

# **SANJIVANIE COLLEGE OF LAW**

## **LL.B. Fifth Semester**

### **PAPER- I**

#### **ADMINISTRATIVE LAW -I**

##### **UNIT - I**

###### **Evolution, Nature and Scope of Administrative Law**

Nature, definition , scope and development of administrative Law.

Relation between Constitutional Law and Administrative Law

Rule of law- Its applicability and relevance in India

Separation of powers and its relevance.

##### **UNIT- II**

###### **Legislative Powers of Administration**

Need of delegation of legislative power, Requirement for the validity of delegated legislation, Excessive delegation , sub- delegation , conditional legislation and Henry VIII Clause,

Reasons for growth of delegated legislation in India, Legislative control of delegated legislation – laying procedures and their efficacy ; committees on delegated legislation , judicial control of delegated legislation

##### **UNIT- III**

###### **Judicial Powers of Administration**

Need for devolution of adjudicatory authority on administration,

Distinction between quasi-judicial and administrative functions; tribunal and court Tribunals: need, nature , constitution , Jurisdiction and procedure

Administrative Tribunal: Constitution, powers and jurisdiction under the Administrative Tribunals act, 1985

##### **UNIT – IV:**

###### **Natural Justice**

Definition, nature , object and scope of nature justice

Principles of natural justice: (I) Rule against bias - meaning and types ; real and likelihood of bias; and (II) Audi alteram partem (Hear the other Side) – essentials of hearing process , Speaking orders and reasoned decisions

Pre- decisional and post- decisional hearing

Effect of breach of natural justice; void or voidable

**UNIT – V :****Meaning and Need for Administrative discretion**

Limitations on exercise of discretion

Mala fide exercise of discretion

Colourable legislation

Doctrine of proportionality

Judicial review of administrative discretion: meaning, nature and scope of judicial review Grounds of Judicial review

Judicial review and administrative review – distance; limitations and remedies

**Books:**

Jain & Jain: Principles of Administrative Law Wade:  
Administrative law

C.K. Thakkar : lectures on Administrative law

S.P. Sathe: Administrative law

M.P. Jain : Cases and Meteri

Dr. U.P.D.Kesari, Administrative Law

Dr. Jai Jai Ram Upadhyay, Administrative Law

## **LL.B. FIFTH SEMESTER PAPER –II**

### **TAXATION LAWS**

#### **UNIT- I**

##### **GENEREAL PERSPECTIVE**

History of tax law in India

Fundamental principles relating to tax laws

Governmental financial policy, tax structure and their role in the national economy concept of tax;

nature and characteristics of taxes

Distinction between tax and fee; tax and cess; direct and indirect taxes;

and tax evasion and tax avoidance

Scope of taxing power of parliament, state legislatures and local bodies

#### **UNIT- II**

##### **INCOME TAX**

Basic concepts ; Income ; Total Income ; Income not included in total incoming; Deemed income;

Clubbing of income ; Assesses; Person ; and tax planning

Chargeable income ; Heads of income – salaries; income from house property; income from business or professional; capital gains income from other sources

Deductions, relief and exemptions

Income Tax Authorities; Powers and functions Offences

and penal Sanctions

Settlement of grievances; authorities, powers and functions

#### **UNIT – III :**

##### **SALE TAX**

Central Sales Tax and State Sales Tax

Sale or purchase of goods: meaning of sale; sale in the course of inter-State sale and Commerce;

sale to take place outside a state; and sale in the course of export and import

Charge of tax; exemption and rebate

Sale Tax Authorities; powers and functions Offences and

penalties

#### **UNIT – IV**

##### **Wealth Tax**

Taxable wealth; determination of value of assets ; exemptions and rate of wealth tax Wealth Tax  
Authorities ; Constitution, Powers and function  
Offences and penalties

#### **UNIT – V**

##### **SERVICETAX**

Taxable service  
Meaning and importance of service tax  
Constitutional perspective  
Salient provisions of service tax law  
Valuation of taxable service Offences and  
penalties

#### **BOOKS**

Sampath Iyengar: Law of Income tax  
Kanga And Palkiwala: The Law and Practice of Income Tax  
K. Parameswaran ; power of taxation under the Constitution  
S.D. Singh ; Principles of Sales Tax law  
R.V. patel ; The Central Sales Tax Act  
C.A. Gularickar: law and practice of wealth tax and valuation Ramesh  
Sharma : Supreme Court On Direct Taxes

## **LL.B. Fifth Semester**

### **Paper –III**

#### **LAND LAWS INCLUDING CEILING AND OTHER LOCAL LAWS - I**

##### **UNIT- I**

###### **Abolition of zamindari**

Salient features of the Zamindari abolition and Land Reforms Act , 1950

Aims and objects of the Act

Causes for Zamindari Abolition

Important definition : Agriculture year; Beneficiary ; Land Management Committee; Gaon Fund and Consolidated Gaon Fund; Gram Sabha; Gram Panchayat; Groove land ; Intermediary; revenue ; and sir  
Consequences of vesting

##### **UNIT - II**

###### **New land tenures**

Bhמידhar

Sirdar

Asami and adhvasi

Rights of tenure holders

Ejectment

Ejectment of bhumidhar with transferable rights and with non-transferable rights

Ejectment of an asami – grounds for ejectment

##### **UNIT – III**

###### **Abandonment, surrender and lease**

Abandonment ; consequences of abandonment

Surrender –(1) by a bhumidhar with non-transferable rights ; and (ii) by an Asami distinction between surrender and abandonment

Lease

Registration of lease

Lease by a disabled person – who is a disabled person?

#### **UNIT- IV**

##### **SUCCESSION AND ALLOTMENT OF LAND**

General order of succession

Succession where Bhumidhar or Asami dies without leaving a male lineal descendent Female's interest inherited from a male

Interest of a female acquiring bhumidhari rights Passing of interest by survivorship.

Allotment of land Order of

Preference Procedure of

Allotment

Cancellation of Allotment

#### **UNIT - V**

##### **LAND REVENUE AND REVENUE AUTHORITIES**

Revenue and Rent

Persons liable to pay land revenue

Process for recovery of an arrear of land revenue

Revenue Court and Revenue Officer – Powers and Functions

Maintenance of Maps and records

Appeal; Revision; and Review Act

##### **Act**

U.P. Zamindari and Land Reforms Act, 1950

##### **Books**

R.R. Maurya: U.P. Land Laws

R.P. Singh ; U.P. Land Laws

**LL.B. Fifth Semester**  
**Paper –IV**

**CRIMINOLOGY AND PENOLOGY**

**UNIT – I**

Introduction to Criminology  
Definition, nature and extent of crime in India,  
Definition, nature, scope and importance of criminology  
Relationship between crime, criminal law and criminology  
Methods of criminological studies

**UNIT- II**

Schools of Criminology  
Classical and Neo-Classical  
Sociological  
Socialistic  
Feminist approach  
Multiple factor Theory

**UNIT – III**

Crime Causation  
Positivist Theory (Lombroso, Garofalo, and Enrico Ferri)  
Psycho-analytical Theory  
Social Dis-organisation and Anomic  
Differential Association Theory  
Sub-culture Theory

**UNIT – IV**

Dimensions of Crime  
White collar crime; definition, scope and extent; corruption in public life  
Causes, Prevention and treatment of white collar criminality with special reference to India  
Juvenile delinquency: definition, nature and scope  
Cause, prevention and treatment of juvenile delinquency in India  
Criminality of women; cause, prevention and treatment

## **UNIT- V**

Penology

Theories of punishment

Capital Punishment; Judicial attitude towards capital Punishment in India

Prison System; open prison – evaluation

Probation

Parole

Distinction between probation and parole

## **BOOKS**

Catherine S. Williams: Text Book on Criminology

Sutherland and Cressy : Principles of Criminology

J.M. Sethna : Society and the Criminal

A. Siddique ; Criminology – Problems and Perspectives Sutherland:

White Color Crime

W.C. reckless : The Prevention of Juvenile Delinquency

S. Roa: Crime in Our Society

Law Commission of India 42<sup>nd</sup> Report

Dr. Anirudh Prasad, Criminology and Penology



## **LL.B. Fifth Semester**

### **Paper –V**

#### **ARBITRATION, CONCILIATION AND ALTERNATE DISPUTE RESOLUTION SYSTEM**

##### **UNIT -I**

###### **ARBITRATION**

Arbitration: meaning, Scope and importance of arbitration

UNCITRAL, Model Law

Types Of arbitration

Distinction: arbitration and conciliation: arbitration and expert determination

Extent of Judicial Intervention

International Commercial Arbitration

##### **UNIT- II**

Arbitration agreement and arbitration Tribunal

Essentials of arbitration agreement: kinds of arbitration agreement

Who can enter into arbitration agreement?

Validity

Reference to arbitration

Interim measures by Court

Arbitration Tribunal: Appointment, Jurisdiction, powers of arbitral tribunal

Grounds of Challenge

Procedure

Court Assistance

##### **UNIT- III**

###### **AWARD**

Rules of guidance

Form and Content

Correction and Interpretation

Grounds of setting aside an award

Can misconduct be a ground? Incapacity of a party: invalidity of arbitration agreement: Want of proper notice and hearing: beyond the scope of reference; contravention of composition and procedure: breach of confidentiality; impartiality of the arbitrator bar of Limitation; *res judicata*: consent of parties

Enforcement

#### **UNIT – IV**

Appeal, Revision and Enforcement of foreign awards

Forum of Appeal

Power of Appellate Court

Costs of Arbitration proceeding

Revision

New York Convention awards

Geneva Convention awards

#### **UNIT- V**

Conciliation

Conciliation: meaning and importance

Distinction between “conciliation”, “Negotiation”, “Mediation”, and “Arbitration” Appointment of Conciliator

Interaction between conciliator and parties; communication; duty of the parties to co- operate; suggestions by parties; confidentiality

Resort to judicial proceeding

#### **ACT**

Arbitration and Conciliation Act, 1996

#### **BOOKS**

B.P. Saraf and M. Jhunjhunwala Law of Arbitration and Conciliation Gerald R. Williams;

The New Arbitration and Conciliation Law of India

A.K. Bansal : Law of International Commercial Arbitration Avtar Singh :  
Arbitration and Conciliation

G.K. Kwatra : The Arbitration and Conciliation Law of India

N.D. Basu : Law Of Arbitration and Conciliation

Dr. Kailash Rai , Arbitration & Conciliation & Adr

## **LL.B. Fifth Semester Paper –VI**

### **LAW AND THE CHILD**

#### **UNIT – I**

Social, Constitutional and International Legal Status of Child

Significance, scope and magnitude of the problem

Special Status of child – national policies

Constitutional concern – articles 15(3) , 24, 39, (e) and (f)

International Concern and Endeavour for the welfare of Children: Minimum Wage Convention; Child Rights Convention; and U.N. Declaration of the Rights of the Child

#### **UNIT- II**

Problems of conception, birth

Legal status of the child in the womb

Sex selection: foeticide and infanticide

Tortious liability against injuries to unborn children

Coparcenary and property rights of the unborn children

Law relating to maternity benefit and relief

#### **UNIT- III**

##### **Family Relations and Child and legal Control of Child Labour**

The status of a child in matters of marriage; legitimacy, guardianship, adoption, maintenance and custody  
Statutory provisions regarding child marriage, guardianship, adoption and maintenance Regulation of the employment of children in various occupations

Recommendations of the H.O. and statutory protection

#### **UNIT – IV**

Contractual and criminal liability

Minor's agreement; nature, rationale

Liability in beneficial contracts

Testimony of children

Crimes committed by child ; crimes committed by others in relation to children

Judicial Proceedings in criminal cases

Statutory provisions Sections 82, 83, 299 Explanation 3, 363A, 372 and 376 IPC; Penal Provisions contained in the child marriage Restraint Act, 1929: Young Persons Harmful Publication Act; 1956 and Juvenile Justice Act, 2000

**UNIT– V**

Law and Offences against Child

Juvenile Justice Act

Provision for the Protection of neglected children

Institutions for the protection of neglected children

Child welfare Boards, and Juvenile Courts: constitution, powers, duties and functions

Protection of girls from immoral traffic

Prevention of vagrancy and beggary

**BOOKS**

S.K. Awasthi ; Juvenile , Justice Act , 1986 Indian Law

Institute ; Child and the law

Indian law Institute Treatise on the Juvenile Justice Act

P.L. Mehta and S.S. Jaswal: Child labour and the law

L.S. Shastri: Child Marriage Restraint Act, 1996

Dr. Anjani Kant, Child Law

## **LL.B. Fifth Semester**

### **Paper –VII**

#### **PUBLIC INTEREST LAWYERING, LEGAL AID AND PARA-LEGAL EARVICE**

THIS PAPER CAN BE TAUGHT PARTLY THROUGH CLASS-ROOM INSTRUCTIONS INCLUDING SIMULATION EXERCISES AND PARTLY THROUGH EXTENSION PROGRAMMES LIKE LOK ADALAT, LEGAL AID CAMPS, LEGAL LITRACY AND PARA-LEGAL TRAINING, THE COURSE WILL ALSO CONTAIN LESSONS ON NEGOTIATIONS AND COUNSELING, USE OF COMPUTER IN LEGAL WORK, LEGAL RESEARCH IN SUPPORT OF PUBLIC INTEREST LITIGATION, WRITING OF CASE COMMENTS, EDITING OF LAW JOURNALS, AND LAW OFFICE MANAGEMENT. THE PART WILL CARY 90 MARKS THAT MAY BE APPROPRIATELY DIVIDED TO THE DIFFERENT PROGRAMMES.

THERE WILL BE A VIVA VOCE EXAMINATION CONDUCTED BY ONE EXTERNAL AND ONE INTERNAL EXAMINER DULY APPOINTED BY THE CONCERNED UNIVERSITY. THIS WILL CARRY 10 MARKS.

Book

Dr. kailash Rai, Practical Taaining (Lok Adalat & P.I.L.)