

BILASPUR VISHWAVIDYALAYA BILASPUR

BILASPUR, CHHATTISGARH

B.A. LL.B. (Five year Integrated Course)

~~VII~~
Semester - ~~VII~~ - Paper - I-

TRANSFER OF PROPERTY ACT & INDIAN EASEMENT ACT

Marks: 100

Unit - I -

Section -1 To 37

Unit - II -

Section -38 To 53 A

Unit - III -

Section -54 To 104

Unit - IV -

Section -105 To 137 and Indian Easement Act. 1882.

Unit - V -

Leading Cases:

1. Nain Sukh Das Satyanarayan Vs. Goverdhan Das. AIR 1948. Nag.110
2. Associated Hotel of India Vs. R.N. Kapoor. AIR 1959. S.C.1262.
3. Jama Masjid Vs. Roiamaniandra Devish other. AIR 1962. S.C.847.
4. Murarilal Vs. Deokaran. AIR 1965 S.C. 225.

Book Recommended :

1. Transfer of Property Act. by Mitra.
2. Transfer of Property Act. by Mulla.
3. Law of Easement by T.S. Dessai.

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BILASPUR VISHWAVIDYALAYA BILASPUR

BILASPUR, CHHATTISGARH

B.A. LL.B. (Five year Integrated Course)

Semester-VII -Paper – II-

INTERPRETATION OF STATUTES AND GENERAL CLAUSES ACT 1897

Marks: 100

Unit – I –

Interpretation of Statutes:

Meaning of the term statutes, Commencement, operation and repeal of statutes, Purpose of interpretation of statutes.

Aids of Interpretation:

Internal aids : Title Preamble, Headings and marginal notes. Sections and sub-sections, Punctuation marks, Illustrations. Exceptions, Provisos and saving clauses, Schedules, Non-obstante clause.

External aids : Dictionaries, Translations, Travaux preparatoires, Statutes in pari materia, Contemporanea expositio, Debates, inquiry commission reports, and Law Commission reports.

Unit – II –

Rules of Statutory Interpretation:

Primary rules-Literal rule, Golden rule, Mischief rule (rule in the Heydon's case), Rule of harmonious construction, Secondary rules, Noscitur a sociis, Ejusdem generis, Reddendo singula singulis.

Unit – III –

Maxims of Statutory Interpretation:

Delegatus non potest delegare., Expressio unius exclusio alterius., Generalia specialibus non derogant, In pari delicto potior est conditio possidentis, Utresvaletpotiorquam pareat, Expressum tacit cessare taciturn, Jure Nature sunt immutabilia.

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Unit – IV –

Presumptions in statutory interpretation.

Statutes are valid, Presumption as to jurisdiction, Presumption against what is inconvenient or absurd, Presumption against intending injustice, Presumption against impairing obligations or permitting from one's own wrong, Prospective operation of statutes.

Interpretation with reference to the subject matter and purpose:

Restrictive and beneficial construction. Welfare legislation. Interpretation of Directory and mandatory provisions, Interpretation of enabling statutes.

Unit – V –

Principles of Constitutional Interpretation:

Harmonious Construction, Doctrine of pith and substance.

Colourable legislation, Ancillary powers, Residuary power, Doctrine of repugnancy, Doctrine of eclipse, Doctrine of severability.

General Clauses Act 1897 (Excluding section 2, 5A, 13A, 30A & 31).

Books Recommended.

1. G P. Singh .Principles of Statutory Interpretation (7th Edition)1999, Wadhwa. Nagpur,
2. P. St. Langan (ed.) Maxwell on the Interpretation of Statutes (1976), N.M.Tripathi, Bombay.
3. K. Shanmukham, N.S. Bindra's Interpretation of Statutes (1997), The Law Book Co, Allahabad.
4. V. Sarathi, Interpretation of Statutes (1984), Eastern Lucknow.
5. M.P. Jain Constitutional Law of India (1994) .Wadhwa & Co.
6. M.P. Singh, (ed) V.N. Shukla's Constitution of India (1994) Eastern Lucknow.
7. U.Baxi Introduction to justice K.K. Mathew's Democracy Equality and Freedom (1978), Eastern, Lucknow.
8. General Clauses Act. 1897.
9. कानूनों का निर्वचन - दान सिंह चौधरी
10. संविधियों की व्याख्या - डम.पी. टण्डन.

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CIVIL PROCEDURE CODE AND LIMITATION ACT

Marks: 100

Unit – I –

Introduction:

Concepts. Decree - holder, judgment - debtor, Mesne profits, Plaint, Written statement. Affidavit, Judgment, Decree, Order, Execution. Restitution. Distinction between decree and judgment and between decree and order. Jurisdiction: Kinds - Hierarchy of courts, Suit of civil nature - scope and limits. Res subjudice and Resjudicata. Foreign judgment - enforcement. Place of suing. Institution of suit- Parties to suit: Joinder, mis-joinder or non-joinder of parties-representative suit. Frame of suit: Cause of action. Alternative disputes resolution (ADR). Summons. Transfer of suits.

Unit – II –

Pleadings:

Rules of pleading, signing and verification. Alternative pleadings. Construction of pleading, Plaint: particulars. Admission, return and rejection. Settlement of Issues. Written statement/particulars, rules of evidence. Set off and counter claim : Distinction, Discovery, inspection and production of documents. Interrogatories. Privileged documents. Affidavits.

Appearance, examination and trial :

Appearance: Ex-parte procedure. Summary and attendance of witnesses. Trial. Adjournments. Interim orders: commission arrest or attachment before judgment, injunction and appointment of receiver, Interests and costs, Judgment & Decrees.

Execution:

The concept, General principles. Power for execution of decrees, Procedure for execution (ss. 52-54). Enforcement, arrest and detention (ss. 55-59). Attachment (ss. 60-64). Sale (ss. 65-97). Delivery of property, Stay of execution.

Unit – III –

Suits in particular cases:

By or against government (ss. 79-82). By aliens and by or against foreign rulers or ambassadors (ss. 83-87A). Public nuisance (ss. 91- 93). Suits by or against firm. Suits in forma pauperis. Mortgages. Inter pleader suits. Suits relating to public charities.

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Appeals :

Appeals from original decree, Appeals from appellate decree, Appeals from orders, General provisions relating to appeal, Appeal to the Supreme Court. Review, Reference and revision, Temporary injunction. Miscellaneous: Transfer of cases, Restitution, Caveat, Inherent powers of courts.

Unit – IV –**Law of Limitation :**

Indian Limitation Act 1963 (Section 1 to 24 only).

Unit – V –**Leading Cases:**

1. Pir Gouda Hangouda Patil Vs. Kalgauda Sidha Gound and others. AIR - 1957. S.C. 363.
2. Tek Bahadur Bhujil Vs. Devi Singh & Others. AIR 1966. S.C.292,
3. Kiran Singh & Others Vs. Chaman Paswan & Others. AIR 1954 S.C. 340.
4. M.P. Shrivastava Vs. Beena . AIR 1967 S.C. 1193.

Books Recommended:

1. Mulla, Code of Civil Procedure (1999), Universal, Delhi.
2. C.K. Thacker, Code of Civil Procedure (2000), Universal, Delhi.
3. M.R. Mallick (ed.), B.B.Mitra on Limitation Act (1998), Eastern, Lucknow.
4. P.K. Majumdar and R.P. Kataria, Commentary on the Code of Civil Procedure, 1908(1998), Universal, Delhi.
5. A.N. Saha, The Code of Civil Procedure (2000), Universal, Delhi.
6. Sarkar's Law of Civil Procedure, Vols.(2000), Universal, Delhi.
7. Universal's Code of Civil Procedure(2000).

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A signature on the right, possibly "Ravi".
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यूनिट - प्रथम

पहलवन ,पत्राचार तथा अनुवाद एवं परिभाषिक शब्दावली ।

यूनिट - द्वितीय

मुहावरे - लोकोक्तियां ,शब्दशुद्धि, वाक्य शुद्धि ,शब्द ज्ञान - पर्यायवाची,विलोम,अनेकार्थी ,
समश्रुत (समानोचित) अनेक शब्दों के लिये एक शब्द ।

यूनिट - तृतीय

देवनागरी लिपि की विशेषता , देवनागरी लिपि एवं वर्तनी का मानक रूप ।

यूनिट - चतुर्थ

कम्प्यूटर में हिन्दी का अनुप्रयोग ,हिन्दी में पदनाम ।

यूनिट - पंचम

हिन्दी अपठित संक्षेपण ,हिन्दी में संक्षिप्तीकरण

पाठ्यक्रम के लिये पुस्तकें

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| 1.- भारतीय के स्वर साधन धनंजय वर्मा | - | म.प्र. ग्रंथ अकादमी । |
| 2.- नागरी लिपि और हिन्दी | - | अनंत चौधरी - ग्रंथ अकादमी पटना । |
| 3.- कम्प्यूटर और हिन्दी | - | हरिमोहन - तक्षशिला प्रकाशन ,दिल्ली । |

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BILASPUR, CHHATTISGARH

B.A. LL.B. (Five year Integrated Course)

Semester-VII - Paper – V -

PRACTICAL TRAINING (SESSIONAL)

DRAFTING, PLEADING AND CONVEYANCING

Marks: 100

This course will be taught through class instructions and simulation Exercises, preferably with assistance of practicing lawyer, retired judges, Apart from teaching the relevant provisions of law, the course will include 15 exercise in drafting carrying a total 45 marks and 15 exercises in convincing carrying another 45 marks (3 marks for each exercise)

Note :

1. Drafting :

General principles of drafting and relevant substantive rules shall be taught.

2. Pleading :

Civil, Plaint, Written Statement, Interlocutory Application, Execution Petition and Memorandum of Appeal and Revision. Petitions under Articles 226 and 32 of the Constitution of India.

Criminal:

Complaints, Criminal Miscellaneous Petition, Bail application, Memorandum of Appeal and Revision.

3. Conveyancing:

Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will.

The remaining 10 marks will be given in a viva-voice examination which will test the understanding of legal practice in relation to drafting, pleading and conveyancing.

Book Recommended :

1. Moghas Pleading
2. Moghas Conveyancing.
3. अभिवचन एवं प्रलेखन शास्त्र-बसन्तीलाल बावेला
4. दस्तावेज लेखन विधि-राजाराम बादव

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