

CODE OF CIVIL PROCEDURE AND LIMITATION

Paper 10.46

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20 (10 Internal Exam
10 Project & Viva)

Module No.-1

Code of Civil Procedure, 1908

- (a) Application of the Code, Definitions, Jurisdiction of the Civil Courts,, Res-Judicata, Presumptions as to Foreign Judgment, Place of Suits, Transfer of Suits and Appeal, Institution of Suit,
- (b) Joinder, Non-joinder and Mis-joinder of parties and Causes of Action, Service of summon, Pleading-Plaint and written statement, Appearance of the parties and consequences of non appearance.

Module No.-2

- (a) Examination of the Parties, Admissions, Production of documents, Settlements of Issues,
- (b) Hearing of the Suit and Examination of Witnesses, Judgment and Decree.

Module No.-3

- (a) Execution of Decrees and Orders, Courts by which Decrees may be executed, Powers of the Court executing the decrees, Questions to be determined by the Court Executing the decree.
- (b) Transfer of decrees for execution, Stay of Execution. Modes of Execution- arrest and detention in civil prison, attachment of properties, sale and other modes.

Module No.-4

- (a) Death, Marriage and Insolvency of the Parties, Withdrawal and Adjustment of the Suits,
- (b) Security of Costs, Commission, Suits of Special Nature and Supplemental Proceedings.

Module No.-5

- (a) Appeals from Original Decrees, Appeals from Appellate Decrees, Appeals from Orders,
- (b) Appeals before the Supreme Court, Reference, Review and Revision.

Module No.-6

- (a) The Limitation Act, 1963 (Omitting the Schedule) Purpose, Policy, Nature and Scope of the Act.,
- (b) Definitions : Applicant, bond, defendant, easement, good faith, plaintiff, period of limit at on.

Module No.-7

- (a) Relationship between Limitation, Laches, Acquiescence, Estoppels and Res Judicata; Limitation of Suits, Appeals and Applications, Disability,
- (b) Computation of Period of limitation, acknowledgement and part payment, acquisition of ownership by prescription.

Leading Cases :

1. Bhanu Kumar Jain v. Archana Kumar, AIR 2005 SC 626
2. C.T. Nikam v. Municipal Corporation of Ahmedabad, AIR 2002 SC 997
3. Md. Sirajuddin v. Md. Abdul Khaliq, AIR 2005 Gauhati 40
4. Shri Sinha Ramanju v. Ramanuja, AIR 1961 SC 1720
5. Narain Bhagwantrao v. Gopal Vinayak, AIR 1960 SC 104
6. Garilapati Veerava v. N. Subhia Choudhary, AIR 1957 SC 540
7. Deoki Nandan v. Murlidhar, AIR 1957 SC 133
8. Dety Pattabhirama Swamy v. Hanmayya, AIR 1959 SC 57
9. S.M. Jakati v. B.M. Borker, AIR 1959 SC 282

Suggested Reading :

1. Takwani, C.K. - The Code of Civil Procedure
2. Mulla - Civil Procedure Code
3. Singh, S.N. - Civil Procedure Code

Raj Nar
Dy. Registrar
(Academic)
University of Rajasthan
JAIPUR

DRAFTING, PLEADING AND CONVEYANCING AND RULE OF COURT

Paper : 10.47

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20 (10 Internal Exam
10 Project & Viva)

Aims and Objectives :

Drafting is a primary stage of writing. A good writing is an outcome of a good draft, similarly Pleadings being the backbone of Legal Profession and paramount requirement of a good lawyer. Whole case of the party depends upon how skillfully it is drafted by an advocate. So a great care should be exercised while drafting the pleadings. So this subject will help to make good lawyers with proficient art of pleadings.

Module No.- 1

- (a) Drafting
- i. General principles of drafting
 - ii. What are deeds and its kinds?
- (b) i. Components of deeds
- ii. Kinds of writs

Module No.- 2

- (a) Pleadings
- i. What are pleadings?
 - ii. Functions of Pleadings.
 - iii. When Pleadings will be Dispensed with?
 - iv. Forms of modern pleadings
 - v. Cardinal rules of pleadings
 - vi. Material facts.
- (b) Civil Suits:
- i. Suits in contracts
 - ii. Suits in Torts

Module No.- 3

- (a) i. Suits for others; i.r.t. civil: miscellaneous
- ii. Written statements for contracts
 - iii. Written statement for torts
- (b) i. Written statement for others (miscellaneous)
- ii. Interlocutory Application
 - iii. Petition for the Winding up of the company

Module No.- 4

- (a) i. Affidavit
- ii. Execution application for final decree
 - iii. Memo of appeal
- (b) i. Memorandum of revision
- ii. Writ of Certiorari
 - iii. Writ of Habeus Corpus.

Module No.- 5

- (a) Criminal
- i. complaints
 - ii. Application for exemption from appearance
- (b) i. Bail Application
- ii. Memo of appeal
 - iii. Memo of revision

Module No.- 6

- (a) Conveyancing
- i. What is conveyancing ?
 - ii. Things to be considered while conveyancing
 - iii. Sale deed.
- (b) i. Mortgages deed
- ii. Lease deed
 - iii. Gift deed

Raj / Tai
Dy. Registrar
(Academic)
University of Rajasthan
JAIPUR
Y.N.

Module No.- 7

- (a) i. Promisory Note
- ii. Power of Attorney
- iii. Will
- (b) i. Separation deed
- ii. Service contracts
- iii. Hire-Purchase Agreements
- iv. Patents

Suggested Readings:

1. Pleading, Drafting and Conveyancing by R.N. Chaturvedi
2. The law of Pleadings, drafting and conveyancing by R.D. Srivastava law of pleadings in India by Mogha
3. Indian Conveyance by Mogha

Raj / Tai
Dy. Registrar
(Academic)
University of Rajasthan
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COMPETITION LAW

Paper : 10.48

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20 (10 Internal Exam
10 Project & Viva)

This Course comprises of seven Modules of eight hour teaching duration. Each Module has been divided in to two units again to be discussed in four hours in one week.

Module No.- 1

The Competition Act, 2002

Origin of Anti-Trust Laws

Global developments on Competition Law

Abuse of dominant position

Module No.- 2

(i) Consumer interest and public interest

(ii) Mergers and efficiency

(iii) Entry barriers

(iv) Exist barriers

(v) Price Controls

Module No.- 3

(i) Liberalization

(ii) Delicensing

(iii) State monopolies

(iv) Privatization and regulation

(v) Cartel

(vi) Predatory pricing mechanism

(vii) Corporate Governance and competition

Module No.-4

Objects and reasons of the Competition Act, 2002

Anti-competitive agreements

Abuse of dominant position

Regulation of combination

Module No.- 5

(i) Composition of Competent Commission of India

(ii) Duties, powers and functions of the Commission

Module No.- 6

(i) Enquiry into agreements and dominant position of enterprise

(ii) Procedure for investigation of combinations

Module- 7

(i) Penalties for contravention of orders of commission

(ii) Competition advocacy

Raj / Jais
Dy. Registrar
(Academic)
University of Rajasthan
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MOOT-COURT EXERCISE AND INTERNSHIP

Paper 10.49

Max Marks 100

(a) Moot-Court: Every student may be required to do at least Three Moot-Courts in a year with 10 marks for each. The moot court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

(b) Observance of Trail in two cases, one Civil and one Criminal (30 Marks). Students may be required to attend two trials in the course of the last two or three years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.

(c) Interviewing techniques and Pre-trial Preparations and Internship diary (30 Marks): Each student will observe two interviewing sessions of clients at the Lawyer's Office/Legal Aid office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and Court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary, which will carry 15 marks.

(d) The fourth component of this paper will be Viva-Voce examination on all the above three aspects. This will carry 10 Marks.

Rej / Jas
Dy. Registrar
(Academic)
University of Rajasthan
JAIPUR
KJ

CYBER LAWS

Paper : 10.50

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20 (10 Internal Exam
10 Project & Viva)

Aims and Objectives :

- To understand emerging issues in cyber space
- To provide effective mechanism for resolution of cyber issues

Module No.- 1

- (a) i. Genesis object and scope of IT Act
ii. Definitions
- (b) i. E Commerce and Digital Signature
ii. E Governance

Module No.- 2

- (a) i. Dispatch and Receipt of Electronic Records
ii. Security and Receipt under IT Act
- (b) i. Regulation of Certifying Authorities
ii. Digital Signature Certificate

Module No.- 3

- (a) i. Duties of Subscriber
ii. Penalties and Adjudication
- (b) i. Cyber Regulation Appellate Tribunal

Module No.- 4

- (a) i. Offences under IT Act
ii. Tampering with Computer Source documents
- (b) i. Hacking with Computer System
ii. Publishing of obscene Information in electronic form

Module No.- 5

- (a) i. Breach of confidentiality and privacy
ii. Offences related to digital signature certificate
- (b) i. Computer Forensic and Process of confirmation
ii. Liability of network service providers

Module No.- 6

- (a) i. Power of Police Officer
ii. Miscellaneous provisions under IT Act
- (b) i. Amendment to IPC 1860
ii. Amendment to Evidence Act 1872
iii. Amendment to Banker's Books Evidence Act 1891
iv. Amendment to Reserve Bank of India Act 1934

Module No.- 7

- (a) i. Issue of jurisdiction of Cyber Space
ii. Issue of Online defamation
- (b) i. Copyright issue in digital medium
ii. Trade Mark in online medium

References:

1. Computer Law: Reed Cherish, Eastern Book Company, New Delhi
2. Information Technology and Cyber Law : S.R. Bhansali
3. Cyber Law in India : Dr. Farooq Ahmed
4. Information Technology Law and Practice : Vakul Sharma

Cases referred

1. United States v. Simpson 152 F. 3d 1241(10th cir. 1998) USA
2. United States v. 1992 U.S. App. LEXIS 9562 (4th cir. May 4, 1992)
3. Miller v. California 413 U.S.1524 (1973)
4. Ranjit D. Udeshi v. State of Maharashtra, AIR 1965 SC 881
5. United States v. Moris, 928 F. 2d 504, 505 (2nd cir 1991)
6. Director of Public Prosecutions v. Murdoch (1993) IVR 406

Raj / Vas
Dy. Registrar
(Academic)
University of Rajasthan
JAIPUR
RN