: Advocate
2. The Contempt Law and Practice (Contempt of Courts Act 1971)
3. The Bar Council Code of ethics
4. Advocate Act
5. Pleadings, Drafting & Conveyancing – Jhabvala
6. 50 selected opinion of Disciplinary Committees of Bar Council and 10 major Supreme Court on the subject

Note:

1. The written exam of this paper will have 80 marks and the viva- voce / research paper for project or participation in Seminar will carry 20 marks
2. Written examination will be conducted by the University
3. Viva- voce will be conducted by the department of the Colleges