Jiwaji University, Gwalior
LL.B (3YDC) IIIrd Semester

Paper – 1st  Law of crimes – Indian Penal Code, 1860

UNIT – I
General –
1. Concept of Crime,
2. Distinction between crime and other wrongs,
3. Macaulay’s draft based essentially on British notions.
4. Salient features of the the I.P.C.
5. IPC : A reflection of different social and moral values.

UNIT – II
Element of Criminal Liability
1. Person definition – natural and legal person
2. Mens rea – evil intention – Its Importance
3. Recent trends to fix liability without mens rea in certain socio – economic offences
4. Act in furtherance of guilty intent – common object
5. Factors negating guilty intention – Mental incapacity, minority, Insanity.
   Intoxication, Private defence

UNIT – III
Group Liability
1. Common Intention
2. Abetment
3. Instigation, aiding and conspiracy
4. Mere act of abetment punishable
5. Unlawful assembly
6. Basis of liability
7. Criminal conspiracy
8. Rioting as a specific offences
9. Mental incapacity
10. Minority
11. Insanity
12. Medical and legal insanity
13. Intoxication
14. Private defence – justification and limits
15. When private defence extends to causing of death to protect body and Property
UNIT – IV
Offences against human body
1. Culpable homicide
2. Murder
3. Culpable homicide to murder
4. Grave and sudden provocation
5. Exceeding right to private defense
6. Hurt – grievous and simple
7. Assault and criminal force
8. Wrongful restraint and wrongful confinement – kidnapping from lawful guardianship, out side India
9. Abduction
10. Distinction between culpable homicide and Murder

UNIT – V
Offences Against Property
1. Theft
2. Robbery, Dacoity
3. Cheating
4. Extortion
5. Mischief
6. Criminal misrepresentation and criminal breach of trust

Types of Punishment
1. Death
2. Social relevance of capital punishment
3. Imprisonment for life, with hard labour, simple imprisonment
4. Forfeiture of Property
5. Fine
6. Discretion of court in awarding punishment
7. Minimum punishment in respect of certain offences

Selected Bibliography
1. K.D. Gaur, Criminal Law: Cases and Materials (1999), Butterworths, India
2. Ratanlal – Dhirajlal’s Indian Penal Code (1994 reprint)
6. B.M. Gandhi, Indian Penal Code (1996), Eastern Nagpur
Jiwaji University, Gwalior
LL.B (3YDC) IIIrd Semester
Paper – II\textsuperscript{nd} Law of Evidence (Indian Evidence Act, 1872)

UNIT-I

Introduction
1. The main features of the Indian Evidence Act 1861
2. CPC, CrPC deal with evidence
3. Problem of applicability of Evidence Act
4. Administrative Tribunals
5. Industrial Tribunals
6. Commissions of enquiry
7. 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 (section11)
3. Facts concerning bodies and mental state (section14,15)

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)
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)

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
2. Indian Evidence Act, (Amendment up to date)
4. Polin Murphy, Evidence (5th Reprint 2000), Universal Delhi
5. Albert S. Osborn, The Problem Proof (First Indian Reprint 1998), Universal Delhi
Jiwaji University, Gwalior

LL.B (3YDC) IIIrd Semester


Note:- This Paper shall be of 100 marks. Candidates are required to attempt five questions out of ten.

Contents:- The following topics are prescribed for study.

Constitutional Provisions:- Fundamental Rights, Property as Legal Right, Legislative Powers.

M.P. Land revenue Code 1959.
M.P. Accommodation Control Act 1961

Note:- This paper shall be divided in two sections. Section (A) shall contain 7 questions from M.P. Land Revenue Code 1959 and section (B) shall contain 3 questions from M.P. Accommodation Control Act 1961. The candidates are required to attempt at least two questions from section (A) and one question from section (B). In all five questions are to be attempted.

Recommended Readings:-

Dwivedi
K.K. Nigam
Jindal
Khare

M.P. Land Revenue Code
M.P. Bhu-Rajaswa Sahita
M.P. Accommodation Control Act.
M.P. Accommodation Control Act.
Jiwaji University, Gwalior

LL.B (3YDC) IIIrd Semester

Paper – IVth Property Law (Transfer of Property Act, 1882)

UNIT – I
Introduction:

Concept and meaning of property, various definitions given under transfer of property act, kinds of property – movable and immovable property – tangible and intangible property – intellectual property – copyright – patents and designs – trademarks

UNIT – II

Law relating to Transfer of Property under Transfer of Property Act, 1882

1. General Principles of transfer of Property whether movable or immovable (Sec. 5 to 37)

UNIT – III

1. General Principles of transfer of immovable property sale, mortgage, (Sec. 38 to 53 “A”)

UNIT – IV

1. Gift, Leases, exchange Actionable claims

UNIT – V

Easement

1. Nature, Characteristics, definition and essentials creation of easements, kinds Riparian rights, Extinction, Suspension and revival of easements, Licenses

Selected Bibliography

Mulla Transfer of Property Act
V.P. Sarthy Transfer of Property
R.K. Sinha Law of Transfer of Property
N.K. Jhabwala The Indian Easement Act
Jiwaji University, Gwalior
LL.B (3YDC) IIIrd Semester
Paper – Vth Equity Trust & Fiduciary relations

Note:- This Paper shall be of 100 marks. Students are required to answer five questions out of 36.

Contents:-

Equity :- Meaning and definition of Equity, Origin and development of Equity in England India, Relation of Equity with Common Law, Jurisdiction of Equity, Judicature Acts. Maxim Equity.

Trust:- The Indian Trust Act, 1882 (Full)
Charitable and Religions Trust.

Recommended Readings:-
R.E. Megarry and P.V. Baker – Snell’s Principles of Equity (1964)
Dr. G.P. Singh – Equity and Trust.