



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR

FACULTY OF LAW

SECOND YEAR BACHELOR OF LAWS

(Effective from Session 2020-21)

PAPER – IX (PAPER CODE - 7009)

(PAPER NAME – **ALTERNATIVE DISPUTE RESOLUTION**)

COMPULSORY PAPERS

Max. Marks: 100

Min. Marks: 36

This paper shall consist of following two parts:

Part A.	Practical Written Paper	- 80 marks
Part B.	Viva-voce Examination	- 20 marks

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

Part – A

1. The Arbitration and Conciliation Act, 1996 :

- (A) General Provisions** – Arbitration Agreement Arbitral Tribunals (Composition and Jurisdiction) – Conduct of Arbitral Proceeding – Arbitral Awards – Termination of Proceeding – Setting Aside of Arbitral Award – Enforcement of Arbitral Awards. Enforcement of Foreign Awards. (Sec 9 -13) – Scheme of Appointment of Arbitrators
- (B) Conciliation** – Conciliators – Procedure of Conciliation – Relationship of Conciliator with Parties – Settlement – Agreement – Termination of Conciliation Proceeding Resort to Arbitral of Judicial Proceedings – Costs and Deposits.
- (C) Mediation:** Understanding Conflict and Disputes: Modes of Dispute Resolution, need for ADR & the importance of Mediation, Mediation and Restorative Justice: Theory of restorative justice and its application, Gandhian principles of non-violent conflict resolution, traditional mediation practices in India and abroad, Mediation Laws in India: Judicial interpretation and relevant case law, dispute resolution institutions in India, Key Concepts in Mediation: Essential elements, process and stages, approaches to Mediation, role of the mediator, Importance of Communication: Elements of verbal and non-verbal communication, effective and ineffective communication techniques, Conducting Effective Mediation: Decision-making techniques, problem-solving tactics, ensuring positive outcome, Qualities and Skills of Mediators: Developing mediation skills, code of ethics, confidentiality requirements, Status of Mediated Agreements: Drafting of agreements, sanctity of mediated agreements, enforcement laws and procedures, Important Developments in Mediation: Growth of virtual dispute resolution, Pre-Institution Mediation, UNCITRAL Model Law, Singapore Convention

2. Lok Adalat : Organisation of Lok Adalats, Jurisdiction and Power of Lok Adalats Procedure for determination of Dispute before the lok Adalat, Permanent Lok Adalat.

Part – B

VIVA-VOCE

20 Marks

Students are required to write two arbitration proceeding/ Lok Adalat on the Subject. Practical exercises may be devised in mediation to train students in developing crucial communication and negotiation skills, including summarizing of facts, neutral reframing, identification of issues, formulating objective criteria, conducting reality checks, assessing alternatives. Further they have to attend Lok Adalat/arbitration proceeding and have to report the same in their diary. The Viva-voce examination shall be conducted by a committee of two Internal Examiners. The Committee shall award marks on the basis of written submission by the students and performance in the Viva-Voice examination.

LEADING CASES FOR EXAMINATION

1. Rajasthan State Mines & Minerals Ltd. v. Eastern Engineering Enterprises, AIR 1999 SC 3627.
2. Tamil Nadu Electricity Board v. Bridge Tummel Construction, AIR 1997 SC 1376.
3. Trans Osis Shipping Agency Pvt. Ltd. V. Black Sea Shipping, AIR 1998 SC 707.
4. A/S Gotan Construction & Fisheries Ltd. v. National Bank of Agriculture & Development, AIR 2000 SC 3018.
5. ONGC v. Saw Pipes, AIR 2003 SC 2629
6. Afcons Infrastructure V. Cherian Varkey. (2010) 8 SCC 24

SUGGESTED READINGS:

1. P.R. Swarnkar : माध्यस्थम व सुलह विधि
2. N.V. Paranjape : माध्यस्थम व सुलह विधि
3. The Arbitration and Conciliation Act, 1996.
4. Sunil Deshta – Lok Adalats in India – Genesis & Functioning.
5. Bakshi, P.M. – Arbitration Law.
6. Paruck, P.L. – Indian Arbitration Act.
7. Avtar Singh – Law of Arbitration and Conciliation
8. Sriram Panchu - Mediation Practice & Law:- The Path to Successful Dispute Resolution
9. Mediation and Conciliation Project Committee, Supreme Court of India - Mediation Training Manual of India
10. Anuroop Omkar and Kritika Krishnamurthy - The Art of Negotiation and Mediation - A Wishbone, Funnybone and a Backbone
11. Joel Lee and The Hwee Hwee - An Asian Perspective on Mediation



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PAPER – I (PAPER CODE - 7001)

(PAPER NAME – **JURISPRUDENCE**)

COMPULSORY PAPER

Max. Marks: 100

Min. Marks: 36

Note: A. 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.

B. Leading cases prescribed under this paper may be read whenever they are relevant.

1. **Jurisprudence** – Definitions of Law and Jurisprudence, Nature and Scope
 - (i) Importance of Jurisprudence
 - (ii) **Schools of Jurisprudence:**
 - Natural School of Law: Theories of Natural Law, Social Contract Theory;
 - Positive School of Law: Analytical, Kelson's pure theory of Law, H.L.A. Hart's Normative Theory
 - Historical School of Law
 - Sociological School of Law: Social Engineering; and
 - Realist School: American Realism.
 - (iii) Law & Morality
 - (iv) **Sources of Law:** Meaning, Kinds
 - (A) Custom: Definitions, Kinds Essentials of legal custom; Importance of custom;
 - (B) Judicial Precedents: Definition, Kinds, ratio decidendi obiter dicta; declaratory theory of precedent; judge - made law theory,
 - (C) Legislation: Definition, Kinds, comparison between legislation and other sources of law.
2. **Legal Concepts:**
 - (1) Person: Nature of personality: kinds, corporate personality and its kinds, theories of corporate personality; legal persons and punishment.
 - (2) Rights and Duties: Nature of Rights and Duties; correlation of Rights and Duties; Kinds of Rights and duties.
 - (3) Property: Definition and Kinds.
 - (4) 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.
 - (5) Theories of Punishment

SUGGESTED READINGS:

1. Salmond : Jurisprudence
2. Dias & Huges : Jurisprudence
3. Dhyani's S.N. : Fundamentals of Jurisprudence
4. Mahajan, V.D. : Jurisprudence and Legal theory
5. परांजपे एन.पी. – विधिशास्त्र
6. अनिरुद्ध प्रसाद – विधिशास्त्र के मूल सिद्धान्त
7. Agarwal & Raizada : Some Thoughts on Modern Jurisprudence.
8. R.D. Yadav : Glimpses of Jurisprudence

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PAPER – VI (PAPER CODE - 7006)

(PAPER NAME – **LABOUR AND INDUSTRIAL LAWS**)

COMPULSORY PAPERS

Max. Marks: 100

Min. Marks: 36

Note: A. 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.

B. Leading cases prescribed under this paper may be read whenever they are relevant.

1. **Industrial Dispute Act, 1947:** Definition, Authorities for the settlement of disputes, methods of settlement, collective bargaining, conciliation, arbitration and adjudication, strikes and lockouts, lay off and retrenchment, change of service conditions
2. **Trade Unions Act, 1926:** Definitions, registration and its effects, status, function, immunities and liabilities of trade union, recognition of union.
3. **The Factories Act, 1948:** Background and definitions, Formalities to start a factory, Health, Safety and Welfare measures, Working Hours, Annual leave with wages, Special provisions for women and young persons
4. **The Minimum Wages Act, 1948** – Definition, Fixation of Minimum Rates of Wages, Working Hours and Determination of Wages and Claims, etc.
5. **Payment of Wages Act, 1936** - Payment of Wages and Deduction from Wages, Authorities under the Act
6. **Social Security Legislations:** The Workman's Compensation Act, 1923, Employees State Insurance Act, 1948, Employees provident fund and miscellaneous provisions Act, 1952, Maternity Benefit Act, 1961, Payment of Bonus Act, 1965, The Payment of Gratuity Act, 1972, Equal Remuneration Act, 1976.

LEADING CASES FOR EXAMINATION:

1. Express Newspapers (P) Ltd. v. Union of India, AIR, 1958, SC 678
2. Bijay Cotton Mills Ltd. v. The State of Ajmer, AIR 1955 SC 33
3. Birdi Chand Sharma v. First Civil Judge, Nagpur, AIR 1961 SC 44
4. Bangalore Water Supply v. A Rajappa, AIR 1978 SC 548,
5. Bandhu mukti Morcha V. Union of India, 1974 AIR 802

CASES FOR READING:

1. Jay Engineering Works v. State of West Bengal, AIR 1968 Cal. 407

2. Employers Association of Northern India v. Secretary for Labour U.P. Govt., AIR 1952 All 109
3. MC Mehta v State of Tamil Nadu, (1996) 6 SCC 756
4. Benode Bihari Shah v. State of W.B. 1976 Lab I.C. 523 (Cal).
5. Regional Director, E.S.I. Corpn. v. L. Ranga Rao, 1982 I-L.L.J. 29
6. P.F. Inspector v. Hariharan, AIR 1971 S.C. 1519

SUGGESTED READINGS :

1. Sethi, R.B. : Payment of Wages & Minimum Wages Act
2. Malik : Industrial Law
3. Jaroli, U.L. : Sharamik Vidhi
4. Indian Law Institute : Law & Labour Management Relations in India
5. Rustamajee : Law of Industrial Disputes
6. Srivastava, K.D. : Commentary on Industrial Disputes Act, 1947
7. Srivastava, K.D. : Commentary on Minimum Wages Act, 1948
8. Myres, Charles : Industrial Relations in India
9. Malhotra, O.P. : Law of Industrial Disputes, Vol. 1
10. Darwell & Karr : Law of Service Industry, Vol. 2, 1956
11. Srivastava, K.D. : Commentary on Trade Union Act, 1926
12. Ganga Sahay Sharma : श्रमिक विधिय
13. Mishra, S.N. : Labour & Industrial Law (Hindi & English)



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PAPER – IV (PAPER CODE - 7004)

(PAPER NAME – **LAW OF CONTRACT - II**)

(INDIAN CONTRACT ACT, INDIAN PARTNERSHIP ACT, SALE OF GOODS ACT AND SPECIFIC CONTRACTS)

COMPULSORY PAPERS

Max. Marks: 100

Min. Marks: 36

Note: A. 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.

B. Leading cases prescribed under this paper may be read whenever they are relevant.

1. Contracts of Indemnity and Guarantee:

(A) Meaning, Distinction between indemnity and guarantee and kinds guarantee.

(B) Contract of indemnity

- a. Definition
- b. Rights of indemnity holder
- c. Liability of indemnifier.

(C) Contract of guarantee

- a. Definition
- b. Essential characteristics of contract of guarantee
- c. Kinds of guarantee
- d. Rights and liabilities of surety
- e. Discharge of liability of the surety

2. Contracts of Bailment and Pledge:

(A) Meaning & Kinds of Contract of Bailment – Bailment without consideration.

(B) Essentials of Bailment

(C) Rights and Duties of Bailee and Bailor.

(D) Position of the finder of the goods under law.

(E) Termination of Contract of Bailment.

(F) Contract of Pledge – Meaning and definition, Rights and duties of Pawnor and Pawnee, Pledge by Unauthorised Persons.

3. Contract of Agency:

(a) Definition, Kinds and Modes of creation of Agency.

(b) Relation between –

- (i) The Principal and the Agent
- (ii) The Principal and Third Party
- (iii) The Agent and the Third Party

(c) Rights and Duties of agent

- (d) Delegation of authority
- (e) Termination of Agency

4. Contract of Sale of Goods:

- (A) Sale – Meaning, Definition and Elements.
- (B) Agreement of Sell, Hire- Purchase, Agreement and a Contract and a Contract for work and labour- meaning and distinction from sales.
- (C) Goods – Existing, Future and Contingent.
- (D) Condition and Warranties.
- (E) Passing of Property and Risk from seller to buyer.
- (F) Sale by Unauthorised person.
- (G) Rights and duties of seller and buyer before and after sale.
- (H) Rights of unpaid seller.

5. Contract of Partnership:

- (A) Meaning, Definition, Formation & the Characteristics of Partnership.
- (B) Distinction between –
 - (i) Co-ownership & Partnership
 - (ii) Joint Hindu Family Firm and Partnership
 - (iii) Company and Partnership
- (C) Position of Minor
- (D) Relation, interest, of Partners and relation of partners with third parties.
- (E) Registration of Partnership Firm.
- (F) Dissolution of Partnership & of firm.

CASES FOR READING:

1. Amrit Lal Goverdhan Lalan v. State Bank of Travancore, A.I.R. 1960 S.C. 1432.
2. Patnaik & Col. v. State of Orrisa, A.I.R. 1965 S.C. 1955.
3. State of Gujarat v. Mamon Mohd. A.I.R. 1967 S.C. 1885
4. Gheru Lal Pareekh v. Mahadeo Das Munja, A.I.R. 1959 S.C. 781
5. Cox v. Hickman, (1860) 8 H.L.C. 268
6. State of Madras v. Gannon Dunkerley & Co. (Madras) Ltd., 1959 SCR 379
7. K.L. Johar & Co. v. Dy., C.T.O., AIR 1965 SC 1082
8. Adamson v. Jarvis, [1827] 4 BING 66
9. Punjab National Bank Limited vs Bikram Cotton Mills & Anr, AIR 1970 SC 1973
10. Harshad J. Shah & Anr v. L.I.C. of India & Ors., 1997 (5) SCC 64

SUGGESTED READINGS :

1. Atiyah, P.S. : An Introduction to the Law of Contract.
2. Pollock & Mulla : Indian Contract and Specific Relief Act.
3. V.G. Ramchandra : The Law of Contract in India, Law of Agency.
4. Desai, S.T. : The Law of Partnership in India and Pakistan

5. Agarwal ,D.P. : The Indian Partnership Act, 1932.
6. Pollock and Mulla : Sale of Goods and Partnership Acts.
7. Kapoor, N.D. : Merchantile Law
8. Avtar Singh : Law of Partnership; Principle of the Law of Sale of Goods.
9. Avtar Singh : संविदा विधि
10. I.C. Saxena, : संविदा विधि
11. Kapoor, S.K. : संविदा विधि
12. R.L. Bhatt : वाणिज्यक विधि
13. Kailash Rai : संविदा विधि
14. Dr. Y.S. Sharma : संविदा विधि
15. यमुना शंकर शर्मा : भागीदारी विधि

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PAPER – II (PAPER CODE - 7002)

(PAPER NAME – **LAW OF CRIMES**)

COMPULSORY PAPERS

Max. Marks: 100

Min. Marks: 36

Note: A. 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.

B. Leading cases prescribed under this paper may be read whenever they are relevant.

1. **General Principles of Criminal Law** : Elements of Crime - Actus Reus and Mens Rea, Strict Liability
2. **The Indian Penal Code, 1860**: Territorial Jurisdiction, Stages of Crime, Choate and Inchoate crimes, Preparation, Abetment, Criminal Conspiracy, Attempt (Section 511).
3. **General Explanations** : Public Servant, Movable Property-Wrongful gain and wrongful loss ; Dishonesty Fraudulently, Reason to believe, Counterfeit ; Valuable Security, 'Act' and 'Omission', Voluntarily, Injury, Good faith, Illegal Injury, Offence, Document, Harbour, Judge.
4. **General Exceptions**:
(A) Mistake of Facts and Mistake of Law, Judicial Act Accident, Necessity, Infancy, Unsound mind, Intoxicated person.
(B) 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 defence.
5. **Joint Liability**: Common intention, Common object and Constructive Liability.
6. **Offences Affecting Public Peace & State Authorities**: Unlawful assembly, Rioting, Affray, Seditious.
7. **Offences Affecting the Human Body**: Culpable homicide, Murder, Criminal negligence and rashness, Attempt to commit murder, suicide miscarriage; Hurt, Grievous hurt, Voluntary restraint and wrongful confinement Force and criminal force, Assault, Kidnapping and abduction.
8. **Offences Against Property**: Theft, Extortion, Robbery, Dacoity, Criminal misappropriation, Criminal breach of trust, cheating, mischief, criminal trespass, House breaking.
9. **Offence relating to Document**: Forgery, making a false document.
10. **Offences relating to Sex and Marriage**: Rape, Unnatural offence, Adultery, Bigamy.
11. **Offences affecting Personal Peace and Reputation**: Defamation, Criminal Intimidation, Criminal Insult.

LEADING CASES FOR EXAMINATION:

1. State of Maharashtra v. Mayer Hans George, AIR 1965 SC 722
2. Reg. v. Govinda, 1876 I Bom. 42.
3. Mahbub Shah v. King Emperor, PC 1945 1 112
4. Navtej Singh Johar & ors. v. UOI, 2018 SC (W.P. (Criminal) No. 76 of 2016)
5. Joesph Shine v. Union of India, (2018 SCC Online SC 1676)

CASES FOR READING

1. R. v. Tolson, (1889) 23 QBD 168
2. Kedar Nath v. State of Bihar, AIR 1962 SC 955
3. Barendra Kumar Ghosh v. King Emperor, (1925) 27 BOMLR 148
4. K.M. Nanavati v. State of Maharashtra, AIR 1962 SC 605
5. Bachan Singh v. State of Punjab, (1980) 2 SCC 684
6. K. N. Mehra vs The State Of Rajasthan, AIR 1957 SC 369

SUGGESTED READINGS :

1. Nigam, R.C. : दंड विधि
2. Ratan Lal Dhiraj Lal : The Indian Penal Code (St. Ed.)
3. O.P. Srivastava : Principles of Criminal Law
4. Nigam, R.C. : Principles of Criminal Law (English & Hindi)
5. P. S. A. Pillai : Criminal Law
6. Shamshual Huda : Principles of Criminal Law
7. Hari Singh Gaur : Penal law of India.
8. T. Bhattacharya : Indian Penal Code (English & Hindi)
9. Amar Singh Yadav : Indian Penal Code (Hindi)
10. Raja Ram Yadav : Indian Penal Code (Hindi)



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PAPER – V (PAPER CODE - 7005)

(PAPER NAME – **PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS**)

COMPULSORY PAPERS

Max. Marks: 100

Min. Marks: 36

Note: A. 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.

B. Leading cases prescribed under this paper may be read whenever they are relevant.

1. Definition, Nature and Basis of International Law, Weakness of International Law, Sources of International Law, Codification and Development of International Law, Relation between International Law and Municipal Law, Subjects of International Law, Nationality, Extradition and Asylum.
2. Recognition of States and Governments, Recognition of Insurgency and Belligerency de-facto and de jure recognition, State succession; State jurisdiction ; Territorial jurisdiction, 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, Principles of jus cogens and pacta sunt servanda, termination of treaties, Vienna Convention on the law of treaties.
4. Pacific and Compulsive means of settlement of International Disputes, 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. Character, Right of Angary, Contraband, Blockade, Unneutral service, Right of visit and search.
6. International Institution : United Nations, History and information 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 International Covenants on Civil and Political Rights, 1966, International conventions on Economic, Social and Cultural Rights, 1966. Regional Conventions on Human Rights, Convention on the Elimination of all Forms of Discrimination Against Women, 1979, Conventions on Rights of Child, Protection of Human Rights Act, 1993.

LEADING CASES FOR EXAMINATION:

1. The S.S. Lotus (France v. Turkey), PCIJ, Ser. A, No. 10 (1927)
2. Asylum Case (Columbia v. Peru), ICJ Rep. 1950, p. 266
3. Temple of Preah Vihear Case (Merits) (Cambodia v. Thailand), ICJ Reports 1962, p.6
4. Castioni, Re, Munier, Re; Ex parte Kolczynski, (1955) 1 All ER 31
5. The Corfu Channel Case (Merits), ICJ Rep. 1949, p.4

CASES FOR READING:

1. North Sea Continental Shelf Cases, ICJ Rep. 1969, p. 3
2. R v. Keyn, (1876) 2 Ex. D. 63
3. Arantzazu Mendi, (1939) AC 256
4. Anglo-Norwegian Fisheries Case (United Kingdom v. Norway), ICJ Rep. 1951, p. 116
5. Barcelona Traction, Light and Power Co. Ltd. Case, ICJ Rep.1964, p. 6

SUGGESTED READINGS:

1. J. G. Starke : An Introduction to International law
2. Oppenheim : International Law, Vol. I and II
3. Brierly : The Law of Nations
4. S.K. Kappor : International law (English & Hindi)
5. Tandon, M.P. : International law (English & Hindi)
6. Rabertson, 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 on Human Rights
11. Daiya, K.C. : Human Rights Jurisprudence
12. Karkara, G.S. : Commentary on Protection of Human Rights Act.
13. H. O. Agarwal : International Law and Human Rights (English & Hindi)



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PAPER – VIII (PAPER CODE – 7008)

(PAPER NAME – **SPECIAL LEGISLATIONS - II**)

COMPULSORY PAPERS

Max. Marks: 100

Min. Marks: 36

Note: A. 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.

B. Leading cases prescribed under this paper may be read whenever they are relevant.

The Paper consist of following Acts:

1. Negotiable Instruments Act, 1881 (Chapter II and XVII)

2. The Juvenile Justice (Care and Protection of Children) Act, 2015

Definitions –Neglected Juveniles, Delinquent Juveniles, Competent authorities and institutions for Juveniles, Procedures of Competent authorities, Procedure in relation to children in conflict with law, General Principles and procedure in relation to Care and Protection of Children, Rehabilitation and Social Re-Integration, Adoption, Other Offences against Children

3. Probation of Offenders Act, 1958

Definitions – Power of Court to release certain offenders after admonition, on probation of good conduct – Power of Court to require released offenders to pay compensation under twenty one years of age, Variations of conditions of probation, Probation in case of Offenders failing to observe conditions of board, Provisions as to sureties, Probation Officers.

SUGGESTED READINGS: Bare Acts with Leading Case Laws



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PAPER – VII (PAPER CODE – 7007)

(PAPER NAME – **TAXATION AND BANKING LAWS**)

COMPULSORY PAPERS

Max. Marks: 100

Min. Marks: 36

Note: A. 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.

B. Leading cases prescribed under this paper may be read whenever they are relevant.

1. Indian Income Tax Act. 1961 :

- (A) 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.
- (B) Basis of Charge - Charges of Income-Tax, Scope of total income, Residence in India, Income deemed to be received, Dividend Income deemed to accrue or arise in India.
- (C) Income which do not form part of total income.
- (D) 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.
- (E) Income of other persons included in assessee's total income.
- (F) Deductions to be made in computing total income.
- (G) Relief in respect of Income- tax. h) Determination of tax in certain specific cases.
- (H) Income tax authorities - Appointment and Control, Jurisdiction, Powers Procedure for Assessment, Liability in special cases, Collection and recovery tax, Appeals, Revision and Reference.

2. Goods and Service Tax -

- (A) **Introduction**-Constitutional framework of Indirect Taxes before GST (Taxation Powers of Union & State Governments); Concept of VAT: Meaning, Variants and Methods; Major Defects in the structure of Indirect Taxes prior to GST; Rationale for GST; Structure of GST (SGST, CGST, UTGST & IGST); GST Council, GST Network, State Compensation Mechanism, Registration, Important terms and definitions under Central Goods and Service Tax Act, 2017 and State Goods and Service Tax Act, 2017, Basic of GST, Meaning and scope of supply, Levy collection of tax.
- (B) Time and Value of Supply of goods and/ or services, Input Tax Credit, Transitional Provisions, Registration under CGST/SGST Act, Filing of Returns and Assessment, Payment of Tax including Payment of tax on reverse charge basis, Refund under the Act.

- (C) CGST/SGST- Maintenance of Accounts and Records, Compositions scheme, Job work and its procedure, Various Exemptions under GST, Demand and recovery under GST, Miscellaneous provisions under GST.
- (D) IGST- Scope of IGST, Important terms and definitions under Integrated Goods and Service Tax Act, 2017, Levy and collection of IGST, Principles for determining the place of supply and Place of Supply of goods and services, Zero rated Supply.

3. BANKING LAWS-

- (a) Brief history of Nationalization of Banks
- (b) **Reserve Bank of India Act, 1934** – characteristics and functions, objectives, legal status and organizational structure, functions such as - banking, currency, exchange control over non banking companies and supervision of other banks (see sections 17, 18 and 42)
- (c) **The Banking Regulation Act, 1948** - Extent and application business of Banking companies, provisions for winding up.

CASES FOR READING:

1. Janab A. Sayed Jalal Saheb v. C.I.T., (1960) 391 I.T.R.
2. P. Krishna Menon v. C.I.T., (1959) 35, I.T.R. 48 (SC)
3. Tata Sons Ltd. v. C.I.T. Bombay City, (1950) 18 I.T.R. 460.
4. Bacha F. Guzdar v. C.I.T. Bombay, AIR 1955 SC 740
5. The C.I.T. Madras v. Bhagya Lakshmi & Co., [A.I.R. 1955, SC 1708.
6. Rustom Cavasjee Cooper Vs. Union of India, AIR 1970 SC 564
7. Federal Bank Ltd. Vs. Sagar Thomas and ors. , AIR2003SC4325
8. Greater Bombay Co-op. Bank Ltd. Vs. United Yarn Tex. Pvt. Ltd. and ors., AIR 2007 SC 1584
9. Dashrath Rupsingh Rathod v. State of Maharashtra, (2014) 9 SCC 129
10. Canara Bank vs Canara Sales Corporation & Ors., AIR 1987 SC 1603

SUGGESTED READINGS:

1. Income Tax: H.C. Mehrotra and S. P. Goyal, Sahitya Bhavan Agra(English & Hindi)
2. Taxmann : Income Tax Act
3. Kanga & Palkiwala : The Law and Practice of Income-tax
4. Income Tax : Patel Chaudhary (P.C. Publications, Jaipur) (English & Hindi)
5. Income Tax : Shah, Mangal, Jain, Jain (R.B.D. Publishing House Jaipur) (English & Hindi)
6. Rastogi, Abhishek: Professionals guide to GST Ideation to reality (2017)
7. Datey V.S.: GST Ready Reckoner, Taxman Publication, New Delhi
8. Commercial GST, Commercial law publisher (India) Pvt. Ltd., New Delhi
9. Mohan, Rajat: Illustrated guide to GST (2017)
10. Goods & Service Tax: Patel Chaudhary (P.C. Publications, Jaipur) (English & Hindi)
11. Tannan : Banking Law and Practice in India
12. S. K. Sharma : Case Laws on Banking



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR

FACULTY OF LAW

SECOND YEAR BACHELOR OF LAWS

(Effective from Session 2020-21)

PAPER – III (PAPER CODE - 7003)

(PAPER NAME – **THE LAW RELATING TO TRANSFER OF PROPERTY AND EASEMENT**)

COMPULSORY PAPERS

Max. Marks: 100

Min. Marks: 36

Note: A. 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.

B. Leading cases prescribed under this paper may be read whenever they are relevant.

Transfer of Property Act, 1882-

1. **Preliminary:** Definition- Immovable Property, Attestation, Notice
Essentials of Transfer, Competence of Parties, Subject matter of transfer, Registration of Transfer
2. **General Rules of Transfer:**
 - (A) Restraint on alienation - absolute or partial, Restraint of free enjoyment, Covenants affecting enjoyment, divesting on insolvency, perpetuities, Future estates
 - (B) Transfer to unborn person, Rule against perpetuity
 - (C) Accumulation of income, exceptions Covenants and Transfers
 - (D) Conditional Transfer - Condition Precedent, Condition subsequent, Vested and contingent interest.
3. **Priority of rights** – Doctrine of Election (S 35), Transfer of property out of which maintenance claims have to be met (S 39), Ownership by holding out – Ostensible Owner - Implied transfers by limited owners (S 41), Ownership by estoppels - Feeding the grant by estoppel- Transfer by Unauthorised person who subsequently acquires interest in property acquired (S43), Doctrine of Lis Pendens - Transfer of Property pending suit (S 52), Fraudulent Transfer (S 53), Doctrine of Part Performance (S 53A)
4. **Mortgage and Charge:** Kinds of Mortgage, Rights and Liabilities of Mortgagor and Mortgagee, Priority - Marshalling, Contribution & Subrogation, Charge, Difference between Mortgage and Charge
5. **Sale, Exchange, Actionable Claims** – Essentials, Rights and Liabilities of Parties, Modes of Transfer
6. **Lease** – Essentials, Duration of Leases, Modes of Leases, Rights and liabilities of Lessor and Lessee, Determination, Forfeiture, Notice to quit and Notice of Forfeiture and their Waiver, Tenant by Holding Out
Gift – Essentials, Onerous Gift, Universal Donee
6. **Law Relating to Registration of Property** – The Registration Act 1908

7. INDIAN EASEMENT ACT, 1882

Easements, Essentials of Easements, Imposition Acquisition, Incidents Disturbance, Extinction, Suspension and Revival of Easement, Licence, Difference between Lease and Licence.

CASES FOR READING:

1. Associated Hotels of India Ltd. v. R.N. Kapoor, AIR 1959 SC 1262
2. Shanta Bai v. State of Bombay, AIR 1959 SC 532
3. Plumb v. Fluitt, (1791) 2 Anst. 432
4. Lloyds Bank Ltd. v. P.E. Guzder & Co., AIR 1930 Cal 22
5. Sunil Sidharthbai v. Commissioner of IT, AIR 1986 SC
6. Valliammai v. Nagappa, AIR 1967 SC 1153
7. Md. Razaz v. Abbas Bandi Bibi, AIR 1932 PC 158
8. Samrendra Nath Sinha v. Krishna Kumar Nag, AIR 1967 SC 1436
9. Maddison v. Alderson, (1833) 8 AC 467
10. Raghuram Rao v. Eric P. Mathias, AIR 2002 SC 797

SUGGESTED READINGS :

1. The Transfer of Property Act (Act IV of 1882) as amended up to-date.
2. Mulla : Transfer of Property Act, 1882
3. Joshi : The Indian Easements Act (Act V of 1882).
4. Manon, A.K. : The Law of Property.
5. Sarthi, V.P. : Law of Transfer of Property.
6. Shukla, S.N. : Transfer of Property Act.
7. Saxena, I.C. : Transfer of Property Act.
8. Bhansali & Sharma : Transfer of Property Act. (Hindi)
9. Kulshrestha, J.N. : Transfer of Property Act. (Hindi)
10. Tripathi, J.P. : Transfer of Property Act. (Hindi)