

Paper 1.9 (b)

VIVA-VOCE

20 marks

Maintaining Diary on Court visits; Legal Aid and Lok Adalat Proceedings, Moot Court, Performance done on the basis of prescribed leading cases in LL.B. I year paper under the supervision of the concerned teacher. The teacher(s) shall conduct at least two 'Moot Courts' during the session and it will be compulsory for the candidates to participate in atleast fifty per cent of such Moot Courts. The teachers can also conduct Moot Court on the basis of the 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 examination.

SECOND YEAR LL.B. (A/P) EXAMINATION

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.

Contents :

Jurisprudence :

Definition Nature and Scope.

- (i) Importance of Jurisprudence.
- (ii) Schools of Jurisprudence; Analytical, Historical and Sociological including American Realism and Natural Law School.

Nature of Law :

Definition—Austin, Salmond, Holland, Gray, Hart.

Sources of Law :

- (A) Meaning, Custom, Kinds, Tests of particular legal custom; Importance of custom; Theories of customary law,
- (B) Precedents, kinds, Ratio decidendi obiter dicta; Declaratory theory of precedent; judge-made law theory.
- (C) Legislation; kinds, comparison between legislation and other sources of law.

Concepts of Law :

Rights and Duties : Nature of Rights and Duties; Corelation of Rights and Duties; Kinds of Rights and Duties; Property; Definition and kinds; Negligence; Criminal liability.

Ownership and Possession :

- (A) Meaning of Ownership; Kinds, Definition of ownership by Austin and Salmond

(B) Relation between ownership and possession. Importance of Possession; Elements of corporeal possession and problems; Theories of possession; Salmond and Savigny; etc.

Person :

Nature of personality; kinds; corporate personality and its kinds, theories of corporate personality; problems legal persons and punishment.

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 (Rescoe Pound and Sociological Jurisprudence).
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.

Suggested Readings :

1. Salmond : Jurisprudence.
2. Dias : Jurisprudence.
3. Dhyani S.N. : Fundamentals of Jurisprudence.
4. Mahajan V.D. : Jurisprudence and Legal theory.
5. परांजपे एन.वी. : विधि शास्त्र
6. अनिरुद्ध प्रसाद : विधि शास्त्र के मूल सिद्धान्त
7. Agarwal & Raizada : Some thoughts on Modern Jurisprudence.
8. R.D. Yadav : Glimpses of Jurisprudence..

Paper 2.2

Law of Crimes

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 relevant.

1. General Principles of Criminal Law.
2. The Indian Penal Code, 1860 : Territorial Jurisdiction, Stages of crime : Doctrine of Mens rea; Inchoat crimes—Preparation, attempt, General Explanation; 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 :*

(A) 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.

4. *General Exceptions :*

(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, Abetment, Criminal Conspiracy, Constructive Liability.

6. *Offences Affecting Public Peace & State Authorities :* Unlawful assembly, Rioting, Affray, Public Servant, Taking gratification other than legal remuneration in respect of official act, giving evidence, Fabricating false evidence, sedition, Public nuisance.

7. *Offences Affecting the Human Body :* Culpable homicide, murder, Criminal negligence and rashness, Attempt to commit murder and 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 of property, Criminal breach of trust; receiving stolen property Cheating, mischief, criminal trespass, House breaking.

9. *Offence Relating to Document :* Forgery, Making a false document.

10. *Offences relating to Sex and Marriage :* Rape, Sexual offences, Unnatural offence, Adultery, Bigamy.

11. *Offences Affecting Personal Peace and Reputation :* Defamation, Criminal Intimidation, Criminal Insult.

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 1968 SC 1890, 1968 Cr. LJ 1647.

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. Shamsul Huda-Principles of Criminal Law.
5. Hari Singh Gaur : Penal Law of India.
6. T. Bhattacharyya : Indian Penal Code (English & Hindi).
7. Ainar Singh Yadav : Indian Penal Code (Hindi).
8. Raja Ram Yadav : Indian Penal Code (Hindi).

Paper 2.3 The Law Relating to Transfer of Property and Easement

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. *Preliminary* : Definition, Essentials of Transfer, Competence of Parties, Subject matter of transfer, transfer to unborn person, Registration of Transfer, etc. General Rules of Transfer :
 - (a) Restraints of alienation absolute or partial, Restraints of free enjoyment, Covenants affecting enjoyment, divesting on insolvency, Covenants affecting enjoyment, divesting on insolvency, perpetuities, Future estates, Doctrine of acceleration—Accumulation of income. Exceptions, Covenants and Transfers, General Rules of Transfer.
 - (b) Conditional transfer : Condition precedent, Condition subsequent; Vested and contingent interest.
2. Election, Priority of rights, Notice, Implied transfers by limited owners, transfer of property out of which maintenance claims have to be met, ownership by holding out, ownership by estoppel, feeding the grant by estoppel, Doctrine of part-performance, Sale.
3. *Mortgage and Charge* : Kinds of mortgage, Rights and liabilities of Mortgage and mortgagee, priority, marshalling, contribution and subrogation.
4. Exchange, Lease, Gift, Actionable claims.
5. *Easements* : Essentials of Easements, Imposition Acquisition, Incidents, Disturbance, Extinction. Suspension and Revival of Easement, Licence. Difference between Lease and Licence.

Leading Cases :

1. J.B. Rao v. Vassarayappa, AIR 1956 SC 727.
2. Gokal Das Gopal Dass v. Premsukha Dass, ILR 10-Cal. 1035 (PC).
3. Ram Kumar Koondoo and others v. John and Maria Mequeen (1872) 1 Beng LR 46 (PC) XXII A. Vol. Supp. (1872-73).
4. Webb v. Macpherson, ILR 31 Cal. 57 (PC).
5. Associated Hostels of India Ltd. v. R.N. Kapoor, AIR 1959 SC 1262.
6. Raja Bajrang Bahadur Singh v. Thukurani Bakhraj Kaur, AIR 1953 SC 7.

Suggested Readings :

1. The Transfer of Property Act (Act IV of 1882) as amended upto-date.
2. Mulla : Transfer of Property Act.
3. Joshi : The Indian Easements Act (Act V of 1882).
4. Menon, 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).
11. Gupta, R.R. : Transfer of Property Act (Hindi).

Paper 2.4

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.

1. Definition of Company—kinds of company, corporate personality, Registration and Incorporation. The Memorandum and Articles of Association.
2. Promoters and Preliminary Contracts Prospectus, Share-capital, Shares, members and share-holders, Debentures, Directors and Borrowings, Majority powers and minority rights.
3. Prevention of oppression, Mis Management, amalgamation and reconstruction. Meetings of company, winding-up and Dissolution. Formation and Powers of Company Law Board.

Leading Cases :

1. Avon Soloman v. Soloman Co. Ltd. (1897) AC 22.
2. Laxmi Swamy Mudaliar v. LIC, AIR 1963 SC 1185.
3. Royal british Bank v. Turquand, (1856) 6 E & B 327.
4. Ramkrishna Das Dhanuka v. Satya Gharan, AIR 1950 PC 51.
5. Tata Engineering and Locomotive Ltd. v. State of Bihar, AIR 1965 SC 40.
6. Bajaj Auto Ltd., Poona, v. N.K. Florida, AIR 1971 SC 321.

Suggested Readings :

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|--------------------|---|---|
| 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:
Some Legal Issues. |
| 5. Dhingra, L.C. | : | Principles of Company Law. |
| 6. Paranjape, N.V. | : | Company Law (English & Hindi) |

Paper 2.5 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 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 servanda, 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, Unneutral service, Right of visit and search.
6. *International Institution* : United Nations, History and formation 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 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.
- u. 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.

Paper 2.6

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. Historical Development of Industrial Disputes, Legislation in India : 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, Implementation of Awards, with-holding of Awards, Appeals to Supreme Court and writs to HCs. 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, Section 33, 33-A, 33-B, 33-C and other miscellaneous provisions, Penalties, Unfair Labour Practice etc.

Trade Unions Act, 1926 :

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

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

The Factories Act 1948 :

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—Employment of young persons—Annual leave with wages. Special provisions—Penalties and Procedure—New Provisions inserted vide Factories (Amendment) Act of 1987.

The Minimum Wages Act, 1948 :

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.

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 ILLJ 180 (SC) AIR 1972 SC 103.
3. Jay Engineering works v. State of West Bengal, AIR 1968 Cal 406.
4. V.P. Gopala Rao v. Public Prosecutor, Andhra Pradesh, AIR 1970 SC 65.
5. PUDR and others v. Union of India, 1982 II LLJ 454 SC.
6. Express News Paper Ltd. and other v. Union of India and other. AIR 1958 SC 578

Suggested Readings :

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| 1. Indian Law Institute | : | Law and Labour Management Relations in India. |
| 2. Rustamjee | : | Law of Industrial Disputes. |
| 3. Mishra, S.N. | : | Labour & Industrial Law (Eng. & 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. |
| 11. Dr. Ganga Sahai Sharma: | | |

Paper 2.7

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 relevant.

Definition, Nature, Scope, Rule of Law, Separation of powers, Relationship between Administrative Law and Constitutional Law, Sources of Administrative Law, Government, Administrative Authorities and Bodies.

Statutory Corporations including their control, the extent of executive power, Administrative Finality and the Court review.

Delegated Legislation—Nature, Scope, Forms, Necessity, Control, including judicial Parliamentary and Legislative, Conditional legislation and Sub-delegation.

Henry III Clause

Administrative Process—Administrative Action, Administrative Discretion and Quasi-Judicial Elements in Administrative Procedure.

Principles of Natural Justice and their Control, Doctrine of Bias, Audi Alteram Partem, rights to Consult, Reasoned Decision.

Administrative Adjudication—Reasons for growth, Structure and Procedure of Administrative Bodies, like Tribunals; Finality of the Tribunal, Decisions, Administrative Tribunals Act, 1985.

Judicial Control of Administrative Action—Habeas Corpus, Mandamus, Certiorari, Prohibition and Qua warranto writs, Redressal of Citizens Grievances, Central Vigilance Commission, Commission of Enquiry Act, Ombudsman, Lokpal; Lokyuks of the State of Rajasthan.

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.
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.

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 Law.

6. Kesari, U.P.D.—Administrative Law.
7. केसरी यू.पी.डी. : प्रशासनिक विधि
8. उपाध्याय जे.जे. : प्रशासनिक विधि
9. Sathe, S.P.—Administrative Law

OPTIONAL PAPER

Paper 2.8(a)

Law of Taxation

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.
2. Central Sales Tax Act, 1956.
3. Rajasthan Sales Tax Act, 1994.
1. *Income Tax Act* : (1) 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.
2. Basis of Charge—Charges of Income-tax; Scope of total income, Residence in India, Income deemed to be received, Devided income, Income deemed to accrue or arise in India.
3. Income which do not form part of total income.
4. 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.
5. Income of other persons included in assessee's total income.
6. Deductions to be made in computing total Income.
7. Relief in respect of income-tax.
8. Determination of tax in certain specific cases.
9. Income tax authorities—Appointment and Control; Jurisdiction, Powers, Procedure for Assessment, Liability in special cases, Collection and recovery of tax, Appeals, Revision and Referene.

Central Sales Tax Act, 1956

1. Sale or Purchase of goods in the course of Inter-State Trade or outside a State or in the course of import or export.
2. Liability to tax on inter-state sales, burden of proof,
3. Registration of dealers.
4. Determination of turnover. levy & Collection of tax.
5. Penalty and offences.
6. Restrictions and conditions in regard to tax on sale or purchase of declared goods within a State.

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Rajasthan Value Added Tax Act, 2003

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Rajasthan Sales Tax Act, 1994 :

1. Incidence and levy of tax, registration of dealers. Payment of tax, filing of returns and assessment.
2. Tax liability recovery and refund-
3. Interest, Composition and Prosecution.
4. Inspection, Search and seizure, anti-evasion provisions.
5. Appeals & Revisions-Officers, Powers and immunities.

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. Agarwal & Co. v. Commissioner of Income Tax, 1973 88 ITR 336 Bom. (SC).
5. P. Krishna Menon v. Commissioner of Income-Tax (1959) 35 ITR 48 (SC).
6. Commissioner of Income Tax v. Nar Prasad and Co. (P) Ltd. (1975) 99 ITR 118 (SC).
7. State of Bihar v. Tata Engineering & Locomotive Co. Ltd., (1969) 27 STC 127 (SC).

Suggested Readings :

1. Gupta, RR. -Income Tax and Practice.
2. Kanga & Palkiwala -The Law and Practice of Income tax.
3. Agarwal, S.E. -Law and Practice Relating to Central Sales Tax Act, 1956.
4. Pokharna, N.L. -The Law relatino to Sales-Purchase Tax, Rajastha.
5. Income Tax Act-A.K. Saxena (English & Hindi).
6. Singh, S.D. -Law of Central Sales Tax.
7. Mahesh Koolwal -Rajasthan Sales Tax Act & Rules.
8. Jain, S.L. -Income Tax Act. (Hindi)
9. Jain S.L. -C.S.T. & RST (Hindi)

Paper 24 2-8(b)
Max. Marks : 100

Insurance Law ✓

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. (a) Evolution and development of the concept of Insurance, Role and importance of Insurance.
- (b) General principles of the contract of Insurance, nature of contract of Insurance.
- (c) Classification of policies, Selection and measurement of risk, Treatment of sub-standard risk, calculation of premium.

- (d) Licencing of Insurance agents, Duties and powers of Controller of Insurance under the Insurance Act, 1938.
- (e) Status and legal position of the nominee under the Insurance Act, 1938.
2. (a) Establishment of Life Insurance Corporation of India.
- (b) Investment provisions and Rights of the Policy holders under the Life Insurance Corporation Act, 1956; Marine Insurance and Fire Insurance.
- (c) Motor Insurance, Live-stock-Insurance against deterioration of stocks, loss or profit Insurance, Contractor's All Risk Insurance and Credit Guarantee.
3. Public Liability Insurance Act, 1992
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 authorised officers under the Act-Penalties-Liability of Companies or Government Departments.

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) AC 139 (HL).

Suggested Readings :

1. Mishra, M.N.-Insurance-Principles and Practices.
2. Rao, C.K.-Treaties on the Law of Insurance.
3. The Insurance Act, 1938.
4. The Life Insurance Corporation Act, 1957.
5. Karkara, G.S.-Commentary on Public Liability. Insurance Act.
6. Murthy & Sharma-Modern Law of Insurance in India.
7. Surendra Yadav-Insurance Law (in Hindi).

Paper 2.8 (c) Banking Law 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 : 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. State Bank of India Act, 1955 : Definitions, Incorporation and share capital of State Bank, Shares, Management, Business and Miscellaneous, State Bank of India (Subsidiary Banks Act, 1959—Definitions, Constitution of New Banks and change of name of any subsidiary Bank, Compensation, Shares, Management, Business, Inspection).
3. Regional Rural Banks Act, 1976, 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.

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

The Industrial Reconstruction Bank of India Act, 1984. 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.

5. Negotiable Instruments Act, 1981 : 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 and payment for honour and reference; compensation: Rules of Evidence; Provisions regarding crossed cheques, Bills in sets; International Law governing Instruments.

Leading Cases :

1. Bhawanipore Banking Corpn. Ltd. v. Gauri Shanker Sharma, AIR (1950) SC 6.
2. The Bharat Bank Ltd. Delhi v. The Employees of Bharat Bank Ltd. and the Bharat Bank Employee's Union, AIR 1950 SC 188.
3. V. Ramaswami Aiyanger & others v. T.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 Mah. LJ 1229.

Suggested Readings :

1. Jagdishlal—Banking Regulation Act, 1949.
2. Sethi, R.B.—Banking Regulation Act, 1949.

3. Tokhi, M.R. & Sharma, D.P.—Rural Banking in India, 1975.
4. Maheshwari, 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. Khegamvala, T.S.—The Negotiable Instruments Act, 1981.

Paper 2.9 Professional Ethics, Bar-Bench Relations and the 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-voce Examination—20 marks

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

2.9 (a) Practical Written Paper

Professional Ethics—Meaning and Scope, Duties of an Advocate towards the Court, his client, other fellow Advocates and the Public.

Bar-Bench Relations—Meaning; necessity; nature and scope. The contempt law and practice. Supreme Court pronouncements relating to (a) the Bar-Bench Relations and (b) the contempt of Court.

2.9 (b) Viva-voce Paper :

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 LL.B. II year under the supervision of the concerned teacher. The teacher shall conduct at least two Moot Courts and it will be compulsory for the candidates to participate in at-least fifty per cent 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.

Suggested Readings :

1. The Bar Council Code of Ethics.
2. The Contempt of Court Act.
3. Mr. Krishnamurthy Lyer's book on 'Advocacy'.