

पुणे विद्यापीठ

परिपत्रक क्र. २९३/२००६

विषय : विद्यापीठाच्या विधी अभ्यासक्रमाच्या तीन व पाच वर्षांच्या अभ्यासक्रमामध्ये अंतर्भूत असलेल्या प्रॅक्टिकल ट्रेनिंग विषयाच्या परीक्षांबाबत.

वरील विषयासंदर्भात विद्यापीठ अधिकार मंडळाने घेतलेल्या निर्णयानुसार आपणास कळविण्यात येते की, शैक्षणिक वर्ष २००६-०७ पासून विद्यापीठाच्या विधी अभ्यासक्रमाच्या तीन व पाच वर्षांच्या अभ्यासक्रमामध्ये अंतर्भूत असलेल्या प्रॅक्टिकल ट्रेनिंग विषयाच्या परीक्षा पद्धती (अंतर्गत व व्हायवा Viva voce) स्वरूपात बदल करून ती लेखी स्वरूपात विद्यापीठामार्फत घेण्यास मान्यता दिलेली आहे. बदलानंतरचा नवीन अभ्यासक्रम सोबत पाठविला आहे. त्याची अंमलबजावणी शैक्षणिक वर्ष २००६-०७ पासून करावी.

(सोबत : अभ्यासक्रम)

आपला विश्वासू,

सही/- के. बी. खिलारी
संचालकांकरिता
(म.वि.वि.मं.)

University of Pune

The following Practical Training Papers are converted into Theory papers (i.e. non maintenance of Journal and no viva-voce) carrying 100 marks (except practical Training I for third year LL.B. three year course and fifth year B.S.L., LL.B. five year Law course) with effect from the Academic Year-2006-07 onwards.

1. Third year of Five year Law Course :

Semester VI Paper No. 20 Professional Ethics
(100 Marks theory Accountancy for
Paper) Lawyers & Bar-
Bench Relations

2. Fourth Year of Five Year Law Course :

Semester VIII Paper No. 27 Public Interest
(100 Marks theory Lawyering Legal Aid
paper) and Para-Legal Services.

3. Fifth year of Five Year Law Course :

Semester X Paper No. 36 Drafting, Pleadings and
(100 Marks theory Conveyancing.
paper)

4. Practical Training I at Fifth Year of the Five Year Law Course :

Semester X Paper No. 35 Moot Count, Pre-Trial
(100 Marks Preparation and
Practical paper) Participation in Trial
Proceedings.

Division of Marks :

Maintenance of Journal : 90 Marks

Viva-Voce : 10 Marks

Total : 100 Marks

[Note : The Marks for the Journal will be awarded by the college after evaluating the Journal].

**Third Year of Five Years Law Course
(From Academic Year : 2006-07)**

Semester VI : November to April

**Paper 20 : (Professional Ethics, Accountancy for
Lawyers and Bar-Bench Relations).**

Theory : 100 Marks

Syllabus :

- (A) (1) Development of Legal Profession in India.
(2) Concept, need and importance of Professional Ethics.
(3) Bar Council of India Rules on Standards of professional Conduct and Etiquette.
(4) **Duties and Obligations of Advocate** (Norms of Professional Ethics)
- Section I -Duty to the Court.
Section II -Duty to Client.
Section II -Duty to Opponent.
Section IV -Duty to Colleagues
-Duty to Profession
-Duty to Render Legal Aid.
-Restrictions on other employments.
-Senior Advocates and Restrictions on Senior Advocates.
-Form of Dresses or Robes to be worn by Advocate.
-Vakalatnama.

(B) **Advocates Act, 1961 :**

Chapter I (Sections 1 and 2)

Definitions-Advocate, Legal Practitioner, Law Graduate.

Chapter II (Sections 3 to 15) -Bar Councils Functions.

Chapter III (Sections 16 to 28) -Admission and Enrolment of Advocates.

Chapter IV (Sections 29 to 34) -Right to Practice.

Chapter V (Sections 35 to 44) -Conduct of Advocates.
-Punishment of Advocates for misconduct.

Chapter VI (Sections 45 onwards) -Miscellaneous.

(C) Bar-Bench Relations and Contempt of Court.

(1) Concept and Role of Bar-Bench Relation with reference to Administration of Justice.

(2) The Contempt of Courts Act, 1971 Sections 1 to 24.

(D) Accountancy for Lawyers.

1. Definition, object, Importance and Utility of Book Keeping.
2. Principles of Book-keeping and Accountancy, Accounting concepts and Accounting conventions.
3. Meaning and Advantages of Double Entry Book-keeping.
4. Classification of accounts and Rules for debiting and crediting the accounts. Journal entries, Ledger Posting, Subsidiary Books.

5. Types of Cash Book.
 - (a) Simple Cash Book.
 - (b) Cash Book with Cash and Discount columns.
 - (c) Cash Book with Cash, Bank and discount columns.
 6. Bank Reconciliation statement.
 7. Rectification of Errors.
 8. Preparation of Trial Balance.
 9. Preparation of Trading, Profit and Loss Account and Balance Sheet.
 10. Preparation of Income and Expenditure Account.
 11. Assessment of income and expenditure and payment of taxes by Advocates.
- (E) Cases Prescribed for Study.
1. P. D. Khandekar Vs. Bar Council of Maharashtra (1984) 2 S.C.C. 556.
 2. M. Veerabhadra Rao Vs. Tek Chand (1984) Supplement S.C.C. 571.
 3. Prahlad Saran Gupta Vs. Bar Council of India (1997) 3 S.C.C. 585.
 4. V. P. Kumaravelu Vs. Bar Council of India (1997) 4 S.C.C. 266.
 5. Brajendra Nath Bhargava Vs. Ramchandra Kaslival (1998) 9 S.C.C. 169.
 6. Ramon Services Pvt. Ltd., Vs. Subash Kapoor (2001) 2 S.C.C. 365.
 7. Shambhu Ram Yadav Vs. Hanumandas Khatry AIR 2001 S.C. 2509.
 8. D. P. Chadha Vs. P. N. Mishra AIR 2001 S.C. 457.

9. Harish Chandra Tiwari Vs. Baiju AIR 2002 S.C. 548.
10. Prem Surana Vs. Additional Munsif and Judicial Magistrate AIR 2002 S.C. 2956.
11. Bhupinder Kumar Sharma Vs. Bar Association Pathankot (2002) 1 S.C.C. 470.
12. Rajendra V Pai Vs. Alex Fernandes and others (2002) 4 S.C.C. 212.
13. Vikas Deshpande V. Bar Council of India (2003) 1 S.C.C. 384.
14. Bar Council of Andhara Pradesh Vs. Kurapati Satyanarayanaa (2003) 1 S.C.C. 102.
15. Bar Council of India Vs. High Court of Kerala (2004) 6 S.C.C. 311.
16. Suresh Chandra Poddar Vs. Dhani Ram and others (2002) 1 S.C.C. 766.
17. Arundhati Roy in RE (contemmer) (2002) 3 S.C.C. 343.
18. Bijay Kumar Mahanty Vs. Jadu Alias Ram Chandra Sahoo (2003) 1 S.C.C. 644.
19. Ex. Capt Harish Uppal Vs. Union of India (2003) 2 S.C.C. 45.
20. Radha Mohan Lal Vs. Rajasthan High Court (2003) 3 S.C.C. 42.
21. Case relating to V. C. Mishra Chairman, B.C.I.

Recommended Books

1. Sanjiva Row's Advocates Act, 1961.
2. Iyer's Law of Contempt of Courts.
3. Bar Council of India Trust Selected Judgments on Professional Ethics.
4. Bar Council of India Rules on Standards of Professional conduct and Etiquetee.

5. Dr. Kailash Rai-Legal Ethics, Accountancy for Lawyers and Bench-Bar Relations.
6. Dr. S. P. Gupta-Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations.
7. M. G. Patkar-Book Keeping and Accountancy.
8. Mrs. Jayashree Kotibhaskar-Book Keeping and Accountancy.
9. Krishnamurti Iyer-Advocacy.
10. Shukla and Grewal-Advance Accountancy.
11. R. L. Gupta-Advanced Accountancy.
12. S. N. Maheshwari-Introduction to Accountancy.
13. Indian Bar Review-Journal.
14. M. P. Jain-Outline Indian Legal History-Chapter Development of Legal Profession.
15. V.K.V. Krishna Swami Iyer-Professional Conduct and Advocacy Chapters 10 to 17.
16. M. R. Mallick-Advocates Act, 1961 with professional Ethics Advocacy and Bar Bench Relationship.
17. P. L. Mehta, Sushma Gupta-Legal Education and Legal Professional in India.
18. Law Reporters-A.I.R., S.C.C. (Relevant cases).
19. J.P.S. Sirohi-Professional Ethics, Accountancy for Lawyers and Bar Bench Relations.
20. Agarwal A. N.-Practical Aspects of Higher Accountancy.
21. Anand-Professional Ethics of Bar.
22. Jha Shriram Chandra-Selected Judgments on Professional Ethics.
23. Mynen S. R.-Professional Ethics, Accountancy for Lawyers and Bench Bar Relations.
24. Reddy G. B.-Practical Advocacy for Lawyers.

**Fourth Year of Five Years Law Course
(From Academic Year : 2006-07)**

Semester VIII : November to April

Paper No. 27

**Public Interest Lawyering, Legal Aid and Para-Legal
Services**

(Total Marks : 100 Theory)

- (A) Meaning and Concept of Public Interest Litigation, Development through decided Cases and Limitation, Public Interest Litigation and writs under Article 226 and 32 of the Constitution, with special reference to Environmental Protection, Labour, Under Trial Prisoners, Human Rights, Protection of Women, etc.
- (B) (1) Concept and Role of Lok-Nyalaya (Lok Adalats) in India for the settlement of disputes.
(2) Constitution, Composition and Jurisdiction of Lok Adalat and Appeal.
- (C) Legal Aid :
- (1) Statutory Provisions relating to Legal Aid : Article 39 A of the Constitution of India.
- (2) Sec 304 of the Code of Criminal Procedure, 1973.
- (3) Advocates duty to render Legal Aid.
- (4) The Legal Services Authorities Act, 1987.
Chapter I : Preliminary (Sections 1 and 2).
Chapter II : The National Legal Services Authority (Sections 3 to 5).

Chapter III : State Legal Services Authority
(Sections 6 to 11-B).

Chapter VI : Entitlement of Legal Services
(Sections 12 and 13).

Chapter VI : Lok Adalats (Sections 19 to 22).

Chapter VI A : Pre Litigation Conciliation and
Settlement (Sections 22-A to 22-E).

- (4A) The Maharashtra State legal Services Authorities Rules, 1998. Role of the Legal Aid centres in Law Colleges and Law department of the University in providing free Legal Aid and Advice.
- (5) Rules relating to Legal Aid for defending Accused.
- (6) Objects of Legal Literacy.
- (D) Amicus Curiae-Concept and object.
- (E) Role of Non-Government Organisation (N.G.O.)- Protection of Human Rights, Consumers family matters, Negotiations and Counselling.
- (F) Use of Computer in Legal Education.
- (G) Difference between P.I.L. and representative suits and Public Interests Litigation and Private Interest Litigation.
- (H) Legal Literacy-Awareness measures.
- (I) Development of Legal system from Panchayat Raj to Legal aid by Courts.

- (J) Speedy Justice mechanism.
(i) Rights of litigants.
(ii) Adhoc courts.
(iii) Malimath Committee Report.
(iv) Article 21 of the India Constitution.

Recommended Books

1. The Legal Services Authority Act, 1987.
2. The Maharashtra State Legal Services Authority Rules, 1998.
3. Dr. J. N. Pandey-Constitutional Law of India.
4. Code of Criminal Procedure 1973.
5. Civil Manual.
6. Criminal Manual
7. P. S. Narayana-Public Interest Litigation.
8. Dr. Kailash Rai Public Interest Lawyering, Legal Aid and Para legal Services.
9. Mulla-The Indian Registration Act, 1908.
10. The Bar Council of India Rules on Standard of professional conduct and Etiquette.
11. Awasthi-Lok Adalat-Legal Services Authorities, 1987.
12. Jain Sampat-Public Interest Litigation.
13. Rao Manta-Public Interest Litigation, Legal and Lok Adalats.
14. Narayan P. S.-Law Relating to Lok Adalats.
15. Sharma S. S.-Legal Aid to Poor.
16. P. M. Bakshi's-Public Interest Litigation.
17. S. K. Sarkar-Public Interest Litigation.

**Fifth Year of Five Years Law Course
(From Academic Year : 2006-07)**

**Semester X : Paper 35 : Practical Training Paper-I
Moot Court, Pre-Trial Preparations and Participation
in Trial Proceedings**

(Total Marks : 100)

This paper will have three components of 30 marks each and a viva for 10 marks.

1. Moot Court

Every Students should participate in at least three Moot Courts in a year. The Moot Coourt work will be on assigned problems.

2. Observance of trial

It is expected that students observe trial at least in two cases, one civil and one criminal. A student will maintain a Journal for the year's work and all the written submissions and assignments will be written in the journal provided by the college. A student will maintain a record of all steps observed in the trials (including the facts of the case, the arguments and findings of the Court).

3. Interviewing techniques and pretrial preparations

Each student should observe two interviewing sessions of clients at the lawyer's office/legal aid office and record the proceedings in the journal. Each student will further observe the preparation of documents and court papers by an Advocate and the Procedure for the suit/petition. This will be recorded in the Journal.

4. Viva-Voce

The fourth component of this paper will be viva-voce on the basis of above mentioned topics :

Distribution of Marks :

- | | |
|--|----------|
| 1. Moot Court Pre Trial, Preparation and participation in trial Proceeding (10 Marks for each Moot court, 5 Marks for written submissions, 5 Marks for oral submissiona) | 30 Marks |
| 2. Observance of trial in two cases | 30 Marks |
| 3. Interviewing Techniques and Pre Trial Preparations | 30 Marks |
| 4. Viva-Voce | 10 Marks |

Total 100 Marks

(Note : The Marks for the Journal will be awarded by the college after evaluating the Journal).

Reference Books

1. Gupta S. P.-Moot Court Pre Trial Preparation and participation in trial proceeding.
2. Liberhan M. S.-Moot Court for Interactive education (NALSAR Law University Hyderabad).
3. Rai Kailash-Moot Court Pre Trial Preparation & Participation in trail Proceeding.
4. Tewari O. P.-Moot Court Pre Trial Preparation and Viva-Voce.
5. Sirohi J.P.S.-Moot Court, Pre Trial Preparation and Participation in trial proceedings.
6. Tewari O. P.-Moot Court, Pre Trial Preparation and Participation in trial proceedings.
7. Dhanda Amit-Moot Court for Interactive Legal education.

**Fifth Year of Five Years Law Course
(From Academic Year : 2006-07)**

**Semester X : Paper No. 36 : Drafting Pleadings and
Conveyancing**

(Theory - Total : 100 Marks)

Drafting/Pleading :

I Civil

1. **Plaint in a suit for :**
 - (i) Specific performance of a contract.
 - (ii) Recovery of money on the basis of a Promissory note.
 - (iii) Recovery of money for price of goods sold or work done.
 - (iv) Partition of Joint Hindu Family property.
 - (v) Suit for dissolution of partnership and accounts.
 - (vi) Permanent injunction (Public nuisance).
 - (vii) Damages for Defamation.
 - (viii) Suit for possession against a trespasser.
 - (ix) Mesne profits.
 - (x) Suit for cancellation of sale deed.
 - (xi) Suit for possession by landlord against tenant lender the Maharashtra Rent Control Act, 1999.
 - (xii) Written statement of the above suits.
1. (a) Affidavit :
2. Execution petition : i.e. Darkhast on the basis of a civil court.

3. Matrimonial :
(Original Petition)
Petition under the Hindu marriage Act, 1955 and the Special marriage Act, 1954.
 - (a) Restitution of conjugal rights.
 - (b) Judicial separation.
 - (c) Divorce.
 - (d) Divorce by mutual consent.
4. Petition for :
 - (a) Succession certificate.
 - (b) Probate on be basis of will.
5. Petition under Article 32 and 226 of Constitution of India :
 - (a) Habeas Corpus.
 - (b) Mandamus.
 - (c) Prohibition.
 - (d) Certiorari.
 - (e) Quo warranto.
6. Application for compensation before the motor accidents claims Tribunal under the Motor vehicles Act, 1988.
7. Complaint under the Consumer protection Act, 1986.
8. Interlocutory Application (Interim Relief).
9. Memorandum of Appeal, revision and review.
10. Application under the code of Civil procedure 1908.
 - (i) Taking adjournment.
 - (ii) Substituted Service.
 - (iii) Amendment of the plaint or written statement.
 - (iv) Granting leave to deliver Interrogatories order.

- (v) Bringing legal heirs and representative on record.
- (vi) Setting aside and abatement of the suits.
- (vii) Appointment of a commission.
- (viii) Attachment of the property of the defendant before judgement.
- (ix) Appointment of receiver.
- (x) Permission to sue as Indigent person.
- (xi) Caveat application.

II Criminal :

1. A Private Criminal complaint in court relating to :
 - (a) Criminal Trespass, hurt, abuses and Threatening.
 - (b) Cheating.
 - (c) Defamation.
 - (d) Bigamous marriage.
 - (e) Under Section 498 A.
 - (f) Complaint under section 138 of the negotiable Instrument Act.
2.
 - (a) Application for maintenance or written statement to the same.
 - (b) Application for execution of maintenance order already passed in favour of a wife.
 - (c) Application for enhancement of maintenance.
3. Memorandum of Appeal and revision.
4. Application for :
 - (a) Bail before a magistrate.
 - (b) Bail before a session court.
 - (c) Anticipatory Bail.
 - (d) Bail before the court convicting an accused who intends to present an appeal.
 - (e) Application for cancellation of bail.

- (d) Cancellation of warrant issued against the accused.
- (g) Calling and recalling of witness.
- (h) Disposal of property under section 451, 452 of Cr.P.C.

III Conveyancing :

- (i) Sale Deed.
- (ii) Mortgage Deed.
- (iii) Lease Deed.
- (iv) Gift Deed.
- (v) Promissory Note.
- (vi) Power of Attorney.
- (vii) Will Deed.
- (viii) Legal Notices.
- (ix) Assignments, Deed of Exchange.
- (x) Adoption Deed.
- (xi) Deed of Dissolution of partnership.
- (xii) Deed of Public Trust.
- (xiii) Partition Deed.
- (xiv) Partnership Deed.
- (xv) Leave and License.

List of Books for Reference

1. Banerjee B. N.-Criminal Pleading.
2. Batukal-Law of Evidence.
3. Bindra N. S.-Conveyancing Draftsman Interpretation Deed.

4. Chaturvedi A. N.-Law of Pleadings Conveyancing.
5. D'souza-Conveyancing.
6. G. M. Kothari-Drafting, Conveyancing and Pleading.
7. Gupte and Dighe-Civil Manual.
8. Gupte and Dighe-Criminal manual.
9. Mitra B. B.-Law of Limitation.
10. Mogha P. C.-Indian Conveyancing.
11. Mogha's Law of Pleading.
12. Shiva Gopal-Conveyancing Precedent and Forms.
13. Stone and Iyer-Pleading.
14. Taxman's-The Code of Civil Procedure, 1908.
15. Taxman's-The Code of Criminal Procedure, 1973.
16. Tijoriwala M. T.-Law and Practice of Conveyancing.
17. G. M. Divekar Conveyancing.
18. Retwade : Legal Drafting (Paper book).
19. Mukherjee-Law of Civil Appeals, Revisions References and law of Criminal appeals, Revisions.
20. Banerjee and Awasthi-Guide to Drafting.
21. Retawade-Drafting Pleading and Conveyancing.

**Fifth Year of Five Years Law Course
(Semester Pattern - 2003)**

Semester Vth - June-October

19. The Code of Civil Procedure and Limitation Act. 100 marks
20. Land Laws including ceiling and other local laws. 100 marks
21. Interpretation of Statutes. 100 marks
22. Legal Writing 100 marks
23. Administrative Law. 100 marks

Semester VI - November-April

24. The Code of Criminal Procedure, The Juvenile Justice (Care and Protection of children) Act 2000 and probation of Offenders Act 1958. 100 marks
25. Company Law. 100 marks
26. Practical Training Paper-I Moot Courts, Pre-Trial Preparations and participation in Trial proceedings. (To be conducted throughout the academic year. Viva-voce will be held at the conclusion of academic year) 100 marks
27. Drafting, Pleading and Conveyancing (Theory paper). 100 marks
28. Optional papers (Any One). 100 marks
 - (a) Law of Taxation 100 marks
 - (b) Banking laws including Negotiable Instruments Act. 100 marks
 - (c) Co-operative Law. 100 marks

**Fifth Year of Five Years Law Course
(Semester Pattern - 2003)**

Semester V - June-October

(Each paper carries 100 marks)

Paper 19 : The Code of Civil Procedure and Limitation Act

1. The Code of Civil Procedure 1908 (as amended upto date) 80 marks
2. Limitation Act, 1963- 20 marks

Books Recommended

1. Civil Manual-Issued by the High Court, Bombay.
2. Ganguly A. C.-Civil Court Practice and Procedure.
3. Mulla-The Code of Civil Procedure.
4. Rao Sanjiva-Civil Procedure Code.
5. S. R. Myneni-Code of Civil Procedure and Limitation.
6. Sanjiva Rao-Civil Procedure Code.
7. Singh S. N.-Code of Civil Procedure.
8. Takwani C. K.-The Code of Civil Procedure.
9. Tandon M. P.-Civil Procedure Code.
10. Taxman's-The Code of Civil Procedure, 1908.
11. Thakkar C. K.-Code of Civil Procedure.
12. Awasthi S. K.-Law of Limitation.
13. Jain J. D.-Indian Limitation Act.
14. Mitra B. R.-Limitation Act.
15. Mitra U. M.-Law of Limitation in 2 Vol.

Paper 20 : Land Laws including Ceiling and other local laws

1. The Maharashtra Rent Control Act, 1999. 30 marks
2. The Maharashtra Land Revenue Code, 1966. 30 marks
3. The Bombay Tenancy and Agricultural lands Act, 1948.
30 marks
4. The Maharashtra Agricultural lands (Ceiling on Holdings). Act 1961 10 marks

Books Recommended

1. Choudhary D. H.-The Maharashtra Land Revenue Code, 1966.
2. Dalal J. H.-Maharashtra Rent Control Act. 1999.
3. Govt. Publication-Agricultural Land Ceiling Act, 1961.
4. Gupte A. K.-Land Laws in Maharashtra, The Maharashtra Rent Control Act, 1999.
5. Gupte A. K. and Dighe S. D.-Maharashtra Land Revenue Code, 1966.
6. Gupte K. S.-Bombay Tenancy and Agricultural Lands Act, 1948.
7. Gupte K. S.-Bombay Tenancy and Agricultural land Act, 1948.
8. Parulekar D.-The Bombay Tenancy and Agricultural Land Act, 1948.
9. A. K. Gupte-The Maharashtra Agricultural lands (Ceiling on Holdings) Act, 1961.
10. K. N. Shah-The Maharashtra Rent Control Act.
11. D. V. Barolekar-The Bombay Tenancy and Agricultural Land Act, 1948.

Paper 21 : Interpretation of Statutes

1. Introduction :
Meaning and objects of Interpretation-The General Clauses Act, 1897.
2. General Principles of Interpretation :
Literal Rule, Golden Rule, Mischief Rule, Statute must be read as a whole in its context, Statute to be construed to make it effective and workable, Omissions not to be inferred, Every word in a statute to be given a meaning.
3. Internal Aids to Construction :
Preamble, Definition, Sections, Heading, Marginal Notes, Punctuation, Illustrations, Proviso, Explanation and Schedules.
4. External Aid to Construction :
Parliamentary history, Historical facts and Surrounding circumstances Social, Political and Economic Developments, Reference to other statutes, Contemporanea exposition and other external aids, Codifying statutes and Consolidating statutes.
5. Subsidiary Rules :
Same word same meaning, Use of different words. Rule of last antecedent, Non Obstante Clause, Legal fiction, Mandatory and directory provisions, Conjunctive and disjunctive words 'or' and 'and', Construction of general words-Noscitur A Socis, Rule of ejusdem generis, Words of rank, Reddendo Singula Singulis etc.

6. Interpretation of Statutes affecting Jurisdiction of Courts :
General Principles, The extent of exclusion, Exclusion of Jurisdiction of superior Courts.
7. Interpretation of Penal and Taxing Statutes :
Rule of Strict Construction of taxing statutes, General Principles of Strict Construction, Limits of the Rule of Strict Construction, Mens Rea in statutory offences and Indian Penal code, Vicarious liability in statutory offences.
8. Interpretation of Remedial Statutes :
Distinction between Remedial and Penal Statutes. Liberal construction of remedial statutes.
9. Operation of Statutes :
Commencement, Retrospective Operation.
10. Expiry and Repeal of Statutes :
Perpetual and temporary Statutes, Effect of Expiry of Temporary Statutes, express or implied Repeal, Consequences of Repeal.
11. Interpretation of constitutional Documents :
Rules of Interpretation of Constitutional documents as developed by the Courts of India.

Recommended Books and Reading

1. Bhattachayya T.-Interpretation of Statutes.
2. Bindra N. S.-Interpretation of Statutes.
3. G. P. Singh-Interpretation of Statutes (Eastern Book Company).

4. Maxwell-Interpretation of Statutes (Sweet and Maxwell).
5. Rupert Cross-Statutory Interpretation (London Butterworths).
6. Sarathivepa P.-Interpretation of Statutes.
7. Shrivastava R. D.-Text book of Interpretation of Statutes.
8. Singh Avtar-Introduction to Interpretation of Statutes.
9. Swarup-Legislation and Interpretation.
10. Tandon M. P.-Interpretation of Statutes.

Paper 22 : Legal Writing

The object of the paper is to lay the foundation of legal language and legal drafting. The course intends to encourage the students to handle both Hindi/Marathi and English with fluency, accuracy and precision. Moreover it is expected that it will help to develop argumentative skills (Legal reasoning) amongst the students. Exposure to specimens of legal writing and active practice in handling language are the desired effects.

1. Introduction to Legal Writing :
 - (a) Words, phrases and abbreviations in common use in legal language.
 - (b) How to use thesaurus and legal encyclopedias.
 - (c) Selected legal terms. (50)
2. Legal Reasoning and Judicial Process :
 - (i) Meaning of Judicial Process.
 - (ii) Judicial discretion how do judges exercise it.
 - (iii) Legal Reasoning.
 - (iv) Doctrine of Precedent and rules of Precedent.

3. Comprehensions.
4. Essay on the topic related with law.
5. Drafting a legal notice, statutory notice and replies.
6. Critical Analysis of decided cases as mentioned below.

Reference Books

1. Ishtiaq Abidi-Law and language.
2. R. P. Bhatnagar and Rajual Bhargava-Law and Language-MC macmillan.
3. Avhad S. E.-Draftsman.
4. Mac Cormik-Legal Reasoning and Legal Theory.
5. Paul Rylance-Legal Writing and Drafting.
6. Dr. Mishra-Legal Language and Legal Writing, Pioneer Publications.
7. Dr. Sen Amit-Legal Language, Legal Writing and Legal Drafting-Karnal Law House, Clacutta.
8. Tandon M. P.-Legal Languge and Legal Writing.

CASES :

1. Sarbati Devi Vs. Usha Devi A.I.R 1984, S.C. 346 (Succession and Nomination).
2. R. D. Saxena Vs. Balaram Prasad Sharma A.I.R 2000, S.C. 2912 (Advocate's right to detain documents).
3. Sarita Sharma Vs. Sushil Sharma A.I.R 2000, S.C. 1019 (Custody of child, Orders of foreign Court).
4. Ratan Gond Vs. State of Bihar A.I.R 1959, S.C. 18 (Extra judicial confession).

5. Paniben Vs. State of Gujrat A.I.R 1992, S.C. 1817 (Dying declaration).
6. Dr. Surajmani Stella Hujur Vs. Durga Charan Hansdah A.I.R 2001, S.C. 938. (Applicability of Hindu Marriage Act to Scheduled Tribes and Offence of Bigamy).
7. Gautam Paul Vs. Debi Rani Paul A.I.R 2001, S.C. 61 (Right of co-sharer, obligation to sell to other sharer).
8. Balaji Raghvan Vs. Union of India A.I.R 1996, S.C. 770 (Abolition of titles under Constitution of India).
9. Chairman Railway Board Vs. Chandrima Das A.I.R 2000, S.C. 988 (Compensation to victim of rape).
10. Daniel Latifi Vs. Union of India A.I.R 2001, S.C. 3958 (Term 'Provision' under the Muslim Women (Protection of Rights on Divorce) Act).

Points :

1. Provisions of law involved.
2. Principles of law involved.
3. Finding the facts and arguments for both the sides.
4. Drawing issues involved and answers to the issues.
5. How the case reached the Supreme Court, history of the litigation.
6. Drawing the ratio, if any.
7. Various views about the question arisen.
8. Criticism of the judgment.
9. Debate on the decision.
10. Relevance of the law settled by the Supreme Court today.

Paper 23 : Administrative Law

1. Nature and Scope of Administrative Law, Necessity of Administrative Law in Modern State.
2. Rule of Law and Separation of Powers.
3. Delegated Legislation :
 - (a) Nature, Meaning and Growth.
 - (b) Constitutional Validity.
 - (c) Judicial Control : Doctrine of ULTRA VIRES, Legislative control (Parliamentary Control) Sub Delegation.
4. Administrative Tribunals :
 - (a) Nature, growth and need.
 - (b) Judicial control on administrative Tribunals, Doctrine of ULTRA Vires, lack of Jurisdiction.
 - (c) Principles of natural Justice : Bias, Audi Alteram Partem or Rule of Fair hearing.
5. Administrative discretion :
 - (i) Judicial review of administrative discretion.
 - (ii) Judicial control of exercise of administrative discretion.
6. Commission of Inquiry :
 - (a) Nature, Scope, need and functions.
 - (b) Procedure and legal status.

7. Judicial control of administrative action through writs :
 - (a) general conditions for using of writs.
 - (b) The writs.
 - (c) The scope of review through writs.
8. Suits against the Govt. in torts and contract, Court Privileges in Legal proceeding.
9. The Ombudsman : The necessity of Ombudsman. Judicial control of Ombudsman in India-The Lokpal and Lokayukta.
10. The Right to Information Act, 2005.

Text Books

1. Basu D. D.-Administrative law.
2. D. D. Basu-Comparative Administrative law.
3. Jain M. P. and S. K. Jain-Principles of Administrative Law.
4. Kagazi-Administrative Law.
5. Takwani K. C.-Lectures on Administrative Law.
6. Massey-Administrative Law.
7. Rai Kailash-Administrative Law.
8. Sathe S. P.-Administrative Law.

**Fifth Year of Five Years Law Course
(Semester Pattern - 2003)**

Semester X

**Paper 24 : The Code of Criminal Procedure, Juvenile
Justice
(Care & Protection of Children) Act, The Probation
of Offenders Act.**

1. The Code of Criminal Procedure, 1973 (as Amended upto date). 80 marks

2. The Juvenile Justice Act (Care & Protection of Children) Act, 2000. 10 marks
3. The Probation of offenders Act, 1958. 10 marks

All the above Acts with latest amendments are required to be studied.

Books Recommended

1. BASU's Code of Criminal Procedure Vol. 1 and 2.
2. K. S. Varma-The Juvenile Justice Act (Care and Protection of Children) Act, 2000.
3. Kelkar R. V.-Outline on Criminal Procedure Code.
4. Kelkar R. V.-The lectures on Criminal Procedure Code.
5. Paranjape-The law Relating to probation of offenders in India.
6. R. B. Sethi-Probation of offenders Act.
7. Ratanlal and Dhiraj Lal-The code of Criminal Procedure.
8. Vedkumari-Juvenile Justice Act.
9. Chowdhary-Juvenile Justice.

Paper 25 : Company Law

1. Introductory :
Definition and characteristics of a company, Lifting of Corporate veil, company and partnership firm, kinds of company.
2. Formation of company :
Registration, documents to be filed with the registrar, promoter, pre-incorporation contracts.

3. Memorandum of Association :
Meaning, purpose, form, contents, alternation, doctrine of ultra vires.
4. Articles of Association :
Meaning, Purpose, form, contents, alterations, doctrine of indoor management, relation between Memorandum and Articles.
5. Prospectus :
Definition, contents, registration, effects of misstatement, penalty, statement in lieu of prospectus.
6. Membership in a Company :
Member and shareholders, qualifications, modes of becoming members, cessation of membership, rights and liabilities, Register of members, Index of members.
7. Share Capital :
Meaning, kinds, alterations, reductions, voting rights, buy back of shares.
8. Shares :
Definition, Nature, Types, Issues, allotment of share, share transfer, surrender, forfeiture, transmission of shares, share certificate, share warrant, dividends.
9. Borrowing Powers :
Debentures, Kinds of debentures, creation of charges, fixed and floating charges, effects of winding up on floating charge.
10. Management and Administration :
Directors : Maximum number, Appointments, Restrictions on their appointments, Position of directors disqualifications, their duties and liabilities, Board of directors-Meaning and powers.

11. Meetings :
Kinds of Meetings, Notice of Meetings, Contents of notice, conduct of meetings, quorum, minutes, proxies, voting and poll resolutions, kinds of resolutions, Appointment of auditor, powers, rights and liabilities of auditor.
12. Majority Rule and minority Rights :
Rule in Foss V/s harbottle case.
13. Prevention of Oppression and Mismanagment :
Meaning, who can apply to National Company Law Tribunal, Powers of National Company Law Tribunal and Central Government.
14. Reconstruction and Amalgamation :
Compromises and arrangements.
15. Winding Up :
Meaning, Types of Winding up, Petition for winding up, Commencement of winding up, Liquidator : his rights, duties and liabilities, Contributors, consequences of winding up, Dissolution of company.
The Companies Act 1956 (as amended upto date).

Books Recommended

1. Dutta on Company law.
2. Kapoor N. D.-On Company Law.
3. Shah S. M.-Lectures on Company Law.
4. Sing Avtar-Company Law.
5. Taxmann's-Corporate Laws.
6. The Companies Act 1956 as amended up to the date.

Paper 26 : Practical Training Paper-I

**Moot Court, Pre-Trial Preparations and Participation
in Trial Proceedings**

This paper will have three components of 30 marks
each and a Viva-Voce for 10 marks

1. Moot Court :
Every Student should participate in at least three Moot Courts in a year. The Moot Court work will be on assigned problems.
2. Observance of trial :
It is expected that students should observe trial at least in two cases, one civil and one criminal. A student will maintain a Journal for the year's work and the all the written submissions and assignments will be written in the journals provided by the college. A student will maintain a record of all steps observed in the trials (including the facts of the case, the arguments and findings of the Court).
3. Interviewing techniques and pretrial preparations :
Each student should observe two interviewing sessions of clients at the lawyer's office/legal aid office and record the proceedings in the journal. Each student will further observe the preparation of documents and court papers by an Advocate and the procedure for the suit/petition. This will be recorded in the Journal.
4. Viva-Voce :
The fourth component of this paper will be Viva-Voce on the basis of above mentioned topics :

Distribution of Marks :

1. Moot Court Pre Trial, Preparation and participation in trial Proceeding (10 Marks for each Moot court i.e. 5 Marks for written submissions, & 5 Marks for oral submissiona) 10×3=	30 Marks
2. Observance of trial in two cases	30 Marks
3. Interviewing Techniques and Pre Trial Preparations	30 Marks
4. Viva-Voce	10 Marks
	<hr/>
Total	100 Marks

(Note : The Marks for the Journal will be awarded by the college after evaluating the Journal).

Reference Books

1. Gupta S. P.-Moot Court Pre Trial Preparation and participation in trial proceeding.
2. Liberhan M. S.-Moot Court for Interactive education (Nalsar Law University, Hyderabad).
3. Rai Kailash-Moot Court Pre Trial Preparation & participation in trail Proceeding.
4. Tewari O. P.-Moot Court Pre Trial Preparation and Viva-Voce.

Paper No. 27 : Drafting Pleadings and Conveyancing

(Theory Paper 100 Marks)

Drafting/Pleading :

I Civil

1. **Plaint in a suit for :**
 - (i) Specific performance of a contract.
 - (ii) Recovery of money on the basis of a Promissory note.
 - (iii) Recovery of money for price of goods sold or work done.
 - (iv) Partition of Joint Hindu Family property.
 - (v) Suit for dissolution of partnership and accounts.
 - (vi) Permanent injunction (Public nuisance).
 - (vii) Damages for Defamation.
 - (viii) Suit for possession against a trespasser.
 - (ix) Mesne profits.
 - (x) Suit for cancellation of sale deed.
 - (xi) Suit for possession by landlord against tenant lender the Maharashtra Rent Control Act, 1999.
 - (xii) Written statement of the above suits.
1. (a) **Affidavit :**
2. **Execution petition :** i.e. Darkhast on the basis of a civil court.
3. **Matrimonial :**
(Original Petition)
Petition under the Hindu marriage Act, 1955 and the Special marriage Act, 1954.

- (a) Restitution of conjugal rights.
 - (b) Judicial separation.
 - (c) Divorce.
 - (d) Divorce by mutual consent.
4. Petition for :
- (a) Succession certificate.
 - (b) Probate on be basis of will.
5. Petition under Article 32 and 226 of Constitution of India :
- (a) Habeas Corpus.
 - (b) Mandamus.
 - (c) Prohibition.
 - (d) Certiorari.
 - (e) Quo warranto.
6. Application for compensation before the motor accidents claims Tribunal under the Motor vehicles Act, 1988.
7. Complaint under the Consumer protection Act, 1986.
8. Interlocutory Application (Interim Relief).
9. Memorandum of Appeal, revision and review.
10. Application under the code of Civil procedure 1908.
- (i) Taking adjournment.
 - (ii) Substituted Service.
 - (iii) Amendment of the plaint or written statement.
 - (iv) Granting leave to deliver Interrogatories order.
 - (v) Bringing legal heirs and representative on record.
 - (vi) Setting aside and abatement of the suits.
 - (vii) Appointment of a commission.
 - (viii) Attachment of the property of the defendant before judgement.

- (ix) Appointment of receiver.
- (x) Permission to sue as Indigent person.
- (xi) Caveat application.

II Criminal :

1. A Private Criminal complaint in court relating to :
 - (a) Criminal Trespass, hurt, abuses and Threatening.
 - (b) Cheating.
 - (c) Defamation.
 - (d) Bigamous marriage.
 - (e) Under Section 498 A.
 - (f) Complaint under section 138 of the negotiable Instrument Act.
2.
 - (a) Application for maintenance or written statement to the same.
 - (b) Application for execution of maintenance order already passed in favour of a wife.
 - (c) Application for enhancement of maintenance.
3. Memorandum of Appeal and revision.
4. Application for :
 - (a) Bail before a magistrate.
 - (b) Bail before a session count.
 - (c) Anticipatory Bail.
 - (d) Bail before the court convicting an accused who intends to present an appeal.
 - (e) Application for cancellation of bail.
 - (d) Cancellation of warrant issued against the accused.
 - (g) Calling and recalling of witness.
 - (h) Disposal of property under section 451, 452 of Cr.P.C.

III Conveyancing :

- (i) Sale Deed.
- (ii) Mortgage Deed.
- (iii) Lease Deed.
- (iv) Gift Deed.
- (v) Promissory Note.
- (vi) Power of Attorney.
- (vii) Will Deed.
- (viii) Legal Notices.
- (ix) Assignments, Deed of Exchange.
- (x) Adoption Deed.
- (xi) Deed of Dissolution of partnership.
- (xii) Deed of Public Trust.
- (xiii) Partition Deed.
- (xiv) Partnership Deed.
- (xv) Leave and License.

List of Books for Reference

1. Banerjee B. N.-Criminal Pleading.
2. Batukal-Law of Evidence.
3. Bindra N. S.-Conveyancing Draftsman Interpretation Deed.
4. Chaturvedi A. N.-Law of pleadings Conveyancing.
5. D'souza-Conveyancing.
6. G. M. Kothari-Drafting, Conveyancing and Pleading.
7. Gupte and Dighe-Civil Manual.
8. Gupte and Dighe-Criminal manual.
9. Mitra B. B.-Law of Limitation.
10. Mogha P. C.-Indian Conveyancing.
11. Mogha's Law of Pleading.
12. Shiva Gopal-Conveyancing Precedent and Forms.

13. Stone and Iyer-Pleading.
14. Taxman's-The Code of Civil Procedure, 1908.
15. Taxman's-The Code of Criminal Procedure, 1973.
16. Tijoriwala M. T.-Law and Practice of Conveyancing.
17. G. M. Divekar Conveyancing.
18. Retwade : Legal Drafting (Paper book).
19. Mukherjee-Law of Civil Appeals, Revisions References and 13 Revisions and law of Criminal appeals, Revisions.
20. Banerjee and Awasthi-Guide to Drafting.
21. Retawade-Drafting Pleading and Conveyancing.

Paper 28 : Optional Paper-any one - 100 marks

(A) Law of taxation (Optional)

For this paper the following Acts are prescribed.

- | | |
|--|----------|
| 1. The Income Tax Act 1961 (upto date) | 60 marks |
| 2. The Wealth Tax Act 1958 (upto date) | 15 marks |
| 3. The Central Excise Act 1944 (upto date) | 25 marks |

	Total	100 marks
--	-------	-----------

Books Recommended

1. Bharat-Systematic approach to income tax.
2. Myneni S. R.-Law of taxation.
3. Singhanian V. K.-Students guide to Income tax.
4. Singhanian Vinod-Taxman's direct taxes laws and Practice.
5. Taxman's-Income tax Act.
6. Manoharan T. N.-Direct taxes Laws.
7. Ahuja Girish and Ravi Gupta-Bharat's Direct Taxes.

(A) Banking Laws including Negotiable Instruments Act (Optional)

For this paper the following Acts are prescribed.

1. The Reserve Bank of India Act, 1934.	35 marks
2. The Banking Regulations Act, 1949.	30 marks
3. The Negotiable Instruments Act, 1881.	35 marks
	<hr/>
Total	100 marks
	<hr/>

Books Recommended

1. (a) Bhashyam and Adiga-Negotiable Instrument Act, 1881.
2. (b) Khergamvala-Negotiable Instrument Act, 1881.
3. (c) Bangaria R. K.-Negotiable Instrument Act, 1881.
4. (d) Singh Avtar-Negotiable Instrument Act, 1881.
5. Bangia R. K.-Banking Law.
6. K. B. Dawara and Alok Mishra-Banking (Vinod laws Publications, Lucknow), Law Publishers (India), Pvt. Ltd.
7. Seth's Commentaries on Banking Regulation Act, 1949.
8. Tannan-banking Law and Practice in India.
9. Mukherjee-Banking Law and Practice.
10. Saharay-Negotiable Instruments Act, 1881.

(C) Co-Operative law (Optional)

- I. (i) Theory and definition of Co-operation.
(ii) Principles of Co-operation.
(iii) History and Growth of Co-operative movement in India.
 - (a) Before Independence.
 - (b) After Independence through five year plans.15 marks
- II. History of Co-operative Legislation
This topic consists of the study of
 - (a) The Maharashtra Co-operative Societies Act, 1960 and Rules 1961. 60 marks
 - (b) (i) The Maharashtra Ownership Flats (Regulation, Promotion, Construction and Sale). Management and Transfer Act 1970
(ii) The maharashtra Apartment Ownership Act, 1970. 25 marks

Recommended Reference Books

1. Bedi R. O.-Theory History and Practice of Co-operation.
2. Chaudhari A. D. and D. H. Chaudhari-Co-operative Societies Act, 1960 with Rules of 1961.
3. Damohe S. S.-Maharashtra Co-operative Societies Act, 1960.
4. Dhige Sunil-Ownership of Flats and apartments in Maharashtra.
5. G. N. MC-Law relating to Ownership of flats and apartments in Maharashtra.

6. Gupta K. S.-Co-operative Societies Act, 1960.
 7. Gupta K. S.-Maharashtra Co-operative Societies Act in 2 Vol.
 8. Mathur B. S.-Co-operation in India.
 9. G. M. Divekar-Maharashtra ownership Flats Act.
 10. A. K. Gupte and S. D. Dighe-The Maharashtra Co-operative Societies Act, 1960 with rules 1961.
 11. R. K. Pillai-The Maharashtra Co-operative societies Act, 1960.
-