

# **AVADH LAW COLLEGE**

## **LL.B. Eighth Semester**

### **Political Science IV (Public Administration) (Paper-I)**

#### **Unit-I**

Definition Nature and scope of Public Administration, Importance of Public Administration in modern states with special emphasis on Development Administrative Chief Executive Organization and Departments

#### **Unit-II**

Line and Staff Agencies

#### **Unit-III**

Public corporation and Independent Regulatory Commission  
Bureaucracy Recruitment training.

#### **Unit-IV**

Promotion, Planning, Budgeting

#### **Unit-V**

Control over Public Administration- Executives, Legislative and Judicial  
Decentralized Administration

## **LL.B. Eighth Semester**

### **LAW OF EVIDENCE (The Indian Evidence Act, 1861) (Paper-II)**

#### **UNIT- I**

The main features of Indian Evidence Act, 1861.

Concepts in Law of Evidence- Facts, relevant facts and facts in issue- distinction.

Evidence- oral and documentary, circumstantial evidence and direct evidence.

Presumption.

'Proving', 'not proving' and 'disproving'

Witness.

Appreciation of evidence

Doctrine of res gestae

Evidence of common intention

Problems of relevancy of 'otherwise' irrelevant

Relevant facts for proof of custom

Facts concerning body and mental state.

#### **UNIT- II**

General principles concerning admission and confession

Distinction between 'admission' and 'confession'

Problems of non-admissibility of confessions caused by 'any inducement, threat or promise'

Inadmissibility of confession made before a police officer

Admissibility of custodial confessions.

Dying declaration- the justification for relevance on dying declaration

Appreciation of evidentiary value of dying declaration.

#### **UNIT- III**

Expert witness

Who is an expert? Types of expert evidence

Opinion on relationship especially proof of marriage

The problems of judicial defence to expert testimony

General principles concerning oral evidence

General principles concerning documentary evidence.

#### **UNIT- IV**

Competency to testify.

State privilege

Professional privilege

General principles of examination and cross-examination

Leading questions

Unlawful questions in cross-examination

Compulsion to answer questions put to witness

Hostile witness

**UNIT- V**

Burden of proof

General conception of onus probandi

Scope of the doctrine of judicial notice.

Estoppel- why estoppel? The rationale.

Estoppel, res judicata, waiver and presumption

Estoppel by deed

Estoppel by conduct

Equitable and promissory estoppel.

Question of corroboration

**Act**

The Indian Evidence Act, 1861

**Books**

Sarkar and Manohar on Evidence, (Wadhwa & Co., Nagpur).

Ratan Lal Dhiraj Lal, Law of Evidence (Wadhwa &Co.)

Batuk Lal, Law of Evidence.

Avtar Singh, Principles of the Law of Evidence.

## **LL.B. Eighth Semester**

### **CIVIL PROCEDURE CODE AND LIMITATION ACT (Paper-III)**

#### **UNIT-I**

Definitions- decree, judgment, decree holder, judgment debtor, mesne profits.

Jurisdiction- jurisdiction of civil courts

Suits of civil nature.

Place of suing- general principle-pecuniary jurisdiction, territorial jurisdiction and jurisdiction as to subject- matter.

#### **UNIT-II**

Res sub judice- nature and scope; object; conditions; sub res judice and res judicata.

Res judicata- nature and scope; object; res judicata and rule of law; res judicata and estoppel.

Suit- meaning; essentials of suit; parties to suit; joinder of parties; non-joinder and misjoinder of parties; representative suit.

Suits by indigent person, minor, insane person, and corporation.

Pleadings- definition; basic and general rules of pleadings; plaint and written statement; set off and counter-claim.

Issues- meaning and importance of issues; framing of issues; kinds of issues.

Trial- general; summoning and attendance of witnesses.

Adjournment- discretion of court; when granted and when refused.

#### **UNIT- III**

Judgment- definition; essentials; judgment and decree; contents of judgment; alteration in judgment.

Decree- meaning; essentials; contents of decree; classes of decree; decree and order.

Execution- meaning; nature and scope; execution proceedings under the CPC;

application for execution- who may apply?- Against whom application may be made?-

To whom application may be made?- contents of application; procedure for hearing application; stay of execution; mode of execution.

Arrest and detention.

Attachment of property.

Sale and delivery of property.

#### **UNIT- IV**

Appeal- first and second appeal- meaning; essentials; right of appeal; no second appeal lies in certain cases.

Appeals from orders.

Order- meaning; nature and scope.

Reference- nature and scope; object; Who may apply?; powers and duties of referring court; reference and appeal; reference and review; reference and revision.

Review- meaning; nature and scope; object; Who may apply?; grounds.

Revision- meaning; nature and scope; Who may apply?; grounds.

**UNIT- V**

Limitation- meaning; nature and scope of the law of limitation.

Bar of limitation and its efficacy.

Sufficient cause- meaning and applicability.

Lega disability- meaning, scope and effect.

Computation of period of limitation and exclusion of time in legal proceedings.

Computation of period of limitation in certain cases- death, fraud or mistake, acknowledgement in writing, and part-payment.

**Acts**

Code of Civil Procedure, 1908.

Indian Limitation Act.

**Books**

C.K.Thakkar, Civil Procedure Code, (EBC, Lucknow).

Mulla, Code of Civil Procedure, (Universal, Delhi).

Sarkar's Law of Civil Procedure

## **LL.B. Eighth Semester**

### **LAW AND THE CHILD (Paper-IV)**

#### **UNIT- I: Social, Constitutional and International Legal Status of Child**

Significance, scope and magnitude of the problem

Special status of child- national policies

Constitutional concern- Articles 15 (3), 24, 39 (e) and (f)

International concern and endeavour for the welfare of children: Minimum Wage

Convention; Child Rights Convention; and U.N. Declaration of the Rights of the Child

#### **UNIT- II: Problems of Conception, birth**

Legal status of the child in the womb

Sex selection: foeticide and infanticide

Tortious liability against injuries to unborn children

Coparcenary and property rights of the unborn children

Law relating to maternity benefit and relief

#### **UNIT- III: Family Relations and Child and Legal Control of Child Labour**

The status of a child in matters of marriage, legitimacy, guardianship, adoption, maintenance and custody

Statutory provisions regarding child marriage, guardianship, adoption and maintenance

Regulation of the employment of children in various occupations

Recommendations of the ILO and statutory protection

#### **UNIT- IV: Contractual and Criminal Liability**

Minor's agreement: nature, rationale

Liability in beneficial contracts

Testimony of children

Crimes committed by child; crimes committed by others in relation to children

Judicial proceedings in criminal cases

Statutory provisions: Sections 82, 83, 299 Explanation 3, 363A, 372 and 376 IPC; Penal

provisions contained in the Child Marriage Restraint Act, 1929; Young Persons Harmful

Publication Act, 1956; and Juvenile Justice Act, 2000

#### **UNIT- V: Law and Offences against Child**

Juvenile Justice Act

Provision for the protection of neglected children

Institutions for the protection of neglected children

Child Welfare Boards and Juvenile Courts: constitution, powers, duties and functions

Protection of girls from immoral traffic

Prevention of vagrancy and beggary

#### **Books**

S.K. Awasthi: Juvenile Justice Act, 1986

Indian Law Institute: Child and the Law

Indian Law Institute: Treatise on the Juvenile Justice Act  
P.L. Mehta and S.S. Jaswal: Child Labour and the Law  
L.S. Shastri: Child Marriage Restraint Act, 1996

## **LL.B. Eighth Semester**

### **CRIMINAL PROCEDURE CODE- II [Including Juvenile Justice (Care and Protection of Children) Act, 2000 and Probation of Offenders Act] (Paper-V)**

#### **UNIT- I**

Trial before a Court of Session- initial steps, evidence for prosecution, steps to follow the prosecution evidence; evidence for the defence, steps to follow the defence evidence; judgment and connected matters.

Trial of warrant cases by Magistrates (Cases instituted on a police report and cases instituted otherwise than on a police report)- initial steps in the trial, evidence for prosecution- steps to follow the prosecution evidence; evidence for defence- steps to follow the defence evidence; judgment and connected matters.

Trial of summons cases and summary trial- steps in the trial; hearing of the prosecution cases, personal examination of the accused; hearing of the defence case; acquittal or conviction Offences triable in a summary way; procedure to be followed in summary trials; judgment in cases tried summarily.

#### **UNIT-II**

Security for keeping peace and good behaviour  
Public nuisances and disputes as to immovable property.  
Maintenance of public order and tranquility  
Maintenance of wives, children and parents.  
Plea bargaining.

#### **UNIT-III**

Appeal  
Reference  
Revision

#### **UNIT- IV**

Juvenile Justice (Care and Protection of Children) Act, 2000.  
Object and essential features of the Act.  
Definitions- Begging, child in need of care and protection, narcotic drugs and psychotropic substance, juvenile in conflict with law.  
Juvenile Justice Board- constitution, procedure and powers.  
Child Welfare Committee- constitution, procedure and powers.  
Special homes.  
Offences under the Act.

#### **UNIT- V**

Probation of Offenders Act  
Object and essential features of the Act.  
Powers of court to release certain offenders on probation of good conduct.  
Restrictions on imprisonment of the offenders under twenty one years of age.  
Probation Officers, duties of Probation Officers.



**Acts**

Criminal Procedure Code, 1973.

Juvenile Justice (Care and Protection of Children) Act, 2000.

Probation of Offenders Act

**Books**

As prescribed for LL.B. Third Semester.

## **LL.B. Eighth Semester**

### **Practical Training: Pleading, Drafting and Conveyancing (Paper-VI)**

This course will be taught through class instructions and simulation exercises, preferably with the assistance of practicing Lawyers/retired judges. Apart from teaching the relevant provisions of Law. The course will include 15 exercises in Drafting carrying a total of 45 marks and 15 exercises in conveyancing carrying another 45 marks (3 marks for each exercise) as detailed below:-

(A) DRAFTING- General Principles of drafting and relevant substantive rules shall be taught.

(B) Pleading

1) CIVIL- (i) Plaint, (ii) Written statement, (iii) Interlocutory application,  
(iv) Original Petition, (v) Execution petition, (vi) Memorandum of appeal and revision  
(vii) Petition under article 226 & 32 of the Constitution of India.

2) Criminal- (i) Complaints, (ii) Criminal miscellaneous petition,  
(iii) Bail application and (iv) Memorandum of appeal and revision.

(A) Conveyancing:-

- (i) Sale deed,
- (ii) Mortgage deeds,
- (iii) Lease deed,
- (iv) Gift deed,
- (v) Promissory note,
- (vi) Power of attorney,
- (vii) Will