



SARVAJANIK
UNIVERSITY

INCLUSIVE | INTEGRATED | INNOVATIVE

CORE COURSES SEMESTER - V



SARVAJANIK EDUCATION SOCIETY
SARVAJANIK COLLEGE OF LAW
(CONSTITUENT COLLEGE OF SARVAJANIK UNIVERSITY)

THIRD YEAR LL.B.

SEMESTER V

COURSE	COURSE CODE	SUBJECT	CREDIT			EXAMINATION		Total
			Lecture	Other	Total	CCE	SEE	
Core	BLLB11501	Civil Procedure Code and Law of Limitation	3	1	4	50	50	100
Core	BLLB21502	Bharatiya Nagarik Suraksha Sanhita, 2023 and Probation of Offenders Act, 1958	3	1	4	50	50	100
Core	BLLB21503	Bharatiya Sakshya Adhinyam, 2023	3	1	4	50	50	100
Core	BLLB11504	Legal English	3	1	4	50	50	100
Core	BLLB11505	Land and Agricultural Laws	3	1	4	50	50	100
Professional Elective	BLLB12501/02/03	Students have to select any one subject from the given list.*	2	-	2	25	25	50
Interdisciplinary Open Elective Course			2	-	2	-	-	-
Skill Enhancement Course			2	-	2	-	-	-
		Total			26	275	275	550

COURSE CODE	PROFESSIONAL ELECTIVE SUBJECT*
BLLB12501	Information Technology Act
BLLB12503	Maritime Law
BLLB12504	Private International Law

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		5		
Subject		Civil Procedure Code and Law of Limitation		
Course Type		Core Course		
Course Code		BLLB11501	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

Object: Civil Procedure Code is subject of daily use by the courts and lawyers. The substantive law determines the rights of persons affected by action. The main objective of this paper is to give to a law student a thorough knowledge of procedural aspects of working of civil courts and other machineries.

Course Outcome

At the end of the course, the student will be able to:

CO1: Understand the detail procedure for redressal of civil rights.

CO2: Understand and to know the procedure for institution of suit, the documents in support and against, evidence taking and trial, interim order.

CO3: Recognize and address issues that arise in Civil Procedure that implicate relevant ethical, moral, and religious principles.

CO4: Compute limitation and application of limitation as defence.

Syllabus

Subject	External Examination Marks
Civil Procedure Code	40 Marks
Law of Limitation	10 Marks
Total	50 Marks

Module 01. Introduction

1.1 Concepts

1.1.1 Affidavit, Order, Judgment decree, Plaintiff, restitution, execution, decree-holder Judgment –debtor, mesne profits, Written Statement.

1.1.2 Distinction between decree and judgment and between decree and order.

Module 02. Jurisdiction

2.1 Kinds- Hierarchy of courts

2.2 Suit of Civil nature-scope and limits

2.3 Res-sub judice and Res judicata

2.4 Foreign judgment –enforcement

- 2.5 Place of suing
- 2.6 Institution of suit
 - 2.6.1 Parties to suit: joinder, misjoinder or non-joinder of parties: representative suit.
 - 2.6.1.1 Frame of suit: cause of action
 - 2.6.2 Alternative disputes resolution (ADR)
 - 2.6.3 Summons

Module 03. Pleadings

- 3.1 Rules of pleading, signing and verification.
 - 3.1.1. Alternative pleading
 - 3.1.2. Construction of pleadings
- 3.2 Complaint: particulars
 - 3.2.1 Admission, return and rejection
- 3.3 Written statement: particulars, rules of evidence
 - 3.3.1 Set off and counter claim: distinction
- 3.4 Discovery, inspection and production of documents.
 - 3.4.1 Interrogatories
 - 3.4.2 Privileged documents
 - 3.4.3 Affidavits

Module 04. Appearance, examination and trial

- 4.1 Appearance
- 4.2 Ex-parte procedure
- 4.3 Summary and attendance of witnesses
- 4.4 Trial
- 4.5 Adjournments
- 4.6 Interim orders: commission, arrest or attachment before judgment, injunction and appointment of receiver
- 4.7 Interests and costs

Module 05. Execution

- 5.1 The concept
- 5.2 General principles
- 5.3 Power for execution of decrees
- 5.4 Procedure for execution
- 5.5 Enforcement, arrest and detention
- 5.6 Attachment
- 5.7 Sale
- 5.8 Delivery of property
- 5.9 Stay of execution

Module 06. Suit in particular cases

- 6.1 By or against government
- 6.2 By aliens and by or against foreign rulers or ambassadors
- 6.3 Public nuisance
- 6.4 Suits by or against firm

- 6.5 Suits in forma pauperis
- 6.6 Mortgages
- 6.7 Interpleaded suits
- 6.8 Suits relating to public charities

Module 07. Appeals

- 7.1 Appeals from original decree
- 7.2 Appeals from appellate decree
- 7.3 Appeals from orders
- 7.4 General provisions relating to appeal
- 7.5 Appeal to the Supreme Court

Module 08. Review, reference and revision

Module 09. Miscellaneous

- 9.1 Transfer of cases
- 9.2 Restitution
- 9.3 Caveat
- 9.4 Inherent powers of courts

Module 10. Law of Limitation under The Limitation Act, 1963

- 10.1 The concept-the law assists the vigilant and not those who sleep over the rights.
- 10.2. Object.
- 10.3. Distinction with laches, acquiescence, prescription.
- 10.4. Extension and suspension of limitation
- 10.5. Sufficient causes for not filing the proceedings
 - 10.5.1 Illness
 - 10.5.2 Mistaken legal advice
 - 10.5.3 Mistaken view of law
 - 10.5.4 Poverty, minority and Purdha
 - 10.5.5 Imprisonment
 - 10.5.6 Defective vakalatnama
- 10.6 Legal disability
- 10.7 Foreign rule of limitation: contract entered into under a foreign law
- 10.8 Acknowledgement – essential requisites
- 10.9 Continuing tort and continuing breach of contract
- 10.10 Acquisition of ownership by possession

Suggested Readings:

- Mulla, Code of Civil Procedure (1999), Universal, Delhi
- C.K. Thaker: Code of Civil Procedure (2000), Universal, Delhi
- M.R. Mallick: B.B. Mitra on Limitation Act (1998), Eastern, Lucknow
- Majumdar P.K. & Kataria R.P.: Commentary on the Code of Civil Procedure, 1908 (1998), Universal, Delhi

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		5		
Subject		Bharatiya Nagarik Suraksha Sanhita, 2023 ¹ and Probation of Offenders Act, 1958		
Course Type		Core Course		
Course Code		BLLB21502	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

Object: The Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') was enacted on December 25, 2023, with the stated objective of repealing pre-independence, 19th century colonial-era criminal laws. The BNSS aims to provide for a faster and more efficient justice system to address the issues of delay in delivery of justice due to complex procedures, large pendency of cases in courts, low conviction rates, low level of use of technology in legal system, delays in investigation and inadequate use of forensics. This course will acquaint the students with organisation of the functionaries under the BNSS, their powers and functions. The course is devised to deal with the basic procedural aspects with regard to criminal law in action. Indeed, understanding of the same is a must for any aspiring litigation lawyer, and so it is aimed at satisfying this requirement. A thorough knowledge of the BNSS along with the comparative study of the Criminal Procedure Code is indispensable for effective implementation of criminal law.

Course Outcome

At the end of the course, the student will be able to:

CO1: Understand the system of criminal prosecution in India: who can prosecute, process to compel appearance of person and production of things and right to speedy trial.

CO2: Understand trials at various forums such as Sessions Court, Magistrate Court and processes of appeal, reference, revision and probation.

CO3: Demonstrate an understanding of the concept of probation and its application.

Syllabus

Subject	External Examination Marks
Bharatiya Nagarik Suraksha Sanhita, 2023	40 Marks
Probation of Offenders Act, 1958	10 Marks
Total	50 Marks

Module 01. Introduction to the Bharatiya Nagarik Suraksha Sanhita, Powers of courts, police officers and related provisions

¹ Amended vide Res.No. AC15_5 of 15th meeting of the Academic Council dated 29-07-2024.

- 1.1 Purpose and Importance of criminal procedures and historical developments
- 1.2 Comparative study- BNSS and Criminal Procedure Code
- 1.3 Newly added provisions of BNSS
- 1.4 Definitions- difference between Summons and Warrant, Compoundable and Non-Compoundable Offences, Bailable and Non-Bailable Offences
- 1.3 Constitution of Criminal Courts and Offices
- 1.4 Trial of offences under BNSS and other laws
- 1.5 Constitution of criminal courts and offices
- 1.6 Powers of courts
- 1.7 Powers of Superior Officers of Police and aid to the Magistrates and Police
- 1.8 Arrest of persons
- 1.9 Processes to compel appearance- Summons, warrant of arrest, proclamation and attachment, other rules regarding processes
- 2.0 Processes to compel the production of things- Summons to produce, search warrants, general provisions relating to searches, miscellaneous
- 2.1 Reciprocal arrangements for assistance in certain matters and procedure for attachment and forfeiture of property

Module 02. Security for good behaviour, Maintenance of wives, etc., Maintenance of public order, preventive action, investigation, inquiry and jurisdiction of criminal courts and Charge

- 2.1 Security for keeping peace and for good behaviour
- 2.2 Order for maintenance of wives, children and parents
- 2.3 Maintenance of public order and tranquility- unlawful assemblies, public nuisances, urgent cases of nuisance or apprehended danger, disputes as to immovable property
- 2.4 Preventive action of the police
- 2.5 Information to the Police and their powers to investigate
- 2.6 Jurisdiction of Criminal Courts in Inquiries and Trials
- 2.7 Conditions requisite for initiation of Proceedings
- 2.8 Complaints to Magistrates
- 2.9 Commencement of Proceedings before Magistrates
- 2.10 Charge- Form of charges, joinder of charges

Module 03. Trial Process and its general provisions

- 3.1 Trial by Court of Session
- 3.2 Trial of Warrant cases by Magistrates- cases instituted on a police report, cases instituted otherwise than on police report, conclusion of trial
- 3.3 Trial of Summons cases by Magistrates
- 3.4 Summary trials
- 3.5 Plea Bargaining
- 3.6 Attendance of persons confined or detained in prisons
- 3.7 General provisions as to Inquiries and trials
- 3.8 Evidence in Inquiries and Trials- mode of taking and recording evidence, commissions for examination of witnesses, general provisions
- 3.9 Provisions as to accused persons of unsound mind
- 3.10 Provisions as to offences affecting the administration of justice

- 3.11 Provisions relating to judgment
- 3.12 Submission of death sentence for confirmation

Module 04. Appeals, Reference, Revision, transfer of cases, execution, suspension, remission and commutation of sentences, provisions as to bail and bonds

- 4.1 Appeals
- 4.2 Reference and Revision
- 4.3 Transfer of criminal cases
- 4.4 Execution, Suspension, Remission and Commutation of sentences- death sentences, imprisonment, levy of fine, general provisions regarding execution, suspension, remission and commutation of sentences
- 4.5 Provisions as to bails and bonds
- 4.6 Disposal of property
- 4.7 Irregular proceedings
- 4.8 Limitation for taking cognizance of certain offences
- 4.9 Miscellaneous provisions

Module 05. The Probation of Offenders Act, 1958

- 5.1 Objects of probation
- 5.2 Power of the court to release on probation on condition of good behaviour
- 5.3 Provision for release of offender after reprimanding
- 5.4 Restriction on imprisonment of offenders under 21 years of age
- 5.5 Breach of condition of probation
- 5.6 Variation in condition of probation
- 5.7 Duties of Probation Officer

Suggested Readings:

- Taxmann's Bare Act: Bharatiya Nagarik Suraksha Sanhita, 2023, 2024 edition
- Basu, Commentary on Bharatiya Nagarik Suraksha Sanhita, 2023, 16th edition, Whytes & Co.
- Ratanlal and Dhirajlal, Code of Criminal Procedure, LexisNexis.
- Woodroffe, Commentaries on Criminal Procedure Code, Universal Law Publishing, Delhi.
- Chandrasekharan Pillai ed., Kelkar's Lectures on Criminal Procedure, Eastern Book Company, Lucknow.
- D. D. Basu, Criminal Procedure Code 1973, Vol I & II, LexisNexis (2017).
- Sarkar on Criminal Procedure Code, Vol I & II, LexisNexis.
- N.K. Chakrabarti, Probation System in the Administration of Criminal Justice, Deep & Deep Publications (1995)

Note: As the Criminal Procedure Code, 1973 is now replaced by the Bharatiya Nagarik Suraksha Sanhita, 2023, students are instructed to refer the above mentioned books accordingly and to peruse the Sections of the Criminal Procedure Code while referring the Apex court decisions.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		5		
Subject		Bharatiya Sakshya Adhinyam, 2023 ²		
Course Type		Core Course		
Course Code		BLLB21503	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

Object: The Bharatiya Sakshya Adhinyam, 2023 (hereinafter referred to as the “BSA”) replaces the Indian Evidence Act, 1872 (hereinafter referred to as the “IEA”), which has long been the primary legislation concerning law related to evidence in all proceedings before the Court. The BSA has incorporated significant changes to crucial definitions pertaining to the law of evidence, some of which were much-needed given the dynamics of the changing legal framework of the country. A lot of the alterations and additions have kept in mind the social landscape of the country as well, also ensuring that the country’s colonial past is put behind. A majority of the provisions remain unchanged in their language and application, and the evaluation of the changes made will be better understood with subsequent judicial decisions pertaining to them. The object of this course is to acquaint students with the fundamental principles of the BSA, the role of evidence in civil and criminal proceedings and the strict application of its rules in judicial proceedings. Further, the course also aims to enable the students to synthesize the rules and use them in the context of a trial or other proceedings.

Course Outcome

At the end of the course, the student will be able to:

CO1: Analyse and define the concept and general nature of evidence, and illustrate the different types of evidence and court procedures relating to evidence.

CO2: Analyse the rule relating to relevance of evidence and admissibility of evidence before the court and the rules relating to dying declaration and admissibility of dying declaration.

CO3: Analyse recovery processes, expert evidence, examination-in-chief, rules for cross examination, concept of res gestae.

Syllabus

Module 01. Introduction, definition and relevancy of facts

1.1 The main features of the Bharatiya Sakshya Adhinyam (“BSA”) and its applicability

1.2 Comparative study of BSA and Indian Evidence Act, 1872

1.3 Definitions

1.4 Relevancy of facts, facts in issue and distinction between them

1.5 Admission

1.6 Confession

² Amended vide Res.No. AC15_5 of 15th meeting of the Academic Council dated 29-07-2024.

- 1.7 Statement by persons who cannot be called as witnesses- Dying Declaration and its admissibility, reliability, Books of accounts, other statements.
- 1.8 Statements made under special circumstances
- 1.9 Judgments of court when relevant
- 1.10 Opinions of third persons when relevant-
- 1.11 Character- meaning- its relevancy in civil and criminal proceedings.

Module 02. Types of Evidence

- 2.1 Judicial notice
- 2.2 Oral evidence- general provisions
- 2.3 Documentary evidence- general provisions-
 - 2.3.1 Primary and secondary evidence and its related provisions
 - 2.3.2 Special provisions as to evidence relating to electronic record
 - 2.3.3 Admissibility, proof as to digital signature and its verification
 - 2.3.3 Public and private documents
 - 2.3.4 Proof of content of certain Public documents, Proof of genuineness of other public documents, Certified copies- Presumption as to documents, electronic agreements, digital signature certificate and electronic message etc.
- 2.4 General principles regarding exclusion of oral evidence by documentary evidence (Best evidence rule)
- 2.5 Distinction between documentary and oral evidence

Module 03. Burden of Proof and Estoppel

- 3.1 The general conception of onus probandi
 - 3.1.1 General and special exceptions to onus probandi
 - 3.1.2 Justification of presumption and of the doctrine of judicial notice
 - 3.1.3 Presumptions as to certain offences
 - 3.1.4 Presumption as to abetment of suicide by a married woman
 - 3.1.5 Presumption as to dowry death
 - 3.1.6 The scope of the doctrine of judicial notice
- 3.2 Estoppel- Meaning of estoppel and its importance
 - 3.2.1 Estoppel, res judicata and waiver and presumption
 - 3.2.2 Kinds of estoppel- estoppel by deed, estoppel by conduct, equitable and promissory estoppel,

Module 04. Witness, competency, examination of witnesses

- 4.1 Competency to testify
- 4.2 State privilege
- 4.3 Professional privilege
- 4.4 Approval testimony
- 4.5 General principles of examination and cross examination
- 4.6 Leading questions
- 4.7 Lawful questions in cross-examination
- 4.8 Compulsion to answer questions put to witness
- 4.9 Questions of corroboration
- 4.10 Hostile witness

4.11 Impeaching of the standing or credit of witness

4.12 Improper admission and rejection of evidence

Suggested Readings:

- Bare Act: Bharatiya Sakshya Adhiniyam, 2023
- Nizam Azeez Sait, Bahartiya Sakshya Adhiniyam, 2023, Law & Justice Publishing Co.
- The Indian Evidence Act, text book, Universal Publication.
- Sarathi V. P., Law of Evidence, EBC
- LexisNexis, The Indian Evidence Act.

Note: As the Indian Evidence Act, 1872 is now replaced by the Bharatiya Sakshya Adhiniyam, 2023, students are instructed to refer the above mentioned books accordingly and to peruse the Sections of the Indian Evidence Act while referring the Apex court decisions.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		5		
Subject		Legal English		
Course Type		Core Course		
Course Code		BLLB11504	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

Object: The object of this paper is to acquaint students lay the foundation and nature of legal language and issues related to it in drafting legislations and legal drafting. The course intends to encourage the students to handle both Gujarati and English with fluency, accuracy and precision. Moreover, it is expected that it will help to develop argumentative skills (Legal reasoning) amongst the students.

Course Outcome

At the end of the course, the student will be able to:

CO1: Understand complex legal terms and maxims and conceptualize information, present coherently as well as fluently.

CO2: Present controlled and rational communications and essays with clear paragraphs and appropriate methods of introduction and conclusion.

CO3: Analyse and apply general principles of drafting and conveyancing and use effective writing techniques to draft different types of legal documents.

Syllabus

	External Examination Marks
Comprehension	05 Marks
Precis	05 Marks
Legal Maxims	05 Marks
Legal Terms	05 Marks
Essay on Legal topics	10 Marks
Drafting: (a) Pleading (i) Civil (ii) Criminal Pleadings	10 Marks
(b) Conveyancing	10 Marks
Total	50 Marks

Module 01. Introduction

1.1 Characteristics of legal language

1.2 Command of language in the profession of law.

1.3 English as a medium of communication for legal transaction in India

1.4 Reading comprehension of Principles and practice

Module 02. Legal terminology

2.1 Terms used in civil law and criminal law.

2.2 Latin words and expressions

Module 03. Essay writing

3.1 How to write an essay- Concision, clarity, cogency, simplicity of structure

3.2 Attention and awareness of practical legal import of sentences

3.3 Essay writing on topics of legal interest

Module 04. Fundamental principles of Legal Writing

4.1 Brief writing and drafting of law reports

4.2 Writing of case comments

4.3 General principles of drafting, pleading and conveyancing

4.4 Effective writing techniques to draft different types of legal documents.

Legal Terms & Phrases:

Adoption; Bigamy; Court; Decree; Abetment and Abatement (Abet and Abate). Good Faith & Bad Faith; Kidnapping and Abduction Abeyance; Abscond; Alibi; Absolute Owner; Dominant and Servient Property and Dominant and Servient Owner; Title; Person; Will and Codicil; Bill of Exchange, Trespass and Trespass ab-initio; Indemnity and Guarantee; Accord and Satisfaction; Maintenance and Champerty; Accused; Offence and Crime; Liability; Act; Act of Law, Act in Law, Act of State; Action and Cause of Action; Actionable Claim; Affidavit; Domicile; Intestate Succession; Abandonment; Abrogate; Absolve; Accessory; Accident; Accomplice; Adjournment; Adjudge; Garnishee Order; Consideration; Consent; Competent Party; Adolescent; Child; Juvenile; Partnership Firm; Admiralty; Adoption; Adulteration; Adultery; Bigamy; Adverse Possession; Riot and Affray; Agent and Agency; Aggrieved Party; Alimony; Alien; Amendment; Annuity; Amnesty; Appeal; Appellate Jurisdiction; Arbitrator; Arson; Natural and Legal Person; Arrest; Attachment; Attempt; Autopsy; Arbitration award; Bail and Anticipatory Bail and Bond; Judgment; Charge and Charge sheet; Battery; Bench; Beneficiary; Ownership; Genocide; Possession in Fact and in Law; Bye law; Capital Punishment; Life Imprisonment; Case Law; Civil Justice and Criminal Justice; Civil Proceedings; Code; Code of Conduct; Bailable and Non-Bailable Offence; Cognizable and Non-Cognizable Offence; Prohibited Relationship and Sapinda Relationship; Hindu Undivided Family and Property; Coparcenary; Common Law and Equity; Complaint; First Information Report; Conclusive Proof; Burden of Proof; Consideration; Consent; Consumer; Contempt of Court; Pleading and Conveyance; Intellectual Property Right – Copyright, Patent Trademark; Counsel; Culpable and Culpable Homicide – Murder; Damage; Damages; Deceased; Creditor and Debtor; Decree Holder; Holder in Due Course; Deed; Defamation; Plaintiff and Defendant; Detention and Preventive Detention; Document, Dying Declaration; Easement; Enactment; Estoppel; Evidence; Exhibit; Extortion; Extradition; Fact and Fact in Issue and Relevant Fact; Felony; Forensic Science; Fraud; Hearsay Evidence; Homicide; Legitimate and Illegitimate; Movable and Immovable Property; Impeachment; Self-incrimination; Double Jeopardy; Indigent; Pauper; Inquest; Interlocutory; Interim; Injunction; Investigation and Inquiry; Juvenile Delinquency; Lease; Malice; Maintenance; Minor; Mischief; Motive; Intention; Mortgage; Natural Justice; Negligence; Act and Omission; Onerous gift; Probation and Parole; Pardon; Perjury; Petition and Petitioner; Plea; Pledge; Precedent; Prerogative; Presumption Probate; Power of Attorney; Redemption; Remand; Reprimand; Respondent; Restitution;

Repugnant; Review; Revision; Rule of Law; Sedition; Search and Seizure; Search Warrant; Libel and Slander; Solitary Confinement; Specific and General Relief; Statute; Stay and Stay of Proceedings; Summary Trial; Summons and Warrant; Summons Case and Warrant Case; Testament and Testamentary Succession; Custom and Usage; Tribunal; Trust and Trustee; Valid-Void and Voidable; Verification; Verdict; Volition; Guardian and Ward; Witness; Written Statement;

Latin Terms and Maxims:

- Actio personalis moritur cum persona
- Actus non facit reum nisi mens sit rea
- Audi alteram partem
- Damnum sine injuria
- Injuria sine damnum
- Ubi jus ibi remedium
- De minimis non curat lex
- Delegatus non potest delegare
- Ex turpi causa non oritur actio
- Ex nudo pacto non oritur actio
- Ex dolo malo non oritur actio
- Ignorantia facti excusat
- Ignorantia juris non excusat (Ignorance legis neminem excusat)
- Injure non remota causa sed proxima Spectatur
- Res ipsa loquitur
- Nemo dat quod non habet
- Qui Facit per alium facit per se
- Respondeat Superior
- Rex non potest pec care
- Salus populi est suprema lex
- Sic utere tuo ut alienum non leadas
- Volenti non fit injuria
- Aequitas Sequitur legem
- Affirmanti non neganti incumbit probatio
- Nullum poena sine lege
- Lex non cogit ad impossibilia
- Nemo debet bis vexari pro una et eadem causa
- Qui prior est tempore potior est jure
- Noscitur a sociis
- Consensus ad idem
- Expressio unius est exclusio alterius
- Vigilantibus non dormientibus jura subveniunt
- A verbis legis non est recedendum

Suggested Readings:

- Legal English, Legal Writing and Communication Skills, Singhal Law Publication.
- Legal English, Legal Writing and General English, B.M. Gandhi, EBC.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		5		
Subject		Land and Agricultural Laws		
Course Type		Core Course		
Course Code		BLLB11505	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

Object: Land laws deals with the rights to use, alienate, or exclude others from land. Land rights refer to the inalienable ability of individuals to freely obtain, use, and possess land at their discretion, as long as their activities on the land do not impede on other individuals' rights. The purpose of the course, divided across two semesters, is to apprise the students about laws that govern the use and dealing with land and buildings, and regulation and control of activities concerning land. This paper deals with laws that mainly affect urban properties, their development and dealings. With a sound background of law of transfer of property, this course aims to equip the student with all other laws that affect use and dealings of land, and activities that enable its best exploitation. Although much of course content involves laws in force in the State of Maharashtra, the principles governing these laws are common across laws on the subjects in other states. Although detail provisions may differ in laws of other states, study of principles that underpin the laws forming part of this course will enable the student to apply these to similar laws in other states as well.

Course Outcome

At the end of the course, the student will be able to:

CO1: Understand constitutional rights relating to land,

CO2: Scrutinize, understand and apply land and agricultural laws

CO3: Understand land revenue and its rules and the concept of land acquisition, & its procedure.

Syllabus

Subject	External Examination Marks
The Gujarat Land Revenue Code, 1879	20 marks
The Gujarat Agriculture Land Ceiling Act, 1960	05 marks
Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013,	10 marks
The Gujarat Tenancy and Agricultural Land Act, 1948	10 marks
The Mamlatdars' Courts Act, 1906	05 marks
TOTAL	50 marks

Module 01. The Gujarat Land Revenue Code, 1879

- 1.1 Object, application and definition of Code
- 1.2 Land Tenure and assessment of Land Revenue
- 1.3 Appointment and Powers of Revenue Officers Land and Land Revenue of the Grant,
- 1.4 Use and Relinquishment of Unalienated Land
- 1.5 The Settlement of Boundaries and The Construction and Maintenance of Boundary Marks
- 1.6 Record of Rights
- 1.7 Realization of The Land Revenue and Other Revenue Demands
- 1.8 Procedure of Revenue Officers
- 1.9 Appeal and Revision
- 1.10 Miscellaneous provisions

Module 02. The Gujarat Agriculture Land Ceiling Act, 1960

- 2.1 Historical background, object, application and definitions under the Act
- 2.2 Ceiling on holding of land, Exempted land, Prohibition on holding land beyond ceiling limits
- 2.3 Restrictions on transfers and acquisitions, and consequences of contravention
- 2.4 Surplus land, selection of land, Procedure of determining surplus land,
- 2.5 Declaration of surplus land, compensation
- 2.6 Distribution of surplus land
- 2.7 Allotment of land vesting in the State Government under this Act
- 2.8 Procedure, Appeals and Revision

Module 03. The Land Acquisition Act- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, repealing the old Land Acquisition Act, 1894.

- 3.1 Object, application and definitions
- 3.2 Comparison between the old Land Acquisition Act of 1894 and the New Land Acquisition Act.
- 3.3 Determination of social impact and public purpose
- 3.4 Notification and acquisition
- 3.5 Rehabilitation and resettlement award
- 3.6 Procedure and manner rehabilitation and resettlement award
- 3.7 National Monitoring Committee
- 3.8 Authorities
- 3.9 Apportionment of compensation
- 3.10 Temporary occupation of land
- 3.11 Offences and penalties
- 3.12 Miscellaneous provisions

Module 04. The Gujarat Tenancy and Agricultural Land Act, 1948

- 4.1 Preliminary – Definitions
- 4.2 General Provisions regarding Tenancies
- 4.3 Special Rights and Privileges of Tenants and provisions for distribution of land for personal cultivation
- 4.4 Termination of Tenancy for personal cultivation and non-agricultural use

- 4.4.1 Purchase of Land by Tenants
- 4.4.2 Restriction of holding land in excess of ceiling area
- 4.5 Management of estates held by landholders
- 4.6 Restrictions on transfers of agricultural lands, management of uncultivated lands and acquisition of estates and lands
- 4.7 Procedure and Jurisdiction of Tribunal, Mamlatdar and Collector – Appeals and Revision
- 4.8 Offences and Penalties
- 4.9 Miscellaneous provisions

Module 05. The Mamlatdars’ Courts Act, 1906

- 5.1 Object, application and definitions under the Act.
- 5.2 Powers of Mamlatdars’ Courts
- 5.3 Suits commenced by plaint – informal petitions to be treated as plaints – Rejection of plaint – Return of plaint – Procedure when plaint admissible – attendance of witnesses
- 5.4 Points to be decided by Mamlatdar at hearing – Mamlatdar’s order to be endorsed on plaint and read out in open court
- 5.5 Mamlatdar’s decision how executed – Possession to be given without prejudice to rights of parties
- 5.6 Bar of appeal – Bar of certain suits

Suggested Readings:

- Ghanshyam H. Amin, Land Laws in Gujarat, SBD Publications.

COURSE CODE	PROFESSIONAL ELECTIVE SUBJECT*
BLLB12401	Legal Research and Paper Writing

BLLB12402	Human Rights
BLLB12403	Media and Law

Clinical Course Work and Internship: In the beginning of 4th semester, students will be provided with a Diary for clinical course where students shall undergo a Clinical Course training by observing two interviewing sessions of clients at the Lawyer's Office/Legal Aid Office and record the proceeding in the Diary provided. Further, each student will observe the preparation of documents and court papers by the Advocate and procedure for the filing suits/petition. They will submit the duly completed Diary in the beginning of the 5th semester and the marks will be assessed in the final semester.