Jiwaji University, Gwalior

LL.B (3YDC) Vth Semester

Paper – Ist Civil Procedure Code and Limitation Act

UNIT – I
Introduction

Concepts
1. Affidavit, order, judgment, degree, plaint, restitution, execution, decree – holder, judgment – debtor, mense profits, written statement
2. Distinction between decree and judgment and between decree and order

Jurisdiction
1. Kinds
2. Hierarchy of courts
3. Suit of civil nature – scope and limits
4. Res subjudget and resjudicata
5. Foreign judgment – enforcement
6. Place of suing
7. Institution of suit
8. Parties to suit: joinder mis – joinder or non – joinder of parties: representative suit
9. Frame of suit: cause of action
10. Alternative disputes resolution (ADR)
11. Summons

UNIT – II
Pleading
1. Rules of pleading, signing and verification
2. Alternative pleading
3. Construction of pleadings
4. Plaint: Particulars
5. Admission, return and rejuction
6. Written statement: particulars, rules of Evidence
7. Set off and counter claim: distinction
8. Discovery, inspection and production of documents
9. Interrogatories
10. Privileged documents
11. Affidavits

UNIT – III
Appearance, Examination and Trial

1. Appearance
Ex-prate procedure

1. Summary and attendance of witnesses
2. Trial
3. Adjournments
4. Interim orders: commission, arrest or attachment before judgment, injunction and appointment of receiver
5. Interests of costs
6. Execution
7. The concept
8. General Principles
9. Power for execution of decrees
10. Procedure for execution (section 52-54)
11. Enforcement, arrest and detection (Ss 55-56)
12. Attachment (Ss 65-97)
13. Sale (Ss 65-97)
14. Delivery of property
15. Stay of execution

UNIT – IV

Suits in Particular Cases

1. By or against government (Ss. 79-82)
2. By aliens and by or against foreign rules or ambassadors (Ss. 83-87A)
3. Public nuisance (Ss. 91-93)
4. Suits by or against firm
5. Mortgage
6. Interpleaded suits
7. Suits relating to public charities

UNIT – V

Appeals review, reference and revision

1. Appeals from decree and order general provisions relating to appeal
2. Transfer of cases
3. Restitution
4. Caveat
5. Inherent Powers of Courts
7. Amendments
8. Law of Limitation
9. The concept – the Law assists the vigilant and not those who sleep over the rights
Object
1. Distinction with latches, acquiescence, prescription
2. Extension and suspension of limitation
3. Sufficient cause for not filling the proceedings
4. Illness
5. Mistaken legal advise
6. Mistaken view of law
7. Poverty, minority and purdha
8. Imprisonment
9. Defective vakalatnama
10. Legal liabilities
11. Foreign, rule of limitation: contract entered into under a foreign law
12. Acknowledgement – essential requisites
13. Continuing tort and continuing breach of contract

Selected Bibliography
2. C.K. Thacker, Code of Civil Procedure (1999), Universal Delhi
Jiwaji University, Gwalior
LL.B (3YDC) Vth Semester
Paper – IIInd Administrative Law

UNIT – I
Meaning, definitions, nature, historical development, sources, relationship with Constitutional law, Droit administrative, rule of law and separation of powers, classification of administrative function and distinction between them

UNIT – II
Delegated legislation and its kinds, administrative directions and distinction between delegated legislation and administrative directions, control over delegated legislation procedural, judicial and parliamentary control, principles of natural justice

UNIT – III
Administrative discretion and judicial control of discretionary powers, act of State, tortuous and contractual liability of the State

UNIT – IV
Government privileges in legal proceedings, Estoppel and Waiver, official secrets and right to information, lokpal, lokayukt and central Vigilance Commissions, Commission of inquiry

UNIT – V
Administrative Tribunals – merits, demerits, reasons for growth distinction between court and tribunals
Public corporation – classification characteristics, control
Remedies Constitutional and ordinary

Books Recommended:
1. G.K. Kwatra : The Arbitration and Conciliation Law of India
2. Avatar Singh : Arbitration and Conciliation
3. Goyal : Arbitration and Conciliation Act
4. Inderjeet Malhotra : मध्यस्थ एवं सुलभ अधिनियम 1986
5. Avtar Singh : मध्यस्थ एवं सुलभ एवं अनुक्रम लिपिक
Jiwaji University, Gwalior
LL.B (3YDC) Vth Semester
Paper – IIIrd Company Law

UNIT – I

Meaning of Corporation

1. Theories of corporate Personality
2. Creation and extinction of corporations

UNIT – II

Forms of Corporate and non-corporate organization

1. Corporations, Partnership and other association of persons, state corporations
   Government companies, small scale, co-operative, corporate and joint sectors

UNIT – III

Law Relating to Companies – Public and Private – Companies Act, 1956

1. Promoters – Position – duties and Liabilities
2. Need of company for development, formation of a company, registration and incorporation
6. Shares – general Principles of allotment, statutory restrictions transfer of shares – relationship between transferor and transferee
7. Shareholder – who can be And who cannot be shareholder – modes of becoming shareholder – calls on shares – forfeiture and surrender of shares – lien on shares
8. Share capital – kinds – alteration and reduction of share capital – further issue of capital – conversion of loan and debentures into capital – duties of courts to protect the interests of creditors and share holders
UNIT – IV

2. Meetings – kinds - procedure – voting
3. Dividends - payment – capitalization – profit
4. Audit and accounts
6. Debentures – meaning – fixed and floating charges – kinds of debentures share holder and debenture holder remedies of debenture holders
7. Protection of minority rights
8. Protection of oppression and mismanagement – who can apply? Powers of the company, court and of the central Government
9. Investigations – Powers
10. Private companies – nature and advantages – government companies holding and subsidiary companies

UNIT – V

Corporate Liability

1. Legal liability of companies – civil and criminal
2. Remedies against the civil, criminal and tortuous – specific relief Act, writs liability under special statues

Selected Bibliography

1. Avtar Singh Indian Company Law (1999), eastern Lucknow
4. R.R. Pennington, Company Law (1990), Butterworths
Jiwaji University, Gwalior
LL.B (3YDC) Vth Semester
Paper – IVth Industrial and Labour Laws

UNIT – I
General Introduction,

Industrial Jurisprudence.
Labour Policy in India,
Industrial Revolution in India, Evils of Industrialization. Labour Problems.
Growth of Labour Legislation in India.

UNIT – II

Industrial Dispute Act, 1947
Short title, definition & authorities
Notice of change
Reference of certain industrial dispute to grievance settlements authorities, board, courts, tribunals
Power Procedure & duties of authorities
Strike, lock out, lay, Retrenchment
Penalties

UNIT – III

Trade Union Act, 1926
Registration of trade union
Rights & liabilities of registered trade union
Regulation
Penalties & Procedure

UNIT – IV

Minimum Wages Act, 1948

Introduction & definition
Minimum wages; fixation & procedure
Authorities under the Act
Fixation of hours of work & wages
Claims & their determination
Cognizance of offence

UNIT - V
Factories Act, 1948

Introduction, definition, registration & licensing
The inspecting staff
Health
Safety
Working hours of adult
Annual leave with wages
Penalties & Provisions

Selected Bibliography

7. R.C. Saxena Labour problems and social welfare
8. V.V. Giri Labour problems in India Industries
10. S.C. Srivastava, Social Securities and Labour laws pts. 5and 6 (1985), Universal Delhi
Jiwaji University, Gwalior
LL.B (3YDC) Vth Semester

Paper – Vth Drafting of Pleading and Conveyancing

Drafting
General Principles of Drafting and relevant substantive rules shall be taught

Pleadings
Civil: Plaint, W/s; Interlocutory application; Original petition; Affidavit; Execution petition; Memorandum of appeal and Revision; petition under Article 226 and 32 of the constitution of India

Criminal
Complaints; Misc, petition; Bail application; Memorandum of appeal and revision

Conveyancing
Sale deed; Mortgage deed; Lease deed; Gift deed; Promissory Note; Power of Attorney; and Will – The remaining 10 marks will be given in a Viva – Vocie which will test the understanding of Legal Practice in relation to Drafting Pleading and Conveyancing

Clinical Course
This paper shall consist of theory (80 marks) and Viva (20 marks)
In Practical: the student will prepare Civil/Criminal Clint – (10 marks)
Viva – (10 marks)