

**JIWAJI UNIVERSITY, GWALIOR**  
**SYLLABUS AND SCHEME OF EXAMINATION**

**SESSION 2020 - 23**

**LL. B (3YDC) IIIrd SEMESTER**

**The Candidate Shall be examined in the following compulsory subjects through same number and nomenclature of paper -**

<b>Paper/ Subjects</b>	<b>Subject/ Name of the Paper</b>	<b>Max. Marks</b>	<b>Min. Marks</b>	<b>Aggregate</b>
I	Law of crimes – Indian Penal Code, 1860	100	36	48
II	Law of Evidence (Indian Evidence Act, 1872)	100	36	48
III	Local Laws (Land Revenue Code and M.P. Accommodation Control Act, 1961)	100	36	48
IV	Property Law (Transfer of Property Act, 1882)	100	36	48
V	Law of crimes – IIInd (Criminal Procedure Code)	100	36	48
<b>Total</b>		<b>500</b>		<b>240</b>

The Percentage of marks required for Passing in LL. B. (3YDC) III Semester

Examination is as follows.

1. 36% ie . 36 in each of the above Fifth subjects/ papers
2. 48% ie . 240 marks in aggregate of all the above subject/ paper



# Jiwaji University, Gwalior

## LL.B (3YDC) III<sup>rd</sup> Semester

### Paper – Ist Law of crimes – Indian Penal Code, 1860

#### Syllabus:-

#### UNIT – I

Introduction to Criminal Law

Concept of Crime

Mental elements in Crime

Stages of Crime

Mens rea & Strict liability

General Explanations

He , government , wrongful gain –wrongful loss , dishonestly , fraudulently , reason to believe , act done by several persons in furtherance of common intention(section- 34) , voluntarily , injury , good faith

#### UNIT –II

General Exceptions (Factors negativating guilty intention)

Mistake of Fact& Mistake of Law

Accident Indicial Act,

Necessity

Insanity

Intoxication

Infancy

Private Defence

Abetment and criminal conspiracy:-

Abetment of a thing

Abettor

Punishment of abetment

Liability of abettor when one act abetted and a different act done.

Abettor present when offence is committed

Definition of criminal conspiracy

Punishment of criminal conspiracy

Offences against the public tranquility

Unlawful assembly, Riot

#### UNIT –III

Specific Offences against human body

Culpable Homicide

Murder

Dowry death

Abetment of suicide and attempt to commit suicide

Hurt, Grievous Hurt

Wrongful restraint, wrongful confinement

Kidnapping, abduction

Rape and amendments in relation to it in the Criminal Amendment Act 2013

Unnatural offences.

## **UNIT –IV**

Offences against property

Theft

Extortion

Robbery & Dacoity

Criminal misappropriation of property and criminal breach of trust

Cheating

Mischief

## **UNIT –V**

Offences relating to marriage.

Bigamy.

Adultery.

Cruelty by husband or relatives of husband

Defamation

New Amendments in Indian Penal Code

## **Selected Bibliography**

1. K.D. Gaur, Criminal Law: Cases and Materials (1999), Butterworths, India
2. Ratanlal – Dhirajlal's Indian Penal Code (1994 reprint)
3. K.D. Gaur, A Text Book on the Indian Penal Code (1998), Universal Delhi
4. P.S. Achuthan pillai, Criminal Law (1995) Eastern, Lucknow
5. Hidaythullaw, M, et, al. Ratanlal and Dhirajlal, The Indian Penal Code (1994 reprint), Wadhwa & Co. Nagpur
6. B.M. Gandhi, Indian Penal Code (1996), Eastern Nagpur

**Jiwaji University, Gwalior**  
**LL.B (3YDC) III<sup>rd</sup> Semester**  
**Paper – II<sup>nd</sup> Law of Evidence (Indian Evidence Act, 1872)**

**UNIT-I**

**Introductory**

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 (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)
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**

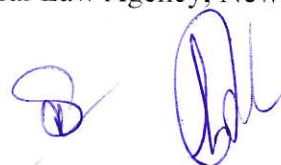
1. General principles conception of onus probandi (section 101)
2. General and special exceptions to onus probandi
3. The justification of presumption and of the doctrine of judicial notice
4. Justification as to presumption as to certain offences (section 111A)
5. Presumption as to dowry (section 115)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

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 (5<sup>th</sup> 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



# **Jiwaji University, Gwalior**

## **LL.B (3YDC) III<sup>rd</sup> Semester**

### **Paper – IIIrd Local Laws (Land Revenue Code and M.P. Accommodation Control Act, 1961)**

**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 section. Section (A) shall contains 7 question from M.P. land revenue code. 1959 and section (B) shall contain 3 question from M.P. Accommodation control Act, 1961. The candidates are required to attempt at least two question from section (A) and one question from section (B) In all five question 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) III<sup>rd</sup> 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 immoveable (Sec. 5 to 37)

#### UNIT – III

1. General Principles of transfer of immoveable 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) III<sup>rd</sup> Semester

### Paper – Vth Law of crimes – IInd (Criminal Procedure Code,)

#### UNIT – I Introductory

1. The rationale of criminal procedure the importance of fair trial
2. The constitutional perspectives Article 14, 20 & 21
3. The organization of police / Prosecutor, defence Counsel, Prison authorities – their duties, Powers & function

#### Pre-trial Process: Arrest

1. The distinction between cognizable and non cognizable offences: relevance and adequacy problems
2. Steps to ensure accuser's presence at trial : warrant and summons
3. Arrest with and without warrant (Section 70 – 73 and 41)
4. The absconder status (Section 82, 83, and 85)
5. Right of the arrested person
6. Right to know ground of arrest (Section 50(I), 55, 75)
7. Right to be taken to magistrate without delay (Section 56, 57)
8. Right to not being detained for more than twenty- four hours (section 57): 2.9 Article 22(2) of the constitution of India
9. Right to consult legal practitioner, legal aid and the right to be told of rights to bail
10. Right to be examined by a medical practitioner, (Section 54)

#### Per – trail Process: Search and Seizure

1. Search warrant (Section 83, 94, 97, 98) and search without warrant (Section 103)
2. Police search during investigation (Section 165, 166, 153)
3. General principles of search (Section 100)
4. Seizure (Section 102)
5. Constitutional aspects of validity of search and seizure proceedings

#### UNIT – II

#### Per- trail Process: Fir

1. F.I.R. (Section 154)
2. Evidentiary value of F.I.R. (See Section 145 and 157 of Evidence Act)

#### Trial Process

1. Commencement of proceedings: (Section 200, 201, 202)
2. Dismissal of complaints (Section 203, 204)
3. Bail: concept, purpose: constitutional overtones
4. Bailable and non-bailable offences (Section 436, 437, 439)
5. Cancellation of bail (Section 437(5))
6. Anticipatory bail (Section 438)
7. Appellate bail powers (Section 389(I), 395(I) 437(5))
8. General principles concerning bond (Section 441-450)



## **UNIT – III**

### **Fair Trial**

1. Conception of fair trial
2. Presumption of innocence
3. Venue of trial
4. Right of the accused to know the accusation (Section 221 – 224)
5. The right must generally be hold in the accused's presence (Section 221,224)
6. Right of cross – examination and offering evidence in defence: the accused's statement
7. Right to speedy trial

### **Charge**

1. Framing of charge
2. Form and content of charge (Section 211, 212, 216)
3. Separate charge for distinct offence (Section 218,219,220,221,223)
4. Discharge – pre – charge evidence

### **Preliminary Pleas to Bar the Trial**

1. Jurisdiction (Section 26, 177 – 188,461,462,479)
2. Time limitations: rationale and scope (Section 468 – 473)
3. Pleas of autrefois acquit and autrefois convict (Section 300,22D)
4. Issue Estoppel
5. Compounding of offences

### **Trial before a Court of Sessions: Procedural Steps and Substantive Rights**

## **UNIT – IV**

### **Judgment**

1. Form and content (Section 354)
2. Summary trial
3. Post Conviction orders in lieu of punishment: emerging penal policy (Section 360,361,31)
4. Compensation and cost (Section 357,358)
5. Modes of providing judgement (Section 353,362,363)

### **Appeal Review, Revision**

1. No appeal in certain cases (section 372,375,376)
2. The rational of appeals, review, revision
3. The multiple ranges of appellate remedies
4. Supreme Court of India (Section 374,379,Article 31 132,134,136)
5. High Court (section 374)
6. Session Court (section 374)
7. Special right to appeal (section 380)

8. Government appeal against sentencing (section 377,378)
9. Judicial power in disposal of appeal (section 368)
10. Legal aid in appeals
11. Revisional jurisdiction (section 397-405)
12. Transfer of cases (section 406,407)

## **UNIT – V**

### **Probation**

1. Probation of offender's law
2. The judicial attitude
3. Mechanism of probation : standards of probation services
4. Problems and prospects of probation
5. The suspended sentences

### **Reforms of Criminal Procedure**

#### **Selected Bibliography**

1. Ratanlal Dhirajlal, Criminal Procedure Code (1999), Universal, Delhi
2. Chandrasekharan Pillai, ed., Kelkar Lectures on Criminal Procedure (1998)
3. Eastern Lucknow
4. Principle's commentaries on the Code of Criminal Procedure, 2Vol. (2000) Universal
5. Woodroffe: Commentaries on Code of Criminal Procedure, 2. Vol. (2000) Universal
6. Chandrasekharan Pillai, ed, kelkar's outlines of Criminal Procedure (2001),
7. Eastern Lucknow

