

4.3 Impact & Incidence of Gift Tax

Unit 5: Agricultural Income Tax	16
5.1 Background & Introduction	
5.2 Impact & Incidence of Agricultural Income Tax	
5.3 Agricultural Income Tax Department	
5.4 Agricultural Income Tax & the Agriculturist	
5.5 Problems of Agricultural Income Tax	

Internal Assessment : **20**

Recommended Books:

1. Income Tax Act--- Kanga & Palkiwala
2. Direct Tax Law & Practice--- Dr. Vinod K. Singhania, Kapil Singhania
3. Practical Approach to Indirect Tax--- Girish Ahuja, Dr. Ravi Gupta
4. T.D.C. under the Income Tax Act, 1961 --- V. P. Verma & M D. Kabra

SEMESTER - III
(FROM 2010-11 SESSION ONWARDS)

LL.B. 3.1**Indian Penal Code**

Full Marks: 100 [80+20]

Pass marks: 45 [36+9]

(Credit : 7)

Time : 3 hours

[For distribution of marks in question paper and other instructions see Rule No. 21 of the Regulation]

<u>Detailed Syllabus</u>	<u>Marks</u>
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Unit 1: Introduction	16
1.1 Conception of Crime	
1.2 Elements of criminal liability	
1.2.1 Author of crime - natural and legal person - human being	
1.2.2 <i>Mens rea</i> - evil intention	
1.2.3 Act in furtherance of guilty intention	
1.2.4 Injury to another	
1.3 Stages of a crime	
1.3.1 Intention to commit an offence	
1.3.2 Preparation	
1.3.3 Attempt (SS. 511, 307)	
1.3.4 Accomplishment	
1.4 Salient features of I.P.C.	
1.4.1 Definitions	
1.4.2 Jurisdiction - Territorial - Personal	
1.4.3 General Explanation	

- 1.4.4 Group liability – Common intention – Common object.
(SS. 34, 149)
- 1.4.5 Punishment
- 1.4.6 White collar crime

Referred Cases :

1. *Baba Lodhi Vs. State of UP AIR 1987 : SC 1268*
2. *Krishna Kumar Vs. Union of India AIR 1959 Sc. 1390*

Unit 2: General Exceptions : Factors negating guilty intention (SS. 76, 79, 84, 85-86, 96-106) 16

- 2.1 Mental incapacity
 - 2.1.1 Minority
 - 2.1.2 Insanity – Medical and legal insanity
- 2.2 Intoxication – involuntary
- 2.3 Private defence : Justification and limits
 - 2.3.1 When private defence extends to causing of death to protect body and property.
 - 2.3.2 Necessity
 - 2.3.3 Mistake of fact
- 2.4 Abetment
- 2.5 Criminal Conspiracy

Referred Case :

1. *Lohit Chandra Das Vs. State of Assam (1986 I.G.L.R. 299)*

Unit 3: Offences against State and the Public 16

- 3.1 Offences against the state
 - 3.1.1 Waging war against the government of India. (SS. 121, 121A, 122, 123).
 - 3.1.2 Assaulting high officers (S. 124).
 - 3.1.3 Sedition (S. 124A).
 - 3.1.4 Waging war against a power at peace with the government of India.
- 3.2 Offences against public Tranquillity
 - 3.2.1 Unlawful Assembly (S. 141)
 - 3.2.2 Rioting (SS. 146, 147)
 - 3.2.3 Promoting enmity between different classes (S. 153 A)
 - 3.2.4 Affray (SS. 159, 160)

Referred Cases :

1. *Kedar Nath, AIR 1962 SC 955*
2. *Satvir Vs. State of Uttar Pradesh, AIR 2009 SC 1742*

Unit 4: Offences affecting human body and the reputation 16

- 4.1 Unlawful homicide
 - 4.1.1 Culpable homicide (S. 299)
 - 4.1.2 Murder (S. 300)
 - 4.1.3 Homicide by rash or negligent act (S. 304 A)
 - 4.1.4 Suicide (S. 309)

- 4.1.5 Dowry death (304 B)
- 4.2 Hurt and grievous hurt
- 4.3 Wrongful restraint
- 4.4 Wrongful confinement
- 4.5 Criminal force
- 4.6 Assault
- 4.7 Kidnapping
- 4.8 Abduction
- 4.9 Sexual Assault (Rape) and other sexual offences
- 4.10 Cruelty to married woman (S. 498 A)
- 4.11 Defamation

Referred Cases :

1. *Bachan Sing Vs. State of Punjab (1980) 2 - SCC 684 (Capital Punishment)*
2. *Mehmat Ali Vs. the State of Assam (1986) 2 G.L.R. 323*
3. *Gian Kaur Vs. State of Punjab, (1996) 2 SCC 648 (Euthanasia - Mercy Killing)*
4. *Shyam Babu and Others Vs. State of Haryana AIR 2009 SC 577 (Kidnapping and Abduction)*
5. *Wazir Chand Vs. State of Haryana AIR 1989 SC 378 (Domestic Violence)*

Unit 5: Offences against Property

16

- 5.1 Theft (S. 378)
- 5.2 Extortion (S. 383)
- 5.3 Robbery (S. 390)
- 5.4 Dacoity (S. 391)
- 5.5 Criminal misappropriation of property (S. 403)
- 5.6 Criminal Breach of Trust (S. 405)

Referred Cases :

1. *Chandi Kumar Vs. Abanidhar Roy AIR 1965*
2. *Shyam Behari, 1957 G. LJ. 416*
3. *State of U.P. Vs. Shukhpal Singh & Others, AIR 2009 SC 1729 (Dacoity & Murder)*

Internal Assessment :

20

Recommended Books:

1. Ratan Lal and Dhiraj Lal - The Indian Penal Code.
2. K.D. Gaur - Criminal Law - Cases and Materials (2008), Butterworths India.
3. Prof. T. Bhattacharyya - The Indian Penal Code.
4. S.N. Misra - The Indian Penal Code.
5. R.C. Nigam - Law of Crimes in India, Vol. I & II

**LL.B. 3.2
Criminal Procedure Code**

(Credit : 6)

Full Marks: 100 [80+20]

Time : 3 hours

Pass marks: 45 [36+9]

[For distribution of marks in question paper and other instructions see Rule No. 21 of the Regulation]

Detailed Syllabus	Marks
Unit 1: Introduction	16
1.1 Importance of Criminal Procedure, (S 6)	
1.2 Classes of Criminal Courts, Powers and Jurisdiction (Ss. 7, 9-19, 26-35)	
1.3 Executive Magistrates (Ss. 20, 21, 22, 23)	
1.4 Powers (Ss. 106-124, 129-132, 133-148, 177-189)	
1.5 Powers of Police Officers (Ss. 36-40)	
Unit 2: Arrest of Persons, Rights of arrested Persons (Ss. 41-57)	16
2.1 First Information Report (S. 154) - Evidentiary value of F.I.R.	
2.2 Summons and warrant of arrest (Ss. 61-69, 70-81)	
2.3 Proclamation and Attachment (Ss. 82-86)	
2.4 Search warrant (Ss. 93-105)	
2.5 Maintenance of wife, children and parents (Ss. 125-128)	
2.6 Police Investigation (Ss. 154-175)	
2.7 Bail – Anticipatory Bail (SS 437-439)	
Unit 3: Condition requisite for initiation of proceedings (Ss. 196-199)	16
3.1 Public Prosecutors (Ss. 24, 225-226)	
3.2 Complaints to Magistrates and commencement of proceedings (Ss. 200-210)	
3.3 Charges and Joinder of Charges (Ss. 211-224)	
Unit 4: Trials	16
4.1 Trial before Court of Sessions (Ss. 227-237)	
4.2 Trial of Warrant Cases a. Instituted on police report (Ss. 238-243) b. Instituted on other than police report (Ss. 244-247)	
4.3 Trials summon cases by Magistrate (Ss. 251-259)	
4.4 Summary trials (Ss. 260-265)	
4.5 Plea Bargaining (Ss. 265A-265L)	
4.6 Commissions for the examination of witnesses (Ss. 284-291 and 291 A)	
4.7 General Provision for enquiry and trial (Ss. 300-311A, 318-321, 323, 326, 328, 329, 344, 348)	
Unit 5: Appeals, Revisions etc.	16
5.1 Appeals (Ss. 372-394)	
5.2 Revisions (Ss. 395-405)	
5.3 Transfer of criminal cases (Ss. 406-412)	
5.4 Execution of order	

Referred Cases :1. *Brij Nandan Jaiwal V. Munna AIR 2009 SC 2001*

2. *Bridaban Das V. State of W.B. (2009) 3 SCC 329*
3. *Balbir Singh V. State of Delhi AIR 2007 SC 2397*
4. *State of Haryana V. Dinesh Kumar (2008) 3 SCC 222*
5. *Zahira Habibullah H Shiekh V. State of Gujrat (2004) 4 SCC 158*
6. *Prahlad Singh Bhati V. NCT, Delhi (2001) 4 Sec 280*

Internal Assessment :

20

Recommended Books:

1. Ratanlal & Dhirajlal, Criminal Procedure Code
2. M.P. Tendon, Criminal Procedure Code
3. K.N. Chandrasekharan, Pillai, Kelkar's Criminal Procedures Code

LL.B. 3.3

Jurisprudence

Full Marks: 100 [80+20]

Pass marks: 45 [36+9]

[Note: For 2010-11 Session this paper is not required as it was already taught in 2009-10 under earlier syllabus]

[For distribution of marks in question paper and other instructions see Rule No. 21 of the Regulation]

(Credit : 7)

Time : 3 hours

Detailed Syllabus

Marks

Unit 1: Introduction		16
1.1	Definition, Nature and Scope of Jurisprudence	
1.2	Definition, nature and kinds of Law, State and Sovereignty	
1.3	Justice	- Meaning and kinds, Civil and Criminal Justice. - Administration of Justice, Punishment theories
1.4	Sources of Law	- Legal and Historical sources of Law - Legislation - Precedent - Custom - Professional Opinion - Agreement, etc.
Unit 2: Basic Theory of Law : Schools of Law (Part - I)		16
2.1	Analytical Legal Positivism	- Different approaches of Austin, Bentham and Hart
2.2	Kelson's Pure Theory of Law	- 'Grundnorm'
2.3	Historical School of Law	

- Contribution of Savigny
- Distinction between Legal History and Historical Jurisprudence
- Analytical School and Historical School

Unit 3: Basic Theory of Law : Schools of Law (Part - II) 16

- 3.1 Sociological School of Law.
 - approaches of Ihering, Duguit, Spencer.
- 3.2 Roscoe Pound's 'Social Engineering'.
- 3.3 'Social Solidarity' and its implications.
- 3.4 American Realism – 'Human Factor' and Scandinavian Realists.
- 3.5 Natural Law School – Origin, Development and revival in 20th century.
 - Human Rights – Fundamental Rights in Indian Constitution.
 - Reflections in the Constitution of India as well as in the decisions of Supreme Court of India with special reference to Maneka Gandhi Vs. Union of India, AIR 1978 SC 597.

Unit 4: Legal Concepts 16

- 4.1 Persons – Natural and Artificial of Legal – implications.
- 4.2 Legal Rights and Duties
 - Analysis of legal rights and kinds of legal rights
 - Hohfeld's Theory
- 4.3 Definition, nature and kinds of Liability
 - Civil and Criminal Liability
 - Remedial and Vicarious Liability etc.
 - Negligence and Duty of Care, Strict Liability
- 4.4 The Law of Obligations
- 4.5 The Law of Property
- 4.6 Ownership and Possession
 - Concepts & Distinction
 - Kinds of Ownership
 - Social control of Ownership
 - Kinds of Possession
 - Possessory remedies
- 4.7 Feminist Jurisprudence
- 4.8 Law of Procedure

Unit 5: Indian Legal System 16

- 5.1 Concepts of Dharma – Sruti and Smriti
 Supremacy of Law over King & State – Law is the King of Kings
- 5.2 Indian Legal System after independence
- 5.3 Natural Law – Indian concepts and perception with special reference to Kesavananda Bharti Vs. State of Kerala AIR 1973 SC 1461
- 5.4 Concept of Truth (Satya), Non-violence (Ahimsa) and Right code of Moral conduct (Sadachar) and Indian Constitution
- 5.5 Analytical Positivism and Legal Positivism

Referred Case Law on Legal Positivism : A.K. Gopalan Vs. State of Madras, AIR 1950 SC 28

- 5.6 Sociological Jurisprudence in Indian Perspective and its new judicial response on Social Interest, Protection of Bonded Labour & Child Labour and Control of Environmental Pollution

Referred Cases and Amendments :

1. *Olga Tellis Vs. Bombay Municipal Corporation, AIR 1986 SC 180*
2. *Bandhua Mukti Marcha Vs. Union of India, AIR 1984 SC 802*
3. *Peoples Union for Democratic Rights Vs. Union of India, AIR 1982 SC. 1473*
4. *42nd Constitutional Amendment Act. 1976*

Recommended Books for Unit 5 (Indian Legal System):

1. *Fundamentals of Jurisprudence – The Indian Approach – by Dr. S.K. Dhyani (Publisher – Central Law Agency), Chapter – 2*
2. *Dias Jurisprudence – Chapter – 3 (Rules, laws and legal system) (Publisher – Butterworths)*
3. *Jurisprudence – Legal Theory – by Dr. B.N. Mani Tripathi (Publisher – Allahabad Law Agency).*

Internal Assessment :

20

Recommended Books:

1. Jurisprudence and Legal Theory – by V.D. Mahajan.
2. Fundamentals of Jurisprudence – The Indian Approach – by Dr. S.N. Dhyani.
3. Jurisprudence – The Philosophy and Method of Law – by Bodenheimer.
4. Jurisprudence – by R.W.M. Dias.
5. Jurisprudence – Legal Theory – by Dr. B.N. Mani Tripathi.
6. The Concept of Law – by H.L.A. Hart.
7. Introduction to Jurisprudence – by Dr. Avtar Singh.
8. Salmond on Jurisprudence – by P.J. Fitzgerald.

LL.B. 3.4 OP₂

Women & Criminal Law

Optional 2 : Crime & Criminology Group

Full Marks: 100 [80+20]

Pass marks: 45 [36+9]

[For distribution of marks in question paper and other instructions see Rule No. 21 of the Regulation]

(Credit : 5)

Time : 3 hours

Detailed Syllabus

Marks

Unit 1: Introduction

16

- 1.3 Status of Women in India
- 1.4 Status of Women – International concerns
- 1.3 Constitution of India & Women
 - 1.3.1 Preamble
 - 1.3.2 Equality Provision

Paper - 3.4

Research Methodology
(Paper in LL.B/LL.B (H) - 3.4 and BA.LL.B/BA.LL.B (H) - 6.4)

Unit-I Basics of Law/Research

Sources of Law

Precedent, Custom, Legislation, Public Opinion

Legal Materials

Statutes, Enactments, Judgment, Reports

Meaning of Research

Objectives of Research

Significance of Research

Importance of Research methodology

Unit-II Legal research Methodology

Meaning and Objectives

Socio Legal Research

Doctrinal and Empirical- Relevancy in modern context

Scientific approach to Legal Research

Unit-III Major Steps in Legal Research

Identifying to Research problem

Hypothesis/Null Hypothesis

Experimentation

Research Design

Collection and Analysis of Data-primary and Secondary

Report writing

Unit-IV Tools of Research

Use of Library

Observation

Questionnaire

Interview

Sampling

Case Study

Unit-V Legal Reasoning

Interpretation

Deductive

Inductive

Report writing

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P. Choudhary
Member
ICS (Retd)

4.2 Indecent Representation Act, 1986

Unit 5: Print Media and Registration Act, 1867

1.1 National Security Act, 1980

16

Referred Cases-

1. *Zee Telefilms Ltd. V. Union of India* (2005) 4 SCC 649
2. *Bennett Coleman and Co. v. Union of India* AIR 1973 SC 106

Internal Assessment:

20

Recommended Books:

1. Madhavi Goradia, *Facet Of Media Law*
2. *Media, Press and Telecommunication Law, 2007*
3. DR. A. Verma, *Cyber Crimes & Law*

LL.B. 3.5 P₁

Alternate Dispute Resolution

Practical - 1

(Credit : 5)

Full Marks: 100 [60+20+20]

Pass marks: 45 [27+9+9]

Theory : 60, Pass Marks: 27

Practical : 20, Pass Marls : 9

Internal Assessment : 20, Pass Mark : 9

[For Unit - 1, 2 & 3 there will be written examination of 60 marks of 2 hour duration. Pass mark in the written examination will be 27 marks. Practical examination with viva-voce will be of 20 marks. Pass mark for practical examination will be 9 marks. There will be internal assessment from all the Units and pass mark for internal assessment will be 9 marks.]

[For distribution of marks in question paper and other instructions see Rule No. 21 of the Regulation]

Detailed Syllabus

Marks

Unit 1: UNCITRAL, 1980 and UNCITRAL Rules, 1985	20
A. History	
B. International developments	
C. Government of India's obligation (Article 51, Art. 253)	
Unit 2: The Arbitration and Conciliation Act, 1996	20
A. Mediation	
B. Conciliation	
C. Arbitration	

D. Pure Legal Process

Unit 3: ADR Provision Under the Constitution of India and under Different Laws 20

- A. ADR provisions under the CPC, 1908 (Sec. 89)
- B. ADR provision under the Hindu Marriage Act, 1955 [Sec. 23 (2)]
- C. ADR provision under the relevant provisions of the Indian Contract Act, 1872.
- D. ADR provisions under the Constitution of India, Article 298, Art. 299 and the related provisions of Art. 53 and Art. 162.
- E. Legal Services Authorities Act, 1987 (relevant provisions)

Referred Cases :

1. *K.K. Modi Vs. K.N. Modi & others*, AIR 1998 SC 1297.
2. *National Insurance Co. Vs. Amal Kumar Das*, AIR 1998 Gau - 1.
3. *SBP & Co. Vs. Patel Engg. Ltd.* 2005 (8) SCC 618.
4. *Krishna Bhagya Jala Nigam Ltd. Vs. G. Arischandra Reddy* (2007) 2 SCC 720.
5. *Oil & Natural Gas Corporation Vs. Saw Pipes Ltd.* 2003 (4) SCALE 92 - 185.

Practical : Marks : 20 [Written Report : 15 + Viva-voce : 5]

Every student is to attend mediation centres of the High Court, the District Courts, the Permanent Lok Adalats and other Centres under the guidance of the teacher concerned. They will also be required to submit a Report of the cases attended. Written reports will be submitted to the teacher of this paper within a week after attending the Mediation centers and other centres. The teacher will evaluate these reports continuously through out the semester and award marks.

[Note: The written reports evaluated by the teacher along with list of the marks awarded will be placed before the external examiner at the time of vive-voce examination. The teacher of the practical paper will be the internal examiner who along with the external examiner will jointly award final marks on written reports and viva-voce examination. Written reports will not be accepted for final evaluation by the external & internal examiners if they are not submitted and evaluated regularly throughout the semester.]

Internal Assessment :

20

Recommended Books:

1. The Arbitration and Conciliation
By Dr. Avtar Singh.
2. The Arbitration and Conciliation
By Dr. N.V. Paranjape.