



Semester - VII

CIVIL PROCEDURE CODE-I

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objective: The paper aims to familiarize the students with the various stages involved in a civil case. This paper will acquaint the students to draft complaints, written statements, Interlocutory applications, etc. involved in civil cases which will further enhance their skills of arguments. The objective of the Code of Civil Procedure is to consolidate a code relating to the procedure which is to be followed by the Court of civil judicature and to facilitate justice and adopt a law relating to procedure followed by the civil courts, so that, justice is done to both the parties. In this subject, technical and hypo-technical objection is totally avoided which is meant to defeat justice, and the provision of this Code has been formulated to be construed liberally.

UNIT- I

- Introduction of Procedural Laws-Interpretation of Procedural Laws
- **Preliminary Concept & Definition (Section 2):** Decree, Decree-Holder, Judgement-Debtor, Mesne Profits, Foreign Court & Foreign Judgements
- **Courts:** Their Constitution and Jurisdictional Aspects (Section 9 and 15 to 21A)

UNIT- II

- Stay of Suit (Section 10)-Bar to further Suit (Section 12)
- *Res Judicata*: Explanation to Section II-Identity of Matters in Issue-Matters Directly and Substantially in Issue-Constructive *Res Judicata*-Scope & Principle-Applicability of the Principle to Writs-*Res judicata* between Co-defendants.
- Conclusiveness of Foreign Judgments

UNIT- III

- **Place of Suing:** Situation of Subject Matter-Immovable Property within Jurisdiction of Different Courts-Local Limits-Wrongs to Person/Movable Property-Equity Acts *in Personam*
- **Transfer of Cases (Sections 22-25):** Transfer & Compensatory Cost-Dilatory Costs
- **Execution of Decrees and Orders (Sections 36 to 74):** Concept and Meaning of Execution-Nature and Scope-Courts by which decree may be executed-Powers of the Courts in Executing Decree (Section 38)-Questions to be determined by the Executing Court-Distinction between Trial Court and Executing Court-Modes of Execution of Decree (Section 51-60)-Arrest and Detention of Judgment Debtor Order 21-Attachment of Property-Sale of Property Moveable and Immovable-Delivery of Property-Stay of Execution of Decree (Order 21, R26)

UNIT- IV

- **Commissions (Sections 75-78):** Their Findings and Value-Notice
- Settlement of Disputes and Conciliation-Settlement of Disputes outside the Court (Section 89)
- Inter-Pleader Suit (Section 88 Order 35)-Public Nuisances (Section 91)-Public Charities (Section 92)

UNIT- V

- **Appeal:** Concept and Meaning in General-Appeal from Original Decree [Section 96 Order 41]-Whom may Appeal-Who cannot Appeal-Appeal from *Ex-Parte* Decree [Section 96 (2)]-Consent Decree [Section 96 (3)]-No Appeal in Petty Cases [Section 96(4)]; Appeal from Appellate Decree [Section 100 order 42]-Nature and Scope-Grounds of Second Appeal; Appeal to the Supreme Court [Section 109]-Grounds of Appeal to the Supreme Court; Appeals from

Orders [Section 104 order 43]-Procedure for Filling Appeal; Revision: Concept and Meaning-Grounds of Revision (Section 105)- Revision from Interlocutory Orders-Distinction between appeal and revision; Review: Meaning and concept (Section 114)-Grounds of Review (Section 114)-Procedure of Filling Review (Order 45); Reference: Meaning and Concept-Grounds of Review (Section 113)-Procedure of Filling Review

- Inherent Powers of the Court (Section 151)-Rule Making Powers of the High Court (Sections 129-130); Restitution-Concept and Meaning-Nature and Scope-Condition Necessary for Restitution-Who may Apply for Restitution-Who may Grant Restitution-Extent of Restitution
- Amendment of Judgments-Decrees-Orders.

Suggested Readings:

1. Avtar Singh: *Code of Civil Procedure*, Central Law Publications, Allahabad.
2. C.K. Thakker & M. C. Thakker: *Civil Procedure with Limitation Act, 1963*, Eastern Book Company, Lucknow.
3. Dr. N. Maheshwara Swamy: *Law Relating to Civil Procedure and Limitation*, Asia Law House, Hyderabad.
4. Himanshi Mittal: *Law of Limitation*, Universal Law Publishing Co Pvt. Ltd., New Delhi.
5. Justice P. S. Narayana: *Code of Civil Procedure, 1908*, Asia Law House, Hyderabad.
6. Prof. M. P. Jain: *The Code of Civil Procedure (CPC)*, LexisNexis India, Gurgaon.
7. Shailender Malik: *The Code of Civil Procedure (CPC)* Universal Law Publishing Co Pvt. Ltd., New Delhi.
8. Sukumar Ray: *Textbook on the Code of Civil Procedure*, Universal Law Publishing Co Pvt. Ltd., New Delhi.
9. Vedula Venkata Ramana: *V.J. Rao's The Code of Civil Procedure, 1908*, ALT Publications, Hyderabad.

10. Vinay Kumar Gupta: *Mulla-The Key to Indian Practice (A Summary of the Code of Civil Procedure)*, LexisNexis India, Gurgaon.

CORPORATE LAW-II

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objective: The fast track growth of Liberalization, Privatization and Globalization augmented the requirement of overhauling of corporate laws in tune with international requirements. As a consequence, thereof, the different corporate laws are either introduced or amended/replaced by the Government of India. The object of the paper is to make the students understand the various aspects of corporate laws so that they can cope up with national and international requirements. The paper offers the students to introduce different fields, viz., corporate abuses, insider trading, merger, amalgamation & take-over, winding up of companies, competition law, foreign exchange etc.

UNIT- I

- Majority Powers and Minority Rights-Shareholder's Representative Action and Derivative Action
- Corporate Membership Rights and Individual Membership Rights-Prevention of Oppression and Mismanagement-Class Action
- **Investigation:** Inspection of Company's Affairs: Necessity and Nature of, Grounds for Appointment of Inspectors, Powers and their duties-Investigation by Serious Fraud Investigation Office

UNIT- II

- Accounts & Reports of Companies.
- Audit of Accounts: Auditor-Eligibility-Appointment and Removal-Resignation and Remuneration-Powers & Rights-Duties and Liabilities
- Concept of Insider-Dealings and its Prohibition

UNIT- III

- Amalgamation and Reconstruction-Mergers and Demergers of Companies
- Arrangement and Compromise
- Take-Over & Acquisition of Companies-Rights of Dissenting Minorities Shareholders

UNIT- IV

- **Concept of Winding-Up:** Types of-Compulsory Winding-Up& Voluntary Winding-Up
- **Conduct of Winding-Up:** Commencement of Winding Up and Consequences of Winding Up Order; Liquidation Process: Liquidator of Company-Position & Powers
- Liability of Past Members-Preferential Payments-Unclaimed Dividends

UNIT- V

- Formation and Powers of NCLT (National Company Law Tribunal) and NCLAT (National Company Law Appellate Tribunal)
- **National Law FEMA (Foreign Exchange Management Act), 1999:** Dealing and Holding of Foreign Exchange-Current Account and Capital Account-Role of RBI Transactions-Control of Joint Ventures-Investment in India-Repatriation of Project; Capital Market and SEBI (Securities & Exchange Board of India): SEBI-Role in Capital Market-Formation, Powers and Function-Securities Contract Regulation Act, 1956-Recognition of Stock Exchanges-Conditions of Listing of Securities-Securities Appellate Tribunal-Establishment and Scope of Jurisdiction
- General Provisions of the Competition Act, 2002

Suggested Readings:

1. Andrew Lidbetter: *Company Investigations and Public Law*, Bloomsbury Acad & Prof, London.
2. Avtar Singh: *Company Law*, Eastern Book Company, Lucknow.
3. Brenda Hannigan: *Company Law*, Oxford University Press, UK.
4. David Kershaw: *Company Law in Context*, Oxford University Press, UK.
5. Dr. Charles Wild & Dr Stuart Weinstein: *Smith and Keenan's Company Law*, Pearson, London.
6. J. C. Verma: *Corporate Mergers, Amalgamations & Takeovers*, Bharat Law House, Jaipur.
7. J. Charlesworth & Geoffrey Morse: *Charlesworth and Morse: Company Law*, Sweet & Maxwell, London.
8. J. P. Sharma: *Corporate Laws*, Ane Books Pvt. Ltd., New Delhi.
9. L. C. B. Gower: *Principles of Company Law*, R. Cambray & Co. Pvt. Ltd., Kolkata.
10. Munish Bhandari: *Professional Approach to Corporate Laws and Practice*, Bharat Law House, New Delhi.
11. S. Kannal & V. S. Sowrirajan: *Company Law Procedure*, Taxman's Allied Services (P) Ltd., New Delhi.
12. Saleem Sheikh & William Rees, *Corporate Governance & Corporate Control*, Cavendish Publishing, London.
13. Suman Gupta: *Shareholder's Democracy: Fact or Fiction*, Publication Division, University of Delhi, Delhi.
14. T. Ramappa: *Competition Law in India-Policy, Issues and Development*, Oxford University Press, New Delhi.
15. Vinod Dhall (ed.): *Competition Law Today*, Oxford University Press, New Delhi.

LAW OF EVIDENCE

(The Bharatiya Sakshya Adhiniyam, 2023)

(The entire syllabus is divided into 3ive units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer 3ive questions in all selecting one from each unit.)

Objective: Law of evidence is a procedural law and guides us as to how process of proving facts in legal proceedings is regulated. Teaching focuses on what evidence may properly be used to persuade a Court of the truth of a party's claims, the extent of a judge's powers to exclude some forms of evidence, and the rationale for exclusion. The students get an insight into how the law of evidence provides the parameters for determining facts within the adjudicative process, and the manner in which the adjudicative process defines truth. These facts are the basis of findings of liability in civil and criminal proceedings. Hence the students are made to understand how the objective of the Bharatiya Sakshya Adhiniyam, 2023 is to prevent laxity and negligence in the admissibility of evidence and to introduce a full-proof and uniform rule of practice than what was previously used and it more focuses on the admissibility of digital/electronic evidence. The course structure is designed to introduce the substantive law of evidence and identify principles of fairness and conceptualizations of justice underlying the law of evidence.

UNIT-I

- **Introduction and General Conceptions in Law of Evidence:** Importance and Necessity of the Rules of Law of Evidence- Its Relationship with the Substantive Law and Procedural Law-Main Features of The Bharatiya Sakshya Adhiniyam, 2023.
- **Definitions (Section 2):** Facts-Facts in Issue and Relevant Facts-Evidence and its Kinds-Proved-Disproved and Not Proved-Presumptions
- **Relevancy and Admissibility:** Relevancy of Facts (Section 3)- Doctrine of *Res Gestae* (Section 4)-Facts Constituting Occasion-Cause of Effect (Section 5)-Facts Constituting Motive, Preparation and Conduct (Section 6)-Facts-Introductory and Explanatory (Section 7), Facts Reflecting upon Common Intention (Section 8)-

Facts not otherwise Relevant becomes Relevant (Section 9)-Facts Showing State of Mind (Section 12)-Facts bearing on the Question Whether an act was Accidental or Intentional (Section 13)

UNIT-II

- **Admissions & Confessions:** Admission and its Kinds (Section 15)-Admission by Party to Proceeding or his Agent (Section 16)-Admission by Persons Expressly Referred to by Party to Suit (Section 18)-Admission in Civil Cases, when relevant (Section 21)-Confession and Admission-Problem of Non- Admissibility of Confession caused by Inducement, Threat or Promise (Section 22)-Confession to Police Officer (Section 23)- Confession by Co-Accused (Section 24)-Retracted Confession
- **Dying Declarations:** Justification for Relevance of Dying Declarations (Section 26)- Judicial Standards for Appreciation of Evidentiary Value of Dying Declarations-Distinction between Indian and English Law of Dying Declaration
- **Relevance of Judgments:** General Principles (Sections 34-38)-Admissibility of Judgements in Civil and Criminal Cases (Section 37)-Fraud and Collusion (Section 38)

UNIT-III

- **Expert Testimony (Section 39-41):** General Principles Relating to Expert's Testimony-Who is an Expert? -Types of Expert Evidence-Opinion as to Handwriting and Signature when Relevant (Section 41)-Evidence of Character in Civil and Criminal Cases (Sections 46-50)-Judicial Notice (Sections 51-52),

- **General Principles concerning Oral Evidence (Section 54-55):** Rule against Hearing- Primary and Secondary Evidence regarding Documents (Sections 56-63)
- **Documentary Evidence:** Principles regarding Exclusion of Oral by Documentary Evidence (Section 94-100)

UNIT-IV

- **Burden of Proof** (Sections 104-113)
- **Presumptions (Sections 115 -120):** Presumption Regarding Discharge of Burden of Proof
- Doctrine of Estoppels (Sections 121-123)

UNIT- V

- **Law Relating to Witnesses:** Competency to Testify (Section 124)-Parties to Civil Suit and their Wives and Husbands-Husband or Wife of Person under Criminal Trials (Section 126)-Judges and Magistrates (Section 127)
- **Privileged Communications:** Communication during Marriage (Section 128)-Evidence as to Affairs of State (Section 129)-Professional Communications (Sections 132); Confidential Communications (Section 134); Accomplice Evidence: Nature and Evidentiary Value-Apparent Contradiction between Section 138 and Section 119 (Illus. B) BS A 2023 and their Reconciliation.
- **Examination of Witness:** Order of Production and Examination of Witnesses (Sections 140-141)-Examination in Chief, Cross Examination and Re- Examination (Sections 142-143)-Leading Questions (Sections 146)- Evidence as to matters in Writing (Sections 147-148); Cross-Examination: 'Lawful' Questions in Cross-Examinations (Section 149)-Protection to Witnesses in Cross-Examination (Sections 150-156)- Hostile Witness (Section 157)-Impeaching the Credit of Witnesses (Section 158)-Production and Inspection of Documents (Section 165)

Suggested Readings:

1. Batuk Lal & Surendra Sahai Srivastava, *The Bharatiya Sakshya Adhiniyam, 2023 (Repealing The Indian evidence Act, 1872)* Central Law Agency, Allahabad.
2. C. D. Feild: *Commentary on Law of Evidence (In India, Pakistan, Bangladesh, Burma, Ceylon, Malaysia and Singapore)*, Delhi Law House, New Delhi.
3. Dr. Avtar Singh: *Principles of the Law of Evidence*, Central Law Agency, Allahabad.
4. Dr. Mukund Sarda & Prof. D.S. Chopra: *Cases and Materials on Evidence Law*, Thomson Sweet & Maxwell, London.
5. Dr. V. Krishnamachari & Surender K. Gogia: *Law of Evidence*, S. Gogia & Co., Hyderabad.
6. Justice M. Monir: *Textbook on the Law of Evidence*, Universal Law Publishing Co Pvt. Ltd., New Delhi.
7. Justice M. Monir & A. C. Moitra: *Law of Estoppel and Res-Judicata*, Universal Law Publishing Co Pvt. Ltd., New Delhi.
8. Justice M. Monir & Shriniwas Gupta: *Law of Evidence*, Universal Law Publishing Co Pvt. Ltd., New Delhi.
9. Justice U.L. Bhat: *Lectures on the Indian Evidence Act*, Universal Law Publishing Co Pvt. Ltd., New Delhi.
10. Stephen Mason: *Electronic Evidence*, LexisNexis India, Gurgaon.

TAX LAWS-II

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objective: Taxes are divided into two kinds: (1) Direct tax and (2) Indirect Tax. Direct Taxes are paid directly to the Government by individuals liable to pay Income Tax. Indirect Taxes are paid to the government by one person but he recovers the same from another person i.e. Goods and Services Tax (GST). Objectives of Income Tax are raising revenue, redistribution of income and preventing concentration of wealth in few hands, promoting economic growth with stability. Objectives of Goods and Services Tax are elimination of multiple taxes and elimination of cascading effect, fostering common market across the country, improving GDP rate and boost our economy.

UNIT- I

INTRODUCTION

- Constitutional framework for GST, Taxation Powers of Union & State Government
- Major Defects in the structure of Indirect Taxes prior to GST; Rationale for GST
- Important Definitions under GST Law
- Structure of GST (SGST, CGST, UTGST & IGST); GST Council and its functions, State Compensation Mechanism

UNIT- II

REGISTRATION, LEVY AND COLLECTION UNDER GST

- Compulsory & voluntary Registration-Procedure for Registration-Deemed Registration- Cancellation of Registration-Revocation of Registration
- Taxable supply-Time of Supply-Value of Supply-Taxability of Composite and

Mixed Supply-Location of The Supplier and Place of Supply

- Valuation for GST- Valuation rules-taxability of reimbursement of expenses
- Exemption from GST-Small supplies and Composition Scheme; Classification of Goods and Services: Reverse Charge

UNIT- III

PAYMENT OF TAX & INPUT TAX CREDIT

- Payment of Tax Liability and Payment of Tax, Interest on Delayed Payment of Tax, Refund of Tax.
- Eligibility to avail Input Tax Credit, Input Tax Credit in Special Circumstances, Input Tax Credit in Respect of Goods sent for Job-work
- Distribution of Credit by Input Service Distributor.
- Recovery of Input Tax Credit.

UNIT- IV

PENAL PROVISIONS

- GST Returns-Anti-profiteering
- Refunds under GST- Demands and Recovery-
- Offence and Penalties under GST
- Appeals and Revision -Advance Ruling

UNIT- V

CUSTOM DUTIES

- Meaning, Concept & Scope of Import and Export-Types of duties, Prohibition on Importation and Exportation of Goods and services.
- **Customs Duty:** Basic Customs Duty- IGST on Importation of Goods and Services -Duty Drawback-

FACULTY OF LAW

- Authorities-Their Powers and Jurisdiction -Adjudicating Authority-
- Offences-Appeals under Customs Law-Authority for Advance Ruling

Suggested Readings

1. V. S. Datey: *Indirect Taxes Law and Practice*, Taxmann Publications, New Delhi.
2. V.S Datey: *GST Ready Reckoner*, Taxmann Publications, New Delhi
3. Vikas Mundra: *Tax Laws and Practices*, Law Point Publications, Kolkata.
4. Dr. V. K. Singhania: *Students Guide to GST & Customs Law*, Taxmann Publications Pvt. Ltd., New Delhi.

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LAW RELATING TO WOMEN AND CHILDREN

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objective: The course aims at making students learn about the laws relating to women, how women are being empowered through the instruments of law, and what are the lacunae which are to be discussed and dealt with. The course further focuses on the analysis of the laws relating to Child in the light of court judgments and policy initiatives taken in India with the underlying objective of examining the interventions and strategies employed by non-governmental organizations in recommending legislative reforms in support of children

UNIT- I INTRODUCTION TO FEMINISM AND FEMINIST THEORIES

1. Conceptualizing Patriarchy & Sexuality: Feminism and Feminist Theories
2. Feminist Movements in the West
3. Background & Status of Women in India: Pre & Post Independence, Socio-legal Position of Women and the Law
4. Gender Equality & Constitution of India: Political Right, Economic Right and Social Justice

UNIT- II PROTECTION OF WOMEN UNDER NATIONAL LAWS

1. Important legislation relating to the Protection of Women:
 - a. Prostitution and Trafficking of Women – Immoral Traffic (Prevention) Act, 1956
 - b. Menace of Dowry – Dowry Prohibition Act, 1961
 - c. Obscenity – Indecent Representation of Women (Prohibition) Act, 1986
 - d. Curse of Sati – Commission of Sati (Prevention) Act, 1987
 - e. Domestic violence – Protection of Women from Domestic Violence Act, 2005
 - f. Sexual Harassment of Female employees – Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

UNIT-III

PROTECTING WOMEN'S RIGHTS: INTERNATIONAL LAW & HUMAN RIGHTS MECHANISMS

1. Principle of Non-Discrimination on the basis of Sex enshrined in International Law
2. UN Convention on the Elimination of All forms of Discrimination against Women, 1979 – Implementation of the Convention – Working of the CEDAW Committee
3. Commission on the Status of Women
4. UN Women
5. International Women Rights Conferences
6. National Commission for Women – its Role and Challenges in Protecting Women's Rights

UNIT-IV

CHILD RIGHTS, INTERNATIONAL LAW & NCPCR

1. Concept of Child Rights – Emergence of Child Rights
2. Convention on the Rights of the Child, 1989 and Optional Protocols
3. CRC Committee and India
4. ILO-Conventions regarding the rights of children
5. United Nations Children's Fund (UNICEF)
6. National Commission for Protection of Child Rights (NCPCR)

UNIT-V

RIGHTS OF CHILD & NATIONAL LAWS

1. Child Education – Right of Children to Free and Compulsory Education (RTE) Act, 2009
2. Child Marriage – Prohibition of Child Marriage Act, 2006
3. Prohibition of Employment of Children – Child and Adolescent Labour (Prohibition and Regulation) Act, 1986
4. Sexual Abuse of Children – Protection of Children from Sexual Offences Act, 2012
5. Children in need of care and protection – Juvenile Justice (Care and Protection of Children) Act, 2015

Suggested Readings

2. Mamta Rao, *Law Relating to Women and Children*, Eastern Book Co., Lucknow.
3. Nuzhat Parveen Khan, *Textbook on Women and Child Related Laws*, LexisNexis, New Delhi.
4. Sarah Gamble (ed.), *The Routledge Companion to Feminism and Post feminism*, Routledge, London & New York.
5. Ursula Kilkelly Ton Liefwaard (eds.), *International Human Rights of Children*, Springer,
6. *Women and Law in India – An Omnibus*, OUP, New Delhi
7. Geeta Chopra, *Child Rights in India: Challenges and Social Action*, Springer India.
8. S. C. Tripathi & Vibha Arora, *Law Relating to Women and Children*, Central Law Publications, Allahabad.
9. Asha Bajpai, *Child Rights in India: Law, Policy, and Practice*, OUP, New Delhi.
10. Supreme Court of India, *Handbook on Combating Gender Stereotypes*, SC, New Delhi
11. Suman Rai, *Law Relating to Protection of Women from Domestic Violence*, Orient Publishing Company, New Delhi.
12. Indira Jaising, *Sexual Harassment at Workplace*, Universal Law Publishing Co Ltd., New Delhi.
13. Vidhi Centre for Legal Policy, *A Decade of POCSO*, Vidhi, New Delhi

CLINICAL COURSE-I (ALTERNATIVE DISPUTE REDRESSAL)

(This course will focus on various alternative dispute resolution process including negotiation, conciliation, arbitration, and mixed processes such as mini-trial and medola. In addition to acquainting the students with the processes, the objective of this course is to familiarize them with some skill in using them.)

Outline of the Course:

- Negotiation Skills to be Learned with Simulated Programme
- Conciliation Skills
- Arbitration Law and Practice including International Arbitration and Arbitration Rules.

I. Written Report/Paper carrying 50 Marks is devoted to the following areas:

- Concept and Scope of ADR
- Various forms of ADR. Negotiation, Conciliation, Mediation, Arbitration, Medola, Mini-trial
- Alternative Means of Dispute Resolution in India
- Concept and Scope of Resolution
- Arbitration Agreement, Composition and conduct of Arbitral tribunal.
- Competence and Jurisdiction of Arbitral Tribunal.
- Arbitral Award and Termination of Proceeding
- Recourse against Arbitral Awards, Finality & Enforcement of Awards
- Nature and Scope of Conciliation
- Proceeding of Conciliation
- Dispute Resolution Mechanism at grass root level such as Lok Adalat, Nyaya Panchayat and Legal Aid.

II. Paper presentation carrying 25 Marks is devoted to one area out of the above enumerated topics. A group of three to seven students can be assigned one area. The presentation shall be made thematically followed by discussion. Each student will be evaluated on the basis of his/her individual performance. This will include:

- Methodology and Literature Surveyed Bibliography etc.
- Coverage, Consistency Style and Expression
- Communication Style and Expression and Ability to Answer the Question and Defence.

III. Mid-term Test of 25 Marks from the topics given in Part I