

LL.B. II Year

2021-22

Paper 2.1	:	JURISPRUDENCE
Paper 2.2	:	LAW OF CRIMES
Paper 2.3	:	THE LAW RELATING TO TRANSFER OF PROPERTY AND EASEMENTS
Paper 2.4	:	COMPANY LAW
Paper 2.5	:	PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS
Paper 2.6	:	LABOUR LAW
Paper 2.7	:	ADMINISTRATIVE LAW

OPTIONAL PAPERS

Paper 2.8. (a)	:	TAXATION LAW
Paper 2.8. (b)	:	INSURANCE LAW
Paper 2.8. (c)	:	BANKING LAWS INCLUDING NEGOTIABLE INSTRUMENTS ACT
Paper-2.9. (a)	:	PROFESSIONAL ETHICS, BAR - BENCH RELATIONS AND MOOT COURT
Paper 2.9. (b)	:	VIVA-VOCE EXAMINATION

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LL.B. II Year (Three Year Course)

Paper 2.1.

JURISPRUDENCE

Max. Marks: 100

Min. Pass Marks: 36

Note:(1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

(1.) Jurisprudence:

- (i) Definition Nature, Scope and Importance - Salmond, Austin, Holland and Julius Stone
- (ii) Schools of Jurisprudence; Natural Law School, Analytical, Historical, Sociological, American Realism and Feminism

(2.) Sources of Law:

- (i) Custom, Meaning, Kinds, Tests of particular Legal Custom; Importance of Custom; Theories of Customary Law;
- (ii) Precedents, Kinds, Ratio Decidendi Obiter Dicta; Declaratory Theory of Precedent; Judge-made Law Theory;
- (iii) Legislation; Kinds, Comparison between Legislation and other sources of laws

(3.) Concepts of Law:

- (i) Rights and Duties: Nature of Rights and Duties; Correlation of Rights and Duties;
- (ii) Kinds of rights and Duties;
- (iii) Property; Definition and Kinds;
- (iii) Negligence;
- (iv) Criminal liability.
- (v) Ownership and Possession: Meaning of Ownership; Kinds, Definition of Ownership by Austin and Salmond, Relation between Ownership and Possession. Importance of Possession; Elements of Corporeal Possession and problems; Theories of Possession; Salmond and Savigny.
- (vi) Person: Nature of Personality; Corporate Personality and its Kinds, Theories of Corporate Personality
- (vii) Administration of Justice

Leading Cases :

1. Kesavananda Bharti v. State of Kerala, AIR 1973 SC 1451; (Per Mathew J) 1974; paras 1617; 1616 (Sovereignty) 1685 – 1698 (Natural Law and Natural Rights); 1726 – 1729 (Roscoe Pound and Sociological Jurisprudence).

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2. Maharaja Shree Umaid Mills Ltd. v. Union of India, AIR 1963 SC 953 paras 12, 13, 14 (Per S.K. Das) Concept of Law; Legislative Agreements.
3. Smt. Indra Nehru Gandhi v. Raj Narain, AIR 1975 SC 2299, Paras 299, 489 (Per Mathew, J). (Generality as a Property of Law).
4. Keshav Singh v. State of U.P., AIR 1965 SC 9 to 17 (Per Sarkar, J) Law making by Judicial and Legislative Comity.
5. Bengal Immunity Co. v. State of Bihar, AIR 1955 SC 561, (Precedent).
6. Maneka Gandhi v. Union of India, AIR 1978 SC 597.
7. Minerva Mills Ltd. & Ors. v. Union of India & Ors. 1980 SC

Suggested Readings :

1. Salmond : Jurisprudence
2. Dias : Jurisprudence
3. Dhyani S.N. : Fundamentals of Jurisprudence
4. Mahajan V.D. : Jurisprudence and Legal Theory

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LAW OF CRIMES

Max. Marks: 100

Min. Pass Pass: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. General Principles of Criminal Law
2. **The Indian Penal Code, 1860 : (INCLUDING LATEST AMENDMENTS IF ANY)**
Territorial Jurisdiction, Elements and Stages of Crime : Doctrine of Mens Rea; Inchoate Crimes – Preparation, Attempt, General Explanations, Public Servant, Movable Property; Wrongful gain and wrongful loss; Dishonestly, Fraudulently, Reason to Believe, Counterfeit; Valuable Security, 'Act' and 'Omission', Voluntarily, Injury, Good faith, Illegal, Injury, Offence, Document, Harbour, Judge.
3. General Exceptions :
Mistake of facts and Mistake of Law, Judicial Act, Accident, Act done without criminal intention and to prevent other harm; Act of person of unsound mind, Act of Intoxicated Person, Acts done with consent, Act done in good faith without consent, Communication made in good faith: Acts done under compulsion, Act causing Slight Harm; Right of Private Defense.
4. Joint Liability : Common Intention, Common Object, Abetment, Criminal Conspiracy, Constructive Liability
5. Offences Affecting Public Peace & State Authorities : Unlawful Assembly, Rioting, Affray, Public Servant, Taking gratification other than legal remuneration in respect of official act, giving false evidence, Fabricating false evidence, sedition, Public nuisance
6. Offences Affecting the Human Body : Culpable homicide, murder, Criminal negligence and rashness, Attempt of commit murder and suicide; miscarriage hurt, Grievous hurt, Voluntary restraint and wrongful confinement, force and criminal force, Assault, Kidnapping and abduction
7. Offences Against Property : Theft, Extortion, Robbery, Dacoity, Criminal misappropriation of property; Criminal breach of trust; receiving stolen property Cheating, mischief, criminal trespass, House breaking
8. Offence Relating to Document : Forgery, Making a false document
9. Offence relating to Sex and Marriage : Rape, Sexual offences, Unnatural Offence, Adultery, Bigamy
10. Offences Affecting Personal Peace and Reputation : Defamation, Criminal Intimidation, Criminal Insult

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Leading Cases :

1. Reg. v. Govinda (1876) ILR I Bom. 342
2. Kedar Nath v. State of Bihar, AIR 1962 SC 955, (1962), 2 Cr.LJ 103 (SC)
3. Laxman Kalu v. State of Maharashtra, AIR 968 SC 1890, 1968 Cr.L.J.
4. T.V. Vadgama v. State of Gujarat, AIR 1973 SC 2213; 1972 Cr.LJ 1542 (SC)
5. K.M. Nanavati v. State of Maharashtra, AIR 1962 SC 605 (1965) 2 Cr.LJ 521 (SC)
6. Bachan Singh v. State of Punjab, AIR 1980 SC 896.

Suggested Readings :

1. Ratan Lal : The Indian Penal Code.
2. Kenny : Outlines of Criminal Law (First four chapters.)
3. Nigam, R.C. : Principles of Criminal Law (English & Hindi)
4. Shamshul Huda : Principle of Criminal Law
5. Hari Singh Gaur : Penal Law of India
6. T. Bhattacharyya : Indian Penal Code (Hindi)
7. Amar Sing Yadav : Indian Penal Code (Hindi)
8. Raja Ram Yadav : Indian Penal Code (Hindi)

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**THE LAW RELATING TO TRANSFER OF PROPERTY AND
EASEMENTS**

Max. Marks: 100

Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. **Transfer of Property Act, 1882 (INCLUDING LATEST AMENDMENTS IF ANY)**
Historical Background, Object, Scope and Scheme of the Act.
Interpretation: Immovable Property, Attestation, Notice, Actionable Claim
Preliminary: Definition and Essentials of Transfer of Property, What may be Transferred, Persons competent to transfer, Operation of transfer, Oral Transfer.
 - (a) Conditions restraining Alienation, Enjoyment, Covenants affecting enjoyment, diverting on insolvency, Transfer to unborn person, Rule against perpetuities, Accumulation of income. Exceptions.
 - (b) Vested and contingent interest, Conditional transfer: Condition precedent, Condition subsequent; Doctrine of acceleration
2. Election, Priority of rights, Implied transfers by limited owners, Transfer by Ostensible owner, Feeding the grant by Estoppels, Rule of Joint Transfers, *Doctrine of Lis Pendens*, Fraudulent Transfer, Doctrine of Part-Performance
3. Sale; Rights and Liabilities of Buyer and Seller
Mortgage and Charge : Kinds of mortgage, Rights and liabilities of Mortgage and mortgagee, priority, marshalling, contribution and subrogation
4. Lease, Exchange, Gift, Actionable Claims
5. **Indian Easements Act, 1882: (INCLUDING LATEST AMENDMENTS IF ANY)**
Easements: Essentials of Easements, Imposition Acquisition, Incidents, Disturbance, Extinction. Suspension and Revival of Easement, Licence: Definition, Revocation, Rights of licensee's on revocation Difference between Lease and Licence

Leading Cases :

1. Rajesh Kanta Roy v. Smt. Shanti Devi, AIR 1957 SC 255
2. M. L. Abdul Jabbar v. H. Venkata Sastri and Sons, AIR 1969 S. C. 1147
3. J.N. Rao v. V. G. Bassarayappa, AIR 1956 SC 727.
4. Gokal Das Gopal Dass v. Puranmal Premasukha Dass, ILR 10-Cal.1035 (PC)
5. Ram Kumar Koondoo, and others v. John and Maria Mequeen (1872) I Beng LR 46 (PC) XXII A.Vol.Suppl. (1872-73)
6. Webb v. Macpherson, ILR 31 Cal.57 (PC)
7. Associated Hostels of India Ltd. v. R.N. Kapoor, AIR 1959 SC 1262

8. Raja Bajrang Bahadur Singh v. Thukurani Bakhraj Kaur, AIR 1953 SC 7

Suggested Reading:

1. The Transfer of Property Act ,1882
2. Indian Easement Act, 1882
3. Mulla: Transfer of Property Act
4. Joshi : The Indian Easements Act, 1882
5. Menon, A.K.: The Law of Property
6. Sarathi, Vera P.: Law of Transfer of Property
7. Shukla, S.N.: Transfer of Property Act
8. Saxena, I.C.: Transfer of Property Act
9. Bhansali & Sharma: Transfer of Property Act (Hindi)
10. Kulshresthan, J.N.: Transfer of Property Act (Hindi)
11. Tripathi, G.P.: Transfer of Property Act (Hindi)
12. Gupta, R.R.: Transfer of Property Act (Hindi)

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COMPANY LAW

Max. Marks: 100

Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus; examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

Companies Act 2013 with Recent Amendments:

1. Definition, Evolution, Characteristic and Nature of Company, Advantages and Disadvantages of Incorporation, Corporate Personality, Doctrine of Lifting of Corporate Veil and expectation, Kinds of Companies, Registration and Incorporation
2. Promoters and Pre-incorporation Contracts, Memorandum of Association and Articles of Association, Alteration of MoA and AoA, Doctrine of Ultra Vires, Constructive Notice of MoA & AoA, Doctrine of Indoor Management
3. Prospectus and its kinds, Civil and Criminal liabilities for misrepresentation in prospectus, Share capital, Shares, Transfer & Transmission of shares, procedures, restrictions on transfer, Call, forfeiture, surrender of shares, Share certificate, share warrant, Debentures, Borrowing powers, Charge, Membership of Company
4. Directors and its kinds, position, appointment, Powers and duties of Directors & Board, Others Managerial Personnel, appointment, their powers, duties, liabilities, functions, Meetings and its Kinds, voting, Resolutions, Majority powers and Minority Rights, NCLT & Appellate Tribunal, Special Courts
5. Oppression and Mismanagement, Compromise, Reconstruction and Amalgamation, Winding up of Companies, Dissolution of Companies, Legal liability of Companies – Civil and Criminal, Remedies against them Civil, Criminal and Tortious; Specific Relief Act, Writs, Liability under Special Statutes

Leading Cases :

1. Avon Soloman v. Soloman Co. Ltd. (1897) AC 22.
2. Royal British Bank v. Turquand, (1856) 6 E & B 327
3. Ramkrishna Das Dhanuka v. Satya Gharan, AIR 1950 PC 51
4. Tata Engineering and Locomotive Ltd. v. State of Bihar, AIR 1965 SC 40.
5. Bajaj Auto Ltd., Poona v. N.K. Florida, AIR 1971 SC 321
6. Ashbury Railway Carriage and Iron Co Ltd v Riche (1875) LR 7 HL 653
7. Foss. v. Harbottle (1843) 67 ER 189

Suggested Readings:

1. Shah, S.M. : Lectures on Company Law
2. Avtar Singh : Company Law (English & Hindi)
3. Sen, G.M. : Company Law (cases and Materials)
4. Sanghal, P.S. : National and Multinational companies

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5. Dhingra, L.C. : Principles of Company Law
6. Paranjape, N.V. : Company Law (English & Hindi)
7. Bangia, Dr. R.K. : Company Law (English & Hindi)

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PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS

Max. Marks: 100

Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Definition, Nature and Basis of International Law. Weakness of International Law, Codification and Development of International Law. Relation between International Law, Municipal Law, Subjects of International Law, Nationality, Extradition and Asylum.
2. States in General : Kinds of States and Non-States Entities; Acquisition and Loss of State Territory; Territorial Water, Continental Shelf, Contiguous Zone, Exclusive Economic Zone. Freedom of the High Sea and Piracy. Recognition of States and Governments. Recognition of Insurgency and Belligerency De Facto and De Jure Recognition. State succession; State Jurisdiction; Territorial Sovereignty, Criminal Jurisdiction in International Law, Intervention.
3. Diplomatic Agents, Counsels, Classification and Function of Diplomatic Agents, Privileges and Immunities with reference to Vienna Convention on Diplomatic Relation, 1961, Treaties Definition, Basis, Classification and formation of treaties, Interpretation and Revision of Treaties, Principle of Jus Cogens and Pacta Sunt Servenda, Termination of Treaties, Vienna Convention on the Law of Treaties, Pacific and Compulsive means of Settlement of International Disputes. International Court of Justice-Jurisdiction and Contribution towards Development of International Law.
4. War, its Legal Character and Effects, Enemy Character, Armed Conflicts and other hostile relations. Belligerent Occupation, War Crimes. Termination of war and doctrine of Post liminium and Prize Courts.
5. The Law of Neutrality- Basis of neutrality, Rights and duties of Neutral States, Quasi-Neutrality, Neutrality and U.N. Charter, Right of Angary, Contraband, Blockade, Un-neutral Service, Right of Visit and Search.
6. International Institution : United Nations, History and formation of United Nations, Organs of United Nations, Organs of United Nations with specific reference to General Assembly, Security Council and International Court of Justice.
7. Human Rights : Meaning, Universal Declaration of Human Rights, 1948, Regional Conventions on Human Rights, 1948. International Covenants on Civil and Political Rights, 1966, International Convention on Economic, Social and Cultural Rights, 1966, Regional Conventions on Human Rights, Rights of Women and Child, Protection of Human Rights Act, 1993.

Leading Cases :

1. United Kingdom v. Norway (Anglo-Norwegian Fisheries Case (ICJ Report) (1951) 116.
2. Civil Air Transport Inc. v. Central Air Transport Corporation, Judicial Committee of the Privy Council, (1953) AC 70.
3. Nuremberg Judgment - The International Military Tribunal – Nuremberg, 1946 41 AJL 1947, P. 12.
4. Re-government of India and Mubarak Ali Ahmed 1952. 1 All ER 1960.
5. South West Africa Case, ICJ Report, 1966.
6. Right of Passing Over Indian Territory, ICJ Report, 1969 (6)

Suggested Readings :

1. Starke : An Introduction to International Law
2. Oppenheim : International Law, Vol. I and II.
3. Breirly : The Law of nations.
4. S.K. Kapoor : International Law (English & Hindi)
5. Tandon, M.P. : International Law (English & Hindi)
6. Robertson, A.H. : Human Rights in the World
7. Khare, S.C. : Human Rights and United Nations.
8. Basu, D.D. : human Rights in Constitutional Law.
9. Nagendra Singh : Protection of Human Rights
10. Satish Chandra : International Documents of Human Rights.
11. Daiya, K.C. : Human Rights Jurisprudence.
12. Karkara G.S. : Commentary on Protection of Human Rights Act.

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LABOUR LAW

Max. Marks: 100

Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. **Industrial Disputes Act, 1947**, Historical Development; Various modes of Settlement of disputes, Object and Reasons, Scope, Definitions of Important Terms – Authorities under this Act. Voluntary Arbitration and Compulsory Adjudication. Reference of Disputes to Boards, Courts or Tribunals; Procedure, Powers and Duties of Authorities, Appeals to Supreme Court and Writs to HC's. Strikes and Lock-outs, Lay-off and Retrenchment. Special Provisions Relating to Lay-off, Retrenchment and Closure in certain establishments, Compensation in transfer of Undertakings, miscellaneous provisions, Penalties, Unfair Labour Practice etc.

2. **Trade Unions Act, 1926** : (INCLUDING LATEST AMENDMENTS IF ANY)

The Philosophy of Trade Unionism, Trade Union Movement in India – Aims and Objects – Extent and Commencement of the Indian Trade Union Act. 1926 – Definition and Nature of Trade Union.

Registration of Trade Unions (INCLUDING LATEST AMENDMENTS IF ANY)

Right and Liabilities of Registered Trade Unions (Recognition of Trade Unions, Regulations, Penalties and Procedure Dissolution Collective Bargaining and Trade Disputes – Unfair Labour Practices).

3. **The Factories Act 1948** : (INCLUDING LATEST AMENDMENTS IF ANY)

History of Factory Legislation—Concept of Welfare Objects and Reasons - Scope and Applicability—Definitions of some important terms. The Inspecting Staff-Health, Safety, Welfare. Working Hours of Adults, Women and Young Persons -Annual leave with wages. Special provisions—Penalties and Procedure—New Provisions inserted vide Factories (Amendment) Act of 1987.

4. **The Minimum Wages Act, 1948** : (INCLUDING LATEST AMENDMENTS IF ANY)

Concept of Wages, particularly Minimum Fair and Living Wages, Need based minimum wage – Aims and objects of Minimum Wages Act – Application, Exceptions and Exemptions – Kinds of Wages.

Fixation and revision of minimum rates of wages Adjudication of claims relating to minimum wages and Miscellaneous provisions.

5. **Maternity Benefits Act, 1961 (as amended by Maternity Benefit Amendment Act 2017)** (INCLUDING OTHER LATEST AMENDMENTS IF ANY)

Nature, Eligibility, Other Privileges, Role of Inspectors.

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Leading Cases:

1. Workmen of Indian Standards Institution v. Indian Standard Institution, AIR 1976 SC 145.
2. Delhi Cloth and General Mills Co. Ltd. v. Ludh Budh Singh, 1970 I LLJ 180 (SC) AIR 1972 SC 103.
3. Jay Engineering Works Ltd. v. State of West Bengal, AIR 1968 Cal. 406.
4. V.P. Gopala Rao v. Public Prosecutor, Andhra Pradesh, AIR 1970 SC 65.
5. P.U.D.R. and other v. Union of India, 1982 II LLJ 454 SC
6. Express Newspapers Pvt. Ltd. and others v. Union of India and other, AIR 1958 SC 578.

Suggested Readings :

1. Indian Law Institute : Law and Labour Management Relations in India
2. Rustamajee : Law of Industrial Disputes
3. Mishra, S.N. : Labour & Industrial Law (English & Hindi)
4. Srivastava, K.D. : Commentary on Factories Act, 1949
5. Srivastava, K.D. : Commentary on Industrial Disputes Act, 1947.
6. Srivastava, K.D. : Commentary on minimum Wages Act, 1948
7. Myres, Charles : Industrial Relations in India
8. Malhotra, O.P. : Law of Industrial Disputes, Vol. I
9. Darwell & Karr : Law of Service in Industry, Vol. 2, 1956.
10. Srivastava, K.D. : Commentary on Trade Union Act, 1926.

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ADMINISTRATIVE LAW

Max. Marks: 100

Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Definition, Evolution of Administration as the Fourth Branch of Government Necessity for Delegation of Powers on Administration, Tribalization in India.
2. Nature, Scope, Rule of Law, Separation of Powers, Relationship between Administrative Law and Constitutional Law, Sources, of Administrative Law. Government, Administrative Authorities and Bodies.
3. Statutory Corporations including their control, the extent of executive power, Administrative Finality and the Court review.
4. Delegated Legislation – Nature, Scope, Forms, Necessity for Delegation of Legislative Power, Control which includes - Laying Procedures and their Efficacy, Committees on Delegated Legislation and their Constitution, Functions and Effectiveness, Hearing before Legislative Committees, Judicial Control and Delegated Legislation Doctrine of Ultra Virus, Sub-Delegation of Legislative Powers.
5. Administrative Process – Administrative Action, Administrative Discretion and Quasi-Judicial Elements in Administrative Procedure. Administrative Discretion - Meaning of Discretion, Grounds of Judicial Review, Arbitrariness, Discrimination, Unreasonableness, Bad faith, Mala-fide, Ignoring relevant considerations or reliance on irrelevant considerations, Non-exercise of power
6. Grounds of Judicial Review and Scope of Judicial Review: Jurisdictional Error/Ultra Vires, Abuse and Non-Exercise Jurisdiction, Error Apparent on the Face of the Record, Violation of Principles of Natural Justice-Rule against Bias (Nemo Judex in Causa sua) and Audi Alteram Partem, rights to Consult, Reasoned Decision
7. Administrative Adjudication – Reasons for growth, Structure and Procedure of Administrative Bodies, like Tribunals; Finality of the Tribunal, Decisions, Administrative Tribunals Act, 1985
8. Judicial Redressal – Habeas Corpus, Mandamus, Certiorari, Prohibition and Quo-warranto writs, Redressal of Citizens Grievances, Central Vigilance Commission, Commission of Enquiry Act, Ombudsman, Lokpal; Lokayukts of the State of Rajasthan
9. Government liability in Torts and Contracts, Suits against the Government and Public Authorities

Leading Cases :

1. A.K. Kripak v. Union of India, AIR 1970 SC 150 (1969) 2 SCC 262.
2. In Re-Delhi Laws Act. Etc. AIR 1951 SC 332

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3. Raj Narain v. Chairman, Patna Administration, AIR 1954 SC 569
4. Syed Yakoob v. Radha Krishna, AIR 1964 SC 477
5. Rohtas Industries Pvt. Ltd. V. S.D. Agarwal, AIR 1969 SC 707
6. State of Karnataka v. Union of India, AIR 1978 SC 68.
7. G. Sadanandan v. State of Kerala, AIR 1966 SC 1925
8. Rupa Ashok Hura v. Ashok Hura, (2002) 4 SCC 388
9. L. Chandra Kumar. v. U.O.I, AIR 1997 SC 1125
10. State of West Bengal v. Ashish Kumar Roy, AIR 2005 SC 254
11. State of Bombay v. K.P. Krishnan, AIR 1960 SC 1223
12. Ram Manohar Lohia v. State of Bihar, AIR 1966 SC 740
13. Commr. Of Police v. Goardhan Das Bhanji AIR 1952 SC 16

Suggested Readings :

1. Indian Law Institute – Delegated (Legislation in India)
2. Griffith J.A.G. and Street, H.- Principles of Administrative Law.
3. Kagzi, M.C.J. – Administrative Law in India
4. Kagzi, M.C.J. – A Case Book in Administrative Law
5. Dr. Jain, M.P. & Dr. Jain, S.N. – Principles of Indian Administrative
6. Kesari, U.P.D. – Administrative Law
7. Sathe, S.P. – Administrative Law
8. M.P. Jain & S.N. Jain, Principles of Administrative Law, 4th Edn, (Wadhwa and Company, Nagpur, 2005) , Chapters – 1 (pages. 9-26)
9. P. Massey, Administrative Law, 5th ed. (Eastern Book Company, Lucknow, 2003) Chapters 1 & 2 (pages 1- 33)

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OPTIONAL PAPERS

Paper 2.8. (a)

TAXATION LAW

Max. Marks: 100

Min. Pass Marks: 36

- Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- (2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. INDIAN INCOME TAX ACT, 1961 (INCLUDING LATEST AMENDMENTS IF ANY)

Income Tax Act:

Definitions – Assessment Year, Previous year Agriculture, Income Assessment, Capital Asset, Dividend, Income, Casual Income, Total Income, Gross Total Income; Maximum and Minimum marginal Rate, Person, Resident – Non-resident, Transfer.

Basic of Charge – Charges of Income-tax, Scope of Total Income, Residence in India, Income deemed to be received, Divided income, Income deemed to Accrue or Arise in India

Income which do not form part of total income.

Computation of total income – Head of Income – Salaries, Interest on securities, Income from House Property, Profit & Gains of business or Profession, capital gains, Income from other sources.

Income of other persons included in assesses total income

Deductions to be made in computing total Income.

Relief in respect of income-tax.

Determination of tax in certain specific cases.

Income Tax authorities – Appointment and Control; Jurisdiction, Powers, Procedure for Assessment, Liability in Special cases, Collection and recovery of Tax, Appeals, Revision and Reference.

2. GOODS AND SERVICES TAX, 2017 (G.S.T. hereinafter):

(INCLUDING LATEST AMENDMENTS IF ANY)

Introduction to G.S.T.- Indirect tax structure in India, Issues in Indirect Tax, Rationale for Transition to GST. GST-Meaning, Definition of GST, Types of GST, Features of GST, Benefits of GST, Problems on Introduction to GST

Definitions- Actionable claim, Address of Delivery, Aggregate Turnover, Agriculturist, Associated Enterprises, Business, GST Council, Credit Note and Debit Note, Draw-back, Electronic Credit Accounting, Exempt Supplies, Input, Input Service, Input Service Distributor, Input Tax, Input Tax Credit, Intra-state supply of Goods, Job work, Reverse Charge, Invoice, Composition Levy, Mixed Supply, Outward supply, Person, Turnover in State.

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Levy and Collection of Tax: Introduction Supply-meaning and scope of supply, treatment of mixed and composite supply, Liability of taxable person, Rate and value of tax, transactions without considerations, list of transactions for goods and services and list of Transactions for non-supply of goods and services, Reverse charge mechanism and Exemptions from GST

Time of supply-Introduction, time of supply-forward charge, reverse charge, residuary, special charges, time of supply of service-forward charge, reverse charge, vouchers, residuary, and special charges. Problems on determination of time of supply

Value of taxable supply-conditions, inclusions, Consideration not wholly in money, Supply between two related persons, Supply through agent, Cost based value, Residual valuation, Specific supplies, Service of pure agent Problems on value of supply

Input tax credit-meaning, conditions for taking credit, ineligible input tax credit, availability of credit in special circumstances, input tax credit and change in form of registered person, income tax for the inputs and capital goods for input tax credit, Manner of Distribution of Credit by Input Service Distributor (ISD)

Registration under GST-Persons liable for registration, compulsory registration, Procedure for registration, Rejection of application for registration, cancellation of registration, Returns-Furnishing details of outward supplies and inward supply, GST forms-1 to 8, Steps for a brief introduction filing forms, Levy of late fee, Refund

Assessment- meaning and an overview of various types of assessment

Appeal, Review and Revision- Advance Ruling – Definitions for Advance Ruling, Search, Seizure and Arrest ,Appeals to Appellate Authority – Powers of provisional authority - Constitution of Appellate Tribunal and benches thereof – offences and penalties

Integrated Goods and Service Tax (IGST) Meaning, levy and Collection of IGST Place of Supply of Goods and Services Apportionment of IGST between Central and State Governments

(All the provisions in the Central GST, State GST and Integrated GST Acts and Rules as amended up to date will be applicable)

Leading Cases:

1. Commissioner of Income-Tax v. Raja Beney Kumar Sahas Roy, (1957) 32 ITR 466 (SC)
2. Commissioner of Income-Tax v. Gangadhar Baijnath. (1972) 86 ITR (SC)
3. Surjit Lal Chhabda v. Commissioner of Income-Tax (1975) 10 J ITR 76 (SC)
4. P. Krishna Menon v. Commissioner of Income-Tax (1959) 35 ITR 48 (SC)
5. Commissioner of Income Tax v. HarPrasad and Co. (P) Ltd. (1975) 99 ITR 118 (SC)

Suggested Readings:

1. Gupta, R.R. – Income Tax and Practice.
2. Kanga & Palkiwala – The Law and Practice of Income tax.
3. Income Tax Act – A.K. Saxena (English & Hindi)

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4. Jain, S.L. – Income Tax Act (Hindi)
5. Indirect Taxes - Vinod K Singania, Taxmann's Publications, New Delhi
6. Indirect Taxes - H.C. Mehrotra, Sahitya Bhavan Publications, New Delhi
7. Illustrated Guide to Goods and Service Tax- CA Rajat Mohan- Bharat Publications
8. All About GST- V. S. Datey- Taxmann Publications.
9. Beginner's Guide to GST- Dr. Vandana Bangar and Dr Yogendra Bangar- Aadhya Prakashan Banagar
10. Bare Act of GST, IGST, SGST

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INSURANCE LAW

Max. Marks: 100

Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

The object of this course is to acquire specific knowledge of law and practice relating to Insurance. This course is designed to acquaint the students with the conceptual and operational parameters of insurance law.

1. Historical Development of Insurance Law :

Origin & History of Insurance in India, Definition & Working of Insurance, Insurance Act, 1938: An Overview, Nationalisation of Insurance Business, Insurance Regulatory and Development Authority Act, 1999: Duties, Powers & Functions of IRDA; Insurance Advertisement & Disclosures Regulations, 2000 & Protection of Policy Holders Interest Regulations, 2002; Registration of Insurance Companies

2. General Principles of Insurance :

Contract of Insurance – Classification of Contract of Insurance, Nature of Various Insurance Contracts, Parties Thereto, Principle of Utmost Good Faith-non-disclosure-misrepresentation in Insurance Contract, Insurable Interest, Doctrine of Indemnity, Doctrine of Proximate Cause. Alternation of the risk, Assignment of the Subject Matter

3. Life Insurance :

Basic Principles of Life Insurance, Insurable Interest: Own Life Policy, Life of Spouse, Insurance taken on life of parent & child, other relations. Implications of Concealment, Non-Disclosures, Misrepresentation. Assignment and Nomination. Role & Function of Life Insurance Companies

4. Public Liability Insurance:

Definitions, Criminal liability based on no fault. Verification and publication of accidents by Collector. Application for claim for relief-Environmental Relief Fund – Claim of Compensation under other laws, Powers of the Central Government or its authorized officers under the Act- Penalties-Liability of Companies or Government Departments

5. Fire, Health, Marine and Motor Vehicle Insurance:

Fire Insurance: Nature, Proximate Cause, Loss by fire.

Motor Insurance: Necessity for Insurance against Third Party Risk; No Fault Liability; Persons Insured in Respect of Third Party Risks; Transfer of insurance upon Sale of Vehicle; “Hit and Run” Accident; Motor Accidents Claim Tribunals.

Health Insurance: Mediclaim for Individual & Group Mediclaim

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Marine Insurance: Insurable Interest; Utmost Good faith; Voyage and Time Policies; Double Insurance; Warranties; Deviation; Proximate Cause; Total Loss & Partial Loss; Subrogation & Contribution.

Legislations: (INCLUDING LATEST AMENDMENTS IF ANY)

1. The Insurance Act, 1938
2. THE INSURANCE LAWS (AMENDMENT) ACT, 2015
3. The Life Insurance Corporation Act, 1956
4. The Life Insurance Corporation (Amendment) Act, 2011
5. The Motor Vehicle Act, 1988
6. The Insurance regulatory Development Authority Act, 1999
7. The Marine Insurance Act, 1963
8. The Public Liability Insurance Act, 1991.

Leading Cases:

1. New India Assurance Co. v. Radhey Shyam Motilal Khandelwal, AIR 1974 Bom.228.
2. Prudential Insurance Co. v. Inland Revenue Commissioners, (1904) 2 KB 658.
3. Mills v. Smith (1963) 2 All. ER 1078.
4. Digby v. General Accident (1943) AC 121, 138
5. Glickman v. Lancashire and General Assurance Co. Ltd. (1978) ACT 139 (HL)

Suggested Readings:

1. Birds, Modern Insurance Law (1988) Sweet and Maxwell.
2. Singh, Bridge Anand, New Insurance Law (2000) Union Book Publishers, Allahabad
3. S.V.J. Rao & M.N. Srinivasan: Principles of Insurance Law. Lexisnexis, 9th Edition.
4. Ivamy, Case Book on Insurance Law (1984) Butterworths
5. Ivamy, General Principles of Insurance Law (1993) Butterworths
6. Sreenivasan M.N., Principles of Insurance Law (1997) Ramaniya Publishers, Bangalore.
7. Surendra Yadav – Insurance Law (in Hindi).
8. Rao, C.K. – Treaties on the Law of Insurance

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BANKING LAWS INCLUDING NEGOTIABLE INSTRUMENTS ACT

Max. Marks : 100

Min. Pass Marks : 36

- Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Banking Regulation Act, 1949: (as amended by the Banking Regulation Amendment Act, 2017) (INCLUDING OTHER LATEST AMENDMENTS IF ANY)

Business of Banking Companies, Control over Management: Prohibition of certain activities in relation to banking companies. Acquisition of the undertaking of Banking Companies in- certain cases. Suspension of Business and winding up of Banking Companies. Special provisions for speedy disposal, of 'winding up proceedings. Miscellaneous, Application of the Act to the co—operative societies.

2. Reserve Bank of India : (as amended by the The Reserve Bank Of India (Amendment) Act, 2006) (INCLUDING OTHER LATEST AMENDMENTS IF ANY)

Incorporation of Capital management and Business, Increase and reduction of Share Capital, Local Boards, Central Banking functions, Protection of action taken in good faith, Transactions in Foreign Exchange.

3. Regional Rural Banks Act. 1976: (as amended by Regional Rural Banks (Amendment) Act, 2015) (INCLUDING OTHER LATEST AMENDMENTS IF ANY)

Definitions, Incorporation and Capital or Regional Rural Banks. Management, Business. Powers of Central Government, National Bank for Agriculture and Rural Development Act, 1981; Definitions, Establishment of NABARD, Management, Transfer of business, Borrowing, Credit and other function, Funds, Protection of Action, Indemnity of directors and penalties.

4. Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970: (INCLUDING LATEST AMENDMENTS IF ANY)

Definitions, Transfers of the Undertaking of existing Banks, Payment of Compensation, Management of corresponding New Banks, Indemnity, Dissolution.

5. The Industrial Reconstruction Bank of India Act, 1984: (INCLUDING LATEST AMENDMENTS IF ANY)

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Definitions. Establishment, Acquisition and Transfer of the undertaking of the Industrial Reconstruction Corporation of India Limited. Management of Reconstruction Bank; Special powers of the Reconstruction Bank.

6. Negotiable Instruments Act, 1881: (as amended by Negotiable Instruments (Amendment) Act, 2015 & 2018) (INCLUDING OTHER LATEST AMENDMENTS IF ANY)

Object, Definitions, Parties to Notes, Bills and Cheques; Negotiations of Instruments; Presentment, Discharge from liability on Notices, Bills and Cheques. Dishonour and Notice of dishonour. Reasonable time for Notice, Noting and Protest, Acceptance a payment for honour and reference; Compensation: Rules of Evidence.

Provisions regarding Crossed Cheques, Bills in Sets; International Law governing Instruments. Criminal Liability.

Leading Cases :

1. Bhawanipore Banking Corpn. Ltd. v. Gauri Shanker Sharma, AIR (1950) SC 6.
2. The Bharal Bank Ltd. Delhi v. The Employees of Bharat Bank Ltd. and the Bharal Bank Employee's Union, AIR 1950 SC 188.
3. V. Ramaswami Aiyanger & others v. N.V. Kailasa Thever, AIR 1951 SC 185.
4. Mahaveer Prasad Bubna v. Union Bank of India, AIR (1992) Cal. 270.
5. Narayandas Bhagwandas Patni v. Union of India, 1993 M 311. LJ 1229.

Suggested Readings :

1. Jagdish Lal —Banking Regulation Act, 1949.
2. Sethi, R.B.—Banking Regulation Act, 1949.
3. Tokhi, MR. & Shanna, —Rural Banking in India, 1975.
4. Mahesh Wari, S.N.—Banking Law and Practice;
5. State Bank of India Act, 1955
6. State Bank of India (Subsidiary Bank) Act, 1959.
7. Regional Rural Banks Act, 1976..
8. National Bank for Agriculture & Rural Development Act, 1981.
9. Rajasthan Co-operative Societies Act, 1965.
10. Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and 1980.
11. Industrial reconstruction Bank of India Act, 1964.
12. Kulshrestha, V.D.—Government Regulation of Financial Management of Private Corporate Sector in India.
13. Khagainvala, T.S. The Negotiable instruments Act. 1881.

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**PROFESSIONAL ETHICS, BAR - BENCH RELATIONS
AND MOOT COURT**

Max. Marks : 100

Min. Pass Marks : 36

This paper shall consist of following two parts ;

- | | | |
|-----------------------------|---|----------|
| (a) Practical written paper | — | 80 marks |
| (b) Viva vice examination | — | 20 marks |

The candidate must pass in part (a) and (b) separately. For pass, he shall be required to obtain 36 percent marks in each part, i.e. 29 marks out of 80 and 7 marks out of 20 marks.

(1.) Practical Written Paper :

Basic Postulates of Administration of Justice ; Image of Justice; Wheels of the Chariot of Justice; Bench-Judges in the image of justice; Bar - Act, Plead and Dress of Advocate.

Historical Evolution of Legal Profession; Legal Profession in Ancient India; Position of Legal Profession in Muslim Regime; Legal Profession during the British Regime; Autonomy of Legal Profession.

Indian Bar Committee, 1923; Indian Bar Council Act, 1926;

All India Bar Committee, 1951; Unified Bar - The necessity of Time; 14th Report of the Law Commission; Advocates Act, 1961; (INCLUDING LATEST AMENDMENTS IF ANY)

Provisions which strengthen Unified Bar; Organization of Bar on All India Basis; Constitution of Bar Council and Elections; Admission and Disciplinary action; Regulation of Legal Education

Image/Position of Legal Profession in Society; Advocacy is a profession not a business; Legal profession is a Noble Profession; Deterioration in Image of Legal Profession in Independent India; Role of Lawyers in Society.

The Necessity of the Professional Ethics; The Art of Advocacy; Professional Ethics; Nature of Professional Ethics and the Problems of the Code of Ethics; Advantages of having codified Professional Ethics; Professional Ethics - Rules of Conducts

Bar-Bench Relationship: General Conception; Advocates duty to the Court; Duty of Judge towards the Advocate; Duty of the Bar towards the Bench; Grounds of disputes in Bar-Bench Relations; Suggestions to improve Bar-Bench Relations.

Contempt of Court: Purpose and meaning of contempt of court; Contempt of Court by Judge; lawyers and state; Contempt by Judge ; Magistrate or other persons acting judicially; Contempt of Court by Advocates; Contempt of Court by State; Corporate bodies and their officers; Punishment - Nature and Extent; Power of Superior Courts in Contempt cases; Safeguards available in contempt cases.

Relationship between an Advocate and his client; Code of conduct

Lawyers-clients Relationship; Do's and Don't for advocates towards clients.

Accountability of lawyers:

Professional Ethics and Advocates Duties to colleagues and others; Advocate's duty to colleagues; Advocate's duty to opponents; Advocates duty towards witnesses; Advocate's duty to public.

Illustrations of other misconduct; Disciplinary committee's approach in case of professional or other Misconduct.

Authorities and Procedures to deal with professional misconduct and remedies against their order; State Bar Council and its disciplinary committee; The Bar Council of India and its disciplinary committee; Remedies against the order of punishment; Quantum of punishment.

Leading Cases :

1. In Re Vinay Chandra Mishra, AIR 1995 SC 2348
2. Hikmat Ali Khan v. Ishwar Prasad Arya & others 1997, 3 SCC 1608
3. P.D. Gupta v. Ram Murti and another. 7 S.C.C. 147 AIR 1998 SC 283
4. D.S. Dalal v. State Bank of India and others. AIR 1993 S.C.1608
5. Delhi Judicial Services Association, Tis Hazari Court v. State of Gujarat, AIR 1991 S.C. 2176.

Suggested Readings :

1. The Bar Council Code of Ethics.
2. The Contempt of Court Act.
3. Dr. Anirudh Prasad, Principles of the Ethics of Legal Profession in India.
4. Mamta Rao, Professional Ethics.
5. Raju Ramachandran, Professional Ethics : Changing profession, changing ethics, Butter worths, New Delhi.
6. Dr. Murlidhar Chaturvedi- Professional Ethics, Accountability of Lawyers and bench (Hindi)

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Paper 2.9. (b)

VIVA-VOCE EXAMINATION

Marks : 20

Maintaining diary on court visits, recording the Bar-Bench relations and Professional Ethics. Moot Court Performance done on the basis of prescribed leading cases in LLB. II Year under the supervision of the concerned teacher. The teacher shall conduct at least two Moot Court and it will be compulsory for the candidates to participate in at-least fifty percent of such Moot Courts. The teacher can also conduct Moot Court on the basis of cases other than the prescribed leading cases. The viva-voce examination shall be conducted by a Committee of three persons. In this Committee there shall be two Internal Examiners and one External Examiner. The Committee shall award marks on the basis of Court diary, and performance at the Moot Court and viva-voce examinations.

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