

SWAMI RAMANAND TEERTH MARATHWADA UNIVERSITY, NANDED

LL.B – III and BSL – V (Semester VI)

Paper – VI

CRIMINAL PROCEDURE CODE, JUVENILE JUSTICE ACT AND PROBATION OF OFFENDERS ACT

**(This paper comprises of 84 units)
Syllabus (w.e.f. 2012-2013)**

- 1) Object and rationale of Criminal Procedure- definitions- bailable offence, non bailable cognizable offence and non cognizable offence, complaint, police report, inquiry, investigation, judicial proceeding, summons case and warrant case. Classification of criminal courts. Process to compel appearance- summons, warrant of arrest, proclamation and attachment. Arrest of person- procedure, rights of arrested person, power of arrest. Process to compel production of things- summons to produce, power of police officer to seize certain property. **(Unit 12)**
- 2) Information to police of cognizable offences, powers of police to investigate cognizable and non cognizable offences, arrest of persons with and without warrant, procedure for investigation, examination of witnesses by police, use of statements before police in evidence. Recording of confessional statements procedure on completion of investigation, diary of proceedings in investigation, inquest report, magistrate's powers to take cognizance, commitment of case to court of session. **(Unit 14)**
- 3) Rights of accused and principles of fair trial, provisions regarding place of trial, charge- contents, joinder of charges and joinder of persons, procedure for trial before court of session and procedure for trial before magistrates, warrants cases- instituted on police report and instituted otherwise than on police report. Summons cases, summary trial. **(Unit 12)**
- 4) Disposal of criminal cases- withdrawal and compounding of offences, autrefois acquit and autrefois convict, pardon to accomplice, judgment, pre-sentence hearing, execution of death sentence, execution of sentence of imprisonment, suspension, remission and commutation of sentences. **(Unit 08)**
- 5) Bail- meaning and purpose, bail in bailable offences, bail in non bailable offences, anticipatory bail, special powers of High Court, and court of session regarding bail, power of appellate court to grant bail, cancellation of bail, bail for default in completion of investigation within prescribed period, general provisions regarding bond and bail bond. **(Unit 10)**

6) Inherent powers of High Court, appeal, reference and revision, compensation to victims of crime, time limitation for taking cognizance. **(Unit 08)**

7) Preventive actions security proceedings, order for removal of nuisance, procedure regarding disputes to immovable property, maintenance of wife, children and parents. **(Unit 10)**

8) The Juvenile Justice Act (Care and Protection of Children) Act 2000, definition (Sec.2), juvenile in conflict with law (Sec. 4-28), child in need of care and protection (Sec29-39), rehabilitation and social integration., **(units 05)**

9) The Probation of Offender's Act, 1958 and sec. 360, 361 CrPC, release after admonition, release on probation of good conduct.

a) without supervision order

b) with supervision order

restriction on imprisonment of young offenders, removal of disqualification- conditions of probation and variations in them, on observance of conditions of probation orders. **(units 05)**

suggested readings

Ratan Lal and Dhiraj Lal, Criminal Procedure Code 1973

M.P. Tandon, Criminal Procedure Code 1973

Sarkar on the law of Criminal Procedure

R.V. Kelkar, Outlines of Criminal Procedure

Sohoni's Criminal Procedure Code

Paranjape, Law Relating to Probation of Offenders

The Juvenile Justice (Care and Protection) Act 2000

Ved Kumari, The Juvenile Justice System in India from Welfare to Right

The Probation of Offender's Act 1958

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LL.B – III and BSL – V (Semester VI)

Paper – VII

ADMINISTRATIVE LAW

(This paper comprises of 84 units)

Syllabus (w.e.f. 2012-2013)

1) Evolution, Nature and Scope of Administrative law-

From a laissez faire to a social welfare State- State as regulator of private interest State as provider of services- other functions of State- relief, welfare. Relationship between Constitutional law and Administrative law, separation of powers – to what extent relevant to administrative functions, rule of law and administrative law, definitions of administrative law, scope of administrative law emerging trends positive duties of administration under the modern social welfare legislation and compulsion of planning. **(units 08)**

2) Classification of administrative actions

Ministerial and discretionary powers of administration power, administrative action- quasi judicial and quasi legislature powers of administration. **(units 08)**

3) Legislative powers of administration

Delegated legislation- meaning and classification,. Necessity for delegation of legislative power, constitutionality of delegated legislation- powers of exclusion and inclusion and power to modify status. Requirement for the validity of delegated legislation. Consultation of affected interests and public participation in decision- making. Publication of delegated legislation. Laying procedures and their efficacy, committees on delegated legislation- their constitution, function and effectiveness. Hearings before legislative committees. Judicial control of delegated legislation- doctrine of ultravires. Sub delegation of legislative powers. **(units 08)**

4) Principles of natural justice-

Meaning, and classification, rule of fair hearing and various forms thereof, exceptions to rule of fair hearing, rule against bias, different kind, of bias, judicial interpretation of rule of natural justice, exceptions to the application, consequences of breach of principles of natural justice. **(units 08)**

5) Administrative discretion

Need for administrative discretion, administrative discretion and rule of law. Malafide exercise of discretion. Constitutional imperatives and use of discretionary authority. Irrelevant considerations. Non exercise of discretionary power. Discretion to prosecute or to withdraw prosecution. Limiting, confining and structuring discretion general discretion. **(units 08)**

6) Judicial Control of administrative action

Courts as the final authority of determine legality of administrative action – problem and perspective, exhaustion of administrative remedies. Standing, standing for social action litigation , laches, res judicata. Grounds of judicial review- scope of judicial review, jurisdictional error/ultra vires, abuse and non exercise of jurisdiction, error apparent on the face of the record, violation of principles of natural justice, violation of public policy, primary jurisdiction, absence of rightness. Political question. Doctrine of legitimate expectation. Methods of judicial review, statutory appeals, mandamus, certiorari, prohibition, quo warranto, habeas corpus, declaratory judgments and injunctions, specific performance and civil suits for compensations. Fact finding commissions. **(units 08)**

7) Quasi judicial powers of administration

Need for devolution of adjudicatory authority on administration. Administrative tribunals and other adjusting authorities their ad-hoc character. Nature of tribunals, kinds, constitution, and procedure followed. Jurisdiction of administrative tribunals and other authorities, distinction between quasi judicial and administrative functions. **(units 08)**

8) Liability for wrongs (tortious and contractual)

Tortious liability - sovereign and non - sovereign function. Crown Proceeding Act of U.K. and torts claims Act of U.S. statutory immunity. Act of State. Contractual liability of government. Government privilege in legal proceedings. State secrets, public interest, etc. Right to information and open government. Estoppel and waiver. **(units 08)**

9) Corporation and public undertakings

State monopoly remedies against arbitrary action or for acting against public policy. Liability of public and private corporations of departmental undertakings. Legal remedies. Accountability- committed on public undertakings, estimates committee, etc. **(units 08)**

10) Informal methods of settlement of disputes and grievance redressal procedures.

Conciliation and mediation through social action groups. Use of media, lobbying and public participation in policy making. Public inquiries and commissions of inquiry. Ombudsman, parliamentary commissioner. Lok Pal, Lok Ayukta. Vigilance commission. Congressional and parliamentary committees. Central vigilance committee. RTI and role of information commission in accountability of administration.

Select bibliography

C.K. Allen, Law and Orders

D.D. Basu, Comparative Administrative Law

M.A. Fazal, Judicial Control of Administrative Action in India, Pakistan and Bangladesh

Franks, Report of the Committee on Administrative Tribunals and Inquiries HMSO

Peter Cane, An Introduction to Administrative Law, oxford

Wade, Administrative Law, Universal, Delhi

J.C.G. Arner, Administrative Law, Butterworth's

M.P. Jain, Cases and Materials on Indian Administrative Law, Universal, Delhi

Jain and Jain, Principles of Administrative Law, Universal Delhi

SP Sathe Administrative Law, Butterwoth's

De Smith, Judicial Review of Administrative Action, Sweet and Maxwell with supplement

B. Schwartz An Introduction to American Administrative Law

Indian Law Institute, Cases and Materials on Administrative Law in India, Delhi.

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LL.B – III and BSL – V (Semester VI)

Paper – VIII

INTERNATIONAL HUMAN RIGHTS

(This paper comprises of 84 units)

Syllabus (w.e.f. 2012-2013)

1) Historical development of concept of human rights

Human rights in Indian tradition, ancient, medieval and modern. Human rights in Western tradition, classification of human rights three generation. Concept of natural law. Concept of natural rights. Human rights in legal tradition, international law and national law. **(units 10)**

2) UN and Human rights

Universal Declaration of Human Rights, 1948, individual and group rights. International Covenant on Political and Civil Rights 1966. International Covenant on Economic, Social and Cultural Rights 1966. ILO and other Conventions and Protocols dealing with Human Rights. **(units 14)**

3) Human rights and vulnerable groups

Women, Child, Migrant Workers, Refugees, Internally Displace. Relevant International Conventions and Declarations. **(units 10)**

4) Role of regional organizations

European Convention on Human Rights. American Convention Human Rights. African Convention Human Rights. **(units 12)**

5) Protection agencies and mechanisms

International commission of human rights. Non Governmental organizations. Amnesty international. European Commission on Human Rights/Court of Human Rights. U.N. Division of Human Rights. International Labour Organization. UNESCO. UNICEF. **(units 14)**

6) Impact and implementation of international human rights norms in India

Human rights norms reflected in fundamental rights in the constitution. Directive principles, legislative and administrative implementation of international human rights norms. **(units 10)**

7) Enforcement of Human Rights in India

Role of courts, the supreme Court, High Courts and other courts. Statutory commissions, National Human Rights Commission, State Human Rights Commission, National Commission for Women, Scheduled Caste, Scheduled Tribe, Minority and Backward Class. **(units 14)**

Select bibliography

S.K. Avesti and R.P. Kataria, Law Relating to Human Rights.

S.K. Varma, Public International Law, Prentice Hall, New Dalhi

Peter J. Van Krieken The Exclusion on Clause, Kluwer

Human rights Watch Women's Rights Project, The Human Rights Watch Global Report on Women's Rights 2000, Oxford

Ermacora, Nowak and Tretter, International Human Rights , Sweet and Maxwell

Wallace, International Human Rights, Text and Material, Sweet and Maxwell

Muntarbhorn, The Status of Refugees in Asia, Oxford

Human Rights and Global Diversity , Frank Cass, London

Nirmal C.J. Human Rights in India, Oxford

P.R. Gandhi, International Human Rights Documents, Universal, Delhi

SWAMI RAMANAND TEERTH MARATHWADA UNIVERSITY,
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LL.B – III and BSL – V (Semester VI)

Paper – IX

PRINCIPLES OF INCOME TAX LAWS

(This paper comprises of 84 units)

Syllabus (w.e.f. 2017-2018)

1) General 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, tax evasion and tax avoidance. Scope of taxing powers of parliament, state legislature and local bodies, constitutional powers, distribution of legislative powers between the union and states with particular reference to taxing powers, general scheme of distribution of legislative powers, distribution of taxing powers, entry 97 and entry 86 of list I (Union list), entry 49 list II (State list), (units 30)

2) Income tax

Basic concepts, income, total income, income not included in total income, deemed income, clubbing of income. Assessee. Person. Tax planning. Chargeable income, heads of income, salaries, income from house property, income from business or profession, capital gains, income from other sources, deductions, relief, and exemptions, rate of income tax. Income tax authorities, power and functions, offences and penal sanctions. Settlement of grievances, authorities, powers and functions. Role of I.T. ombudsman, income tax appellate tribunals High Court, and Supreme Court. (units 36)

3) Goods and Services Tax (GST)

Constitutional perspectives of GST, basic Concepts,, Introduction, definition, charging, registration, authorities under GST, Appeals & Revision, Offences & Penalties. (units 18)

Select Bibliography:

Remesh Sharma, Supreme Court on Direct Taxes, Bharath Law house, New Delhi.

Sampath Iyengar, Law of Income Tax, Bharath Law House, New Delhi.

Diwan B.K. and Sanjay Mehtani, Formation Taxation and Assessment Charitable and Religious Trusts, Bharath Law House.

Kanga and Paliwala, The Law and Practice of Income Tax, Wadhwa, Nagpur.

Parameswaran K., Power of Taxation under the Constitution, Eastern Lucknow.

Ramachandran V. and T.A. Ramaakrisnan, A.N. Aiyar's Indian Tax Laws.

Bhattacharya S. and H.R. Garg, Handbook of Direct Taxes, Eastern Law House.

CA Vineet Sodhani & CA Deepshikha Sodhani, "GST Law Practice and Procedures", Snow White Publication.

Dr. S.R. Myneni, Law of Taxation, Allahabad Law Agency.

Dr. Bangar Vandana & Dr. Yogendra Bangar, "Beginners Guide to GST", Bangar Publication.

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LL.B – III and BSL – V (Semester VI)

Paper – X

INTERPRETATION OF STATUTES

(This paper comprises of 84 units)

Syllabus (w.e.f. 2012-2013)

1) Principles of legislation

Law making, the legislature, executive and the judiciary, Principles of Utility, Principle of John Rawls and Nozick, individual interest to community interest. Operation of these principles upon legislation. Distinction between morals and legislation. **(units 19)**

2) Interpretation of statutes

Meaning of the term 'statutes', commencement, operation and repeal of statutes, purpose of interpretation of statutes, salient features of General Clause Act. **(unit 08)**

3) Aids to interpretation

Internal aids, title, preamble, headings and marginal notes, sections and sub sections, punctuation marks, illustrations, exceptions, provisions, and saving clauses, schedules, non obstante clause. External aids, dictionaries, translations, travaux preparations, statutes in pari materia, contemporanea exposito, dabates, inquiry commission reports and Law Commission reports. **(units 12)**

4) Rules of statutory interpretation

Primary rules, literal rule, golden rule, mischief rule, secondary rules, noscitur a sociis, ejusdem generis, reddendo singula singulis. **(Units 05)**

5) Presumptions in statutory interpretation

Statutes are valid, statutes are territorial in operation, presumption as to jurisdiction, presumption against what is inconvenient to absurd, presumption against intending injustice, presumption against impairing obligations or permitting advantage from one's own wrong, prospective operation of statutes. **(units 07)**

6) Maxims of statutory interpretation

Delegates nonpotest delegare. Expression unius exclusio alterius. Generalia specialibus non derogant. In pari delicto potior est condition possidentis. Utres valet potior quam pareat. Expressum facit cessare tacitum. In bonam partem. **(units 13)**

7) Interpretation with reference to the subject matter and purpose

Restrictive and beneficial construction, taxing statutes, penal statutes, welfare legislation, interpretation of substantive and adjunctival statutes, interpretation of directory and mandatory provisions, interpretation of enabling statutes, interpretation of codifying and consolidating statutes, interpretation of statutes conferring rights, interpretation of statutes conferring powers. **(units 10)**

8) Principles of constitutional interpretation

Harmonious construction, doctrine of pith and substance, colourable legislation, ancillary powers, occupied field, residuary power, doctrine of repugnancy. **(units 100)**

Select bibliography

G.P. Singh, Principles of Statutory Interpretation. Wadhwa, Nagpur

P. St. Langan, Maxwell on Interpretation of Statutes, The Law Book Co. Allahabad

V. Sarathi, Interpretation of Statutes, Eastern, Lucknow

M.P. Jain, Constitutional Law of India, Wadhwa

M.P. Singh, V.N. Sukla's Constitution of India, Eastern Lucknow

U.Baxi, Introduction to Justice K.K. Mathew's Democracy, Equality and Freedom, Eastern, Lucknow.

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LL.B – III and BSL – V

Paper – XI

Drafting, Pleading and conveyancing.(Yearly Pattern)

Syllabus for 2012-2013

Note 1: This course will be taught through class room instructions and simulation exercises preferably with assistance of practicing lawyers/retired judges. Apart from teaching the relevant provisions of law, the course will include: 15 exercises in Drafting carrying a total 45 marks and 15 exercises in Conveyancing another 45 marks (3 marks for each exercise).

1. Drafting:-

General principles of drafting and relevant substantive rules.

2. Pleadings:

(a) i) Plaint ii) Written Statement iii) Interlocutory Application iv) Original Petition v) Affidavit vi) Execution vii) Memorandum of Appeal and Revision

(b) i) Complaints ii) Criminal Miscellaneous petition iii) Bail Application

iv) Promissory Note v) Power of Attorney vi) Will

The remaining 10 marks will be given in a viva voce examination which will test the understanding of legal practice in relation to Drafting, Pleading and conveyancing.

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Paper – XII

MOOT COURT AND INTERNSHIP

SYLLABUS 2013-14

Detailed scheme of the Practical of MOOT COURT AND INTERNSHIP w.e.f. academic year 2013-14
This practical shall consist of five components spread over for 3 years i.e. from First year to Third year of three year law degree course and from Third year to Fifth year of five year law degree course.

PART A

Each student shall have to complete minimum 12 weeks of internship during the last three years of his study under the guidance of trial or appellate Advocates.

PART B

Interviewing techniques and pre-trial preparations.

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| i. two interviewing sessions of client | 15 marks | |
| ii. pre-trial preparations | 15 marks | 30 marks |

PART C

Observation of trial in two cases.

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|-----------------------|----------|----------|
| i. one civil case | 15 marks | |
| ii. one criminal case | 15 marks | 30 marks |

PART D

3 moot courts of 10 marks each		30 marks
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PART E

Viva voce examination	10 marks	10 marks
		Total 100 marks

The award of marks for part B and C shall be done by the lecturer in charge based on the practical record submitted by the students under the supervision of any Advocate of minimum 5 years of standing at the Bar which is duly certified by him.

The performance of the students shall be evaluated in respect of part C component based on their participation in three compulsory moot-courts and by considering their written submissions and oral presentation.

The viva voce in respect of part D component shall be conducted by the Board consisting of the principal of the college and the faculty in-charge of the subject in the final semester of the law course. The syllabus of the viva voce examination shall cover part A, B, C and D.

For submitting the final internship record and to appear for the viva voce examination, student must have to submit his/her University Exam form by duly registering for the final sem examination by paying the prescribed fees.