

# **Shivaji University, Kolhapur**



**Faculty of Humanities**

**(LL. B. – Three Years) Degree Programme**

**Choice Based Credit System (CBCS)**

**Syllabus Part – III (Semester V and VI)**

**To be implemented from Academic Year 2021-2022**

**THIRD YEAR OF THREE YEARS LAW COURSE**  
**SEMESTER - V**  
**DSC – 501 CIVIL PROCEDURE CODE AND LIMITATION ACT**  
**(Paper - I)**

**Object of the Course:**

Civil Procedure Code is subject of daily use by the courts and lawyers. True that it is through experience one gets expert knowledge of civil procedure. However, it is necessary to have good grounding in the subject before a law student enters the profession. While the substantive law determines the rights of persons affected by action, judicial decisions will supply the omissions in the law. The Code of Civil Procedure in India has a conquered history and lays down the detailed procedure for redressal of civil rights. Many questions may prop up when one goes to vindicate one's civil rights. The court where the suit is to be filed, the essential forms and procedure for institution of suit, the document in support and against, evidence taking and trial, dimensions of an interim order, the peculiar nature of the suit, the complexities of executing a decree and provision for appeal and revision are all matters which a lawyer for any side is to be familiar with. A delay in filing the suit, besides indicating the negligence of the plaintiff in effectively agitating the matter within time, this may place court in a precarious situation. They may not be in a position to appreciate the evidence correctly. Evidence might have been obliterated. Hence, the statute of limitation fixes a period within which a case has to be filed.

**Teaching Learning Methods:**

The teaching methodology suggested for this paper is clinical/ practical approach to make the students aware of all procedural technicalities along with theoretical knowledge through Lecture method, group discussion and interactive sessions of learning is the best method of teaching and learning of this subject.

**Evaluation methods:** Theory Examination – 70 Marks

**Internal Assessment:**

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

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**30 Marks**  
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**SYLLABUS**

**Unit- I: Introduction**

1.1 The basic concepts in civil procedure code

1.2 Distinction between decree and judgment and between decree and order

- 1.3 Jurisdiction of Court
- 1.4 Suit of civil nature-scope and limits
- 1.4 Res-subjudice and Resjudicata
- 1.6 Place of suing

#### **Unit- II: Institution of Suit**

- 2.1 Meaning and essentials of suit
- 2.2 Institution of suit
- 2.3 Parties to the suit, Joinder, mis- joinder or non-Joinder of parties
- 2.4 Representative suit.
- 2.5 Frame of suit: Importance of cause of action
- 2.6 Summons and modes of service of summons

#### **Unit- III: Pleadings**

- 3.1 Fundamental rules of pleading, signing and verification.
- 3.2 Complaint: rules and particulars,
- 3.3 Admission of complaint and return and rejection of complaint
- 3.4 Written statement: particulars, rules of evidence
- 3.5 Set off and counter claim distinction and Amendment of pleadings
- 3.6 Settlement of Issues and Discovery, inspection and production of documents
- 3.7 Interrogatories
- 3.8 Privileged documents
- 3.9 Affidavits

#### **Unit- IV: Appearance, Examination and Trial**

- 4.1 Appearance and Ex-parte procedure
- 4.2 Summary Suits
- 4.3 Summary and attendance of witnesses
- 4.4 Trial
- 4.5 Adjournments
- 4.6 Interest and costs.

#### **Unit – V Interim orders and Miscellaneous:**

- 5.1 Injunction
- 5.2 appointment of receiver
- 5.3 commissions
- 5.4 Arrest or attachment before judgment,
- 5.5 Transfer of cases
- 5.6 Caveat
- 5.7 Inherent powers of Courts
- 5.8 Judgment : Meaning and essentials

#### **Unit- VI: Execution.**

- 6.1 The concept.
- 6.2 General principles (Ss.52.54).
- 6.3 Power for execution of decrees.

- 6.4 Procedure for execution (Ss.55.54)
- 6.5 Enforcement, arrest and detection (Ss.55.59 ).
- 6.6 Attachment (Ss.60-64).
- 6.7 Sale (Ss.65-97).
- 6.8 Delivery of property.
- 6.9 Stay of execution.

#### **Unit- VII: Suits, Appeals, Review, Reference and Revision**

- 7.1 By or against government (Ss.79-82)
- 7.2 By aliens and by or against foreign rulers or ambassadors (Ss. 83-87 A)
- 7.3 Settlement of disputes outside the court (S.89)
- 7.4 Suits by or against firm
- 7.5 Interpleader suits
- 7.6 Suits relating to public charities.
- 7.7 Appeals, Review, Reference and Revision
- 7.8 Appeals from original decree, appellate decree, Order

#### **Unit- VIII: The Law of Limitation**

- 8.1 Condonation of delay
- 8.2 Bar of Limitation
- 8.3 Expiry of prescribed period when court is closed
- 8.4 Extension of prescribed period in certain cases
- 8.5 Legal disability and Continuous running of time
- 8.6 Computation of period of limitation
- 8.7 Acquisition of ownership by possession

#### **Books Recommended:**

1. Mulla - The Code of Civil Procedure - Tripathi
2. Takwani C. K. - The Code of Civil Procedure, eastern book Company, Lucknow
3. Civil Manual - Issued by the High Court Bombay
4. Ganguly A. C. - Civil Court Practice and Procedure
5. Mitra B. R. - Limitation Act
6. Taxman's - The Code of Civil Procedure 1908
7. SanjiwaRao - Civil Procedure Code.
8. Justice C. K. Takkar (Takwani) - Code of Civil Procedure.
9. Dr. S.R. Myneni-Code of Civil Procedure and Limitation.
10. B. B. Mitra: Limitation Act, Eastern law House, Allahabad.

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**DSC – 502 LAW OF EVIDENCE  
(Paper - II)**

**Objectives of the Course:**

The Law of Evidence is the very basis of the administration of justice. It is the basis of Rule of Law in all democratic states. It is an indispensable part of both substantive and procedural law. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to facts before the forum.

This paper enables the student to appreciate the concepts and principles understanding the law of Evidence and identify the recognized form of Evidence and its sources. The subject seeks to impart the student the skills of examination and appreciation of oral and documentary evidence in order to find out the truth.

The art of examination and cross examination and the shaping nature of burden of proof are crucial topics. In the beginning of the present century several amendments have been made to meet new social conditions. As a result of recommendations by the U.N. General Assembly in 1997, The Information Technology Act, 2000 was passed. It has made extensive changes in the act to provide legal recognition to transaction carried out by means of electronic data exchange and other means of electronic communications. The concepts brought in by amendments to the Law of Evidence are significant part of study in this course.

**Teaching Learning Methods:**

Lecture method, group discussion and interactive sessions of learning is the best method of teaching and learning.

**Evaluation methods:** Theory Examination – 70 Marks

**Internal Assessment:**

Assignment / Project Work / Presentation	: 20 Marks
Viva Voce College Level	: 10 Marks

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**30 Marks**  
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**SYLLABUS:****Unit-I: Nature & Functions of the Law of Evidence**

1.1 Origin and Development of Law of Evidence during Ancient, Medieval and British Period.

1.2 Necessity and Importance of Law of Evidence.

1.3 Salient features of the Indian Evidence Act, 1872.

1.4 Important concepts under of Indian Evidence Act, 1872. **(Sec.1-5)**

- Evidence, Facts, Facts in issue, Relevant Facts, Proved, Disproved and Not Proved.
- Presumptions – May Presume, Shall Presume and Conclusive Proof.

1.5 Relevancy and Admissibility of Facts, Appreciation of Evidence.

- -Rules of Evidence with special reference to other Acts i.e., CPC, Cr. P.C. and Information Technology Act, 2000.

**Unit-II: The Theory of Relevancy of Facts (Ss 6-31)**

2.1 Relevancy of Facts connected with facts in issue: **(Sec.6 - 16)**

- Doctrine of *Res gestae*,
- Occasion, cause and effect,
- Motive, Preparation and Conduct
- Facts necessary to explain or introduce relevant facts - Identification Parade
- Facts to prove existence of Conspiracy -Common Intention,
- Plea of Alibi, Proof of Custom, Facts concerning and Business.

2.3 Rules relating to Admissions :( **Sec. 17 – 23 and 31**)

- Definition of Admission, Nature and Scope of Admissions, Formal and Informal Admissions, Vicarious Admissions, Proof of Admissions and its Propositions, when Admissions in Civil Cases are relevant.

2.4 Rules relating to Confession: **(Sec. 24— 30)**

- Definition of Confession, Extra Judicial Confessions and Judicial confessions, Sec. 27 its importance, Retracted confession, Evidentiary Value of confession

2.5 Differences between Admissions and Confession.

**Unit-III: Theory of Relevancy of Statements, Judgments and Opinion: (Ss 32-55)**

- 3.1 Relevancy of Statements made by Person Who cannot be called as witness-
  - Dying declaration, Evidentiary value of Dying Declaration. **Sec.31(1)**
  - Statements made in different circumstances **32 (2) to 32 (8)**
- 3.2 Relevancy of Statements made under special circumstances (**Sec34 -39**)
- 3.3 Relevancy of Judgments of Courts (**Sec. 40 - 44**)
- 3.4 Relevancy of Opinion of Third Persons witnesses (**Sec. 45 – 51**)
- 3.5 Relevancy of Character of the parties in civil cases and criminal proceedings (**Sec. 52 – 55**)

**Unit-IV: Various Modes of Proof of Facts (Ss. 56-100)**

- 4.1 Facts which need not to be proved (**Ss. 56-58**)
- 4.2 Proof of Facts by oral Evidence (**Ss. 59-60**)
- 4.3 Proof of Facts by Documentary Evidence (**Ss. 61-73A**)
- 4.4 Kinds of Documents and its proof (**Ss. 74-78**)
- 4.5 Presumption as to Documents (**Ss. 79-78**)
- 4.6 Of the exclusion of oral by Documentary Evidence (**91-100**)

**Unit-V: Production and Effect of Evidence-Burden of proof and Estoppels (Ss. 101-117)**

- 5.1 Meaning of Burden of Proof
- 5.2 General Rules of Burden of Proof (**Sec. 101 – 103**)
- 5.3 Specific Rules of Burden of Proof (**Sec. 104 – 114 A**)
- 5.4 Principles of Estoppel (**Ss. 115**)
  - Estoppel and Admission, Estoppel and Waiver, Estoppel and Fraud
  - Estoppel and its applications: Estoppel by Record, Estoppel by Deed,
  - Estoppel in Pais, Promissory Estoppel, Constructive Estoppel.
- 5.5 Specific Estoppel between tenant and Licensee (**Ss. 116**)
  - Estoppel of Acceptor of bill of Exchange, bailee or Licensee (**Ss. 117**)

**Unit-VI: Production & Effect of Evidence – Competency and Compellability of witnesses (Ss.118-134)**

6.1 Meaning, Nature and Role of witness

6.2 Competency of witnesses (Ss. 118-121)

- Who are competent witnesses? Tender years (child witness), Extreme Old age, Diseased whether body or mind, cause of any other kind.
- Dumb Witness
- Husband and Wife, Parties to Suit or Proceeding
- Judges and Magistrate

6.3 Compellability of Witnesses-Privileged communication (Ss. 122-132)

6.4 Evidence of Accomplice (Ss. 133-134)

6.5 Witness protection-The new Paradigm

**Unit-VII: General Principles of Examinations of Witnesses-(Ss.134-167)**

7.1 Examination in chief, cross examination and Re-examination, order of Examination witness character, Examination of witness (Ss. 135-140)

7.2 Leading questions (Ss. 141-143)

7.3 Hostile witness (Ss. 154)

7.4 Impeaching the credit of witness (Ss. 155)

7.5 Rejection of Evidence (Ss. 167)

**Unit-VIII: Evaluation of Evidence**

8.1 In Civil and Criminal cases

8.2 By Tribunals, Administrative Tribunals

8.3 By Quasi-Judicial authorities and commissions of Enquiry

8.4 By person a Designate

8.5 By Disciplinary Authorities

8.6 In wills, Appeals, Second Appeal and Revision



**References:**

1. **Ratanlal & Dhirajlal;** *The Law of Evidence* (1999), Wadhawa & Co., Nagpur.
2. **Avatar, Singh;** *Principles of the Law of Evidence* (2009), Central Law Publication, Allahabad.
3. **Dr. V Krishnamachari;** *Law of Evidence* (2006) S. Gogoa & Company, Hyderabad.
4. **P S Atchutan Pillai;** *The Law of Evidence* (1984), N M Tripathi Private Limited, Bombay.
5. **N K Acharya;** *Evaluation of Evidence* (2010), Asia Law House, Hyderabad.
6. **Pande, G S;** *Law of Evidence* (2009), University Book House, Jaipur.

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**DSC – 503 LABOUR LAW – I (Industrial Laws)  
(Paper - III)**

**Objectives of the Course:**

The study of Industrial Law is a very significant part of the study of modern jurisprudence. It is estimated that in India, nearly one-sixth of litigation in the Supreme Court pertains to industrial law matters. Thus, Industrial Jurisprudence plays vital role in building the economic structure of the society. It also plays as an instrument of social justice. Industrial relations embrace a complex of relationships between the workers, employers and government, concerning with the terms of employment and conditions of labour of the workers. The law relating to labour and employment in India is primarily known under the broad category of "Industrial Law".

Labour Laws consist of the various enactments, administrative rules & regulations, judicial precedents, etc. which addresses the relationship between Government, Employers, Employees & their Organizations dealing with issues relating to payment of wages, terms of employment, working conditions, social security, etc. Additionally, there are several labour laws which regulate service conditions in specific industries, such as building and construction work, pharmaceuticals, dockyards, mines, etc. In other words, Labour law primarily, aims at and associated with the protection of the rights & interests of formal as well as informal workers, The Pre and Post- independence era witnessed some important developments in the field of labour

and Industrial Laws. But as we know, social Engineering is a continuing process, which goes on with the pace of time and here lies the importance of study of Industrial Jurisprudence.

The law and practice relating to labour and management is the story of conflict and battle. In this context, the law student should get an insight into the mechanics of socio-legal control of labour relations and should be aware of the various labour enactments with up to date amendments and emerging areas of possible future techniques and solutions.

### **Teaching-Learning Methods:**

The teaching-learning mechanism with interactive sessions in classroom is primarily good method to understand theoretical knowledge. The case study, visits to various Industries, Trade Union Offices, Labour Courts, Industrial Tribunals, etc. are the good forms to understand practical knowledge of the Labour Laws.

**Evaluation methods:** Theory Examination – 70 Marks

### **Internal Assessment:**

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

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**30 Marks**  
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### **SYLLABUS:**

#### **Unit - I: Industrial Revolution & Industrial Jurisprudence**

1. Industrial Revolution in India - Industrial Relations, Industrial Peace and Industrial Harmony
2. Identification of Labour Problems & Labour Movements in India
3. Concept of 'Collective Bargaining'
4. Development of Industrial Jurisprudence in India
  - a. Principles of Labour Legislations
  - b. Principles of Industrial Adjudication
5. Development of Labour Laws in India –

- a. Pre and Post Constitutional era
- b. Recent Developments in Labour Codes

**Unit - II: Trade Unions Act, 1926**

1. Trade Union Movements
2. Nature, Scope & Objectives & Important Definitions of the Act
3. Registration of Trade Unions
4. Rights & Liabilities of Registered Trade Unions
5. Miscellaneous Provisions – Regulations, Penalty & Procedure

**Unit - III: Maharashtra Recognition of Trade Unions & Prevention of Unfair Labour Practices Act, 1971**

1. Nature, Scope and objects of the Act
2. Recognition of Unions, Obligations & Rights of Recognized Unions, Other Unions & Certain Employees
3. Illegal Strikes & Lockouts
4. Unfair Labour Practices
5. Powers of Courts, Labour Courts & Industrial Courts and Penalties

**Unit - IV: The Industrial Employment (Standing Orders) Act, 1946**

1. Nature, object and Applicability of the Act
2. Procedure for Certification & Modification of Standing Orders
3. Legal nature and operation of Standing Orders
4. Authorities under the Act – Certifying Officers & Appellate Authorities
5. Penalties and Procedure

**Unit - V: Industrial Dispute Act, 1947 (Chapters I to IV)**

1. Nature, Scope, & Objectives of the Act
2. Important Definitions – Industry, Industrial Disputes, Award & Settlement
3. Mechanism for settlement of Industrial disputes under the Act –  
Works Committee, Conciliation officers, Board of Conciliation, Courts of Enquiry,  
Labour courts, Industrial Tribunal, National Tribunals, Arbitrational Machinery and

Grievance Settlement Authority

4. Reference of Disputes
5. Procedure, Powers and Duties of Settlement Authorities

#### **Unit-VI: Industrial Dispute Act, 1947 (Chapters V to VII)**

1. Important Definition - Strikes, Lockouts, Lay-Off, Retrenchment, Public Utility Services, etc
2. Strikes & Lockouts
3. Lay-Off & Retrenchment
4. Closure & Transfer of Undertaking
5. Offences, Penalties & Miscellaneous Provisions

#### **Unit - VII: Law relating to Wages**

1. Meaning, Definition and Kinds of Wages – Minimum, Fair & Living Wages
2. Payment of Wages Act, 1936
  - a. Payment of Wages and Deductions from Wages
  - b. Authorities under the Act, Penalty, & Trial Procedure
3. Minimum Wages Act, 1948
  - a. Fixation and Revision Minimum Wages – Authorities, Procedure, etc.
  - b. Inspectors and Claims, Offences & Penalties for offences

#### **Unit-VIII: The Apprentices Act, 1961**

1. Object and Scope of the Act
2. Meaning, Definition and Types of Apprentice
3. Apprentices and Their Training
4. Authorities under the Act
5. Offences and Penalties

#### **References:**

1. John, Bowers & Simon Honeyball: *Text book on Labour Law* (1996), Blackstone, London.

2. Srivastave, K. D., *Commentaries on Payment of Wages Act 1936* (1998), Eastern, Lucknow.
3. Srivastave, K. D., *Commentaries on Minimum Wages Act 1948* (1995), Eastern Book Company, Lucknow.
4. Giri, V. V., *Labour Problems in Indian Industry Chs. 1 and 15*, (1972) Indian Law Institute, Labour law and Labour Relation (1987) (1982) *Cochin University Law Review*, vol. 6pp. 153-210, *Reports of the National Commission on Labour*. Ch. 14-17, 22,23 and 24.
5. Rao, S. B., *Law and Practice on Minimum Wages* (1999), Law Publishing House, Allahabad.
6. Seth, D. D. *Commentaries on Industrial Disputes Act 1947* (1998), Law Publishing House, Allahabad.
7. Goswami, V G, *Labour and Industrial Laws*, Central Law Agency, Allhabad.
8. S. N. Misra, *Labour & Industrial Laws*
9. V. P. Shintre, *Labour Laws*
10. G. M. Kothari, *A Study of Industrial Law*
11. Khan & Khan, *Comentary on Labour and Industrial Laws*
12. K. Madhavan Pillai, *Labour and Industrial Laws*
13. P. L. Malik, *Labour Law of India*
14. Dr. Avtar Singh, *Introduction to Labour and Industrial Law*
15. O. P. Malhotra, *Industrial Disputes Act, 1974*
16. Reports of the National Commission on Labour
17. ILO Conventions & Recommendations
18. Sachedeva, *Industrial and Labour Law*

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**DSC – 504 LAND LAWS  
(Paper - IV)**

**Objectives of the course**

The present subject Land Laws incorporates three basic land laws viz, Maharashtra Land Revenue Code 1966, Maharashtra Rent Control Act, 1999 and The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The famous maxim – *salus populi est Suprema lex* i.e. the welfare of the people is ‘Paramount Law’ is the corner-stone of the law of land. After 44th Amendment Act, 1978 now the right to property is legal right but not fundamental right guaranteed to the citizen under Constitution of India. The main aim or object of the The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 Act is to provide a law, which will enable the State to acquire the land of others; however, the power of Government to acquire the land is not absolute. The cardinal rule is that there should be compensation for acquisition of land so also resettlement and rehabilitation of the concerned persons. The power of the sovereign to take private property for public use and the consequent rights of the owner to compensation, rehabilitation and settlement are well established in the Act.

The remaining two parts of the subject deals with the Maharashtra Land Revenue Code, 1966 and Maharashtra Rent Control Act, 1999.

The Maharashtra Land Revenue Code, 1966 is not but Consolidated Act of various laws on the subject of Land and Land Revenue, which were in force in different parts of the State of Maharashtra. It collects all statutory enactments on the subject. Apart from this the syllabus includes the Maharashtra Rent Control 1999 which clearly defines the Rent, fixation of rent, Recovery of possession, sub tenancies and duties of the landlord.

In short, the purpose of the subject/course, is to acquaint the students about laws that govern the use and dealing with land and buildings, and regulation and control of activities concerning land. Students are acquainted with the law of transfer of property. This course equips the student with all other laws that affect use and dealings of land, and activities that enable its best use.

**Teaching Learning Method : -**

Lectures, including special lectures by experts may be a good method of learning. Interactive – sessions, tutorials, project and research paper presentation these are the good forms of teaching and learning.

**Evaluation methods:** Theory Examination – 70 Marks

**Internal Assessment:**

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

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**30 Marks**  
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**SYLLABUS --**

**A. The Maharashtra Land Revenue Code, 1966**

**Unit- I Introduction:**

1. Historical background of land revenue system
2. Object, application and definitions under the Code
3. Lands : Vesting, Extinction of rights, assignment for special purposes, pasturage, right to trees, trees and forests, recovery of value of natural products and trees etc, regulating cutting and supply of wood.
4. Grant of lands
5. Use of land
6. Encroachment on land
7. Relinquishment and Surrender of land

**Unit - II Land Revenue**

1. Land Revenue: Liability and assessment (Sections 64-78)
2. Assessment and settlement of land revenue of agricultural lands (Sections 90- 107)
3. Assessment and settlement of land revenue of lands used for nonagricultural purposes (Sections 108-120)
4. Revenue Surveys: Procedure for survey, Survey numbers, Partitions, subdivisions, (Sections 79-88)
5. Boundary and boundary marks (Sections 132-146)

**Unit – III Land Records and Procedure before Revenue Officers, Appeals and Tribunal:**

1. Record of rights (Sections 147-159)
2. Rights in unoccupied lands (Sections 160-167)
3. Realization of land revenue and other revenue demands: Liability, priority of claim, time for payment, recovery, enforcement (Sections 168-184)
4. Revenue Officers, their powers and duties
5. Procedure of Revenue Officers
6. Appeals, Revision and Review
7. Maharashtra Revenue Tribunal

**B. The Maharashtra Rent Control Act, 1999 –**

**Unit – IV Introduction:**

1. Rent Control in urban areas, Object and Historical background of the Act
2. Application of the Act and Exemptions
3. Definitions: Landlord, legal representative, licensee, paying guest, premises, tenant
4. Relief against forfeiture
5. Recovery of possession by landlord (Sections 16, 18-22)

**Unit – V Standard Rent, Repairs, Sub-Tenancies :**

1. Definition: standard rent, permitted increase
2. Standard rent: its concept, components, increase in rent, liability to pay standard rent, Application for fixing standard rent, Court's power to fix standard rent
3. Landlord's duty to repair, Recovery or possession for repairs (Sections 16(1)(h), 17)
4. Prohibition on sub-letting, assignment or transfer; Sub-tenants to become tenants
5. Landlord's rights, duties and liabilities: enter for inspection, essential supplies, conversion of use, receipt for rent, registration of agreements, lawful charges
6. Jurisdiction of courts, Appeals



**C. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.**

**Unit – VI Introduction:**

1. Object and Historical evolution of the Act
2. Application of the Act
3. Definitions-
4. Determination of Social Impact and Public Purpose (Sec. 4 to 9)
5. Notification and Acquisition (Sec. 11 to 30)
6. Rehabilitation and Resettlement Award (Sec. 31 to 42)

**Unit – VII Rehabilitation and Resettlement:**

1. Procedure and Manner of Rehabilitation and Resettlement (Sec. 43 to 47)
2. National Monitoring Committee for Rehabilitation and Resettlement (Sec. 48 to 50)
3. Establishment of Land Acquisition, Rehabilitation and Resettlement Authority (Sec. 51 to 74)

**Unit – VIII Payment of Compensation**

- 8.1 Apportionment of Compensation (Sec. 75, 76)
- 8.2 Payment (Sec. 77 To 80)
- 8.3 Temporary Occupation of Land (Sec. 81 To 83)
- 8.4 Offences and Penalties (Sec. 84 To 90)

**Recommended Readings:**

1. A S Chandurkar, Maharashtra Rent Control Act, 1999, Shanti Law House, 2015
2. J H Dalal, Maharashtra Rent Control Act 1999, Hind Law Publication, 2013.
3. S Dighe, Maharashtra Rent Control Act, 1999, Snow white, 2016
4. S Dighe, Land Laws in Maharashtra, Snow White, 2016
5. A K Gupte, G Sethi, Land Laws in Maharashtra, Hind Law House, 2016.
6. A K Gupte, G Sethi, Maharashtra Land Revenue Code, 1966, Hind Law House, 2017
7. S Dighe, Maharashtra Land Revenue Code, 1966, Snow White, 2016

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**DSC – 505 DRAFTING, PLEADINGS AND CONVEYANCING****(Paper – V)****Objectives of the Course**

The purpose of the practical training subject/course, is to acquaint the students about skill and practice the drafting of various drafts and documents as per provisions of Civil Procedure Code, Criminal Procedure Code etc to be filed in the various courts and further to develop the skill of drafting and pleading which is very important in the life of an Advocate. This practical training subject/course equips the student with all other forms and practical approach which are parts or covered in different laws used at various authorities in addition to regular courts enable its best use. **There is no theory examination of this subject/paper.**

**Teaching Method :** The course will be taught class teaching, instructions and assignments exercises.

**Part I** – This subject/paper is having total Marks 100 (90 + 10). 90 marks are allotted for this paper as per BCI norms.

Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in Drafting of pleadings carrying the total of 45 marks (3 marks for each) and 15 exercises in Drafting of Conveyancing (Deeds), carrying another 45 marks (3 marks for each). The Internal marks for 90 will be evaluated by the practical training Teacher of the concerned college as per written exercises submitted by the student.

**Part-II: Viva Voce Exam 10 marks**

Viva Voce Examinations for 10 marks will be conducted in presence of External Examiners appointed by the University. As per BCI norms Internal marks for 90 will be evaluated by the practical training Teacher / Principal of the concerned college on the basis written exercises submitted by the student.

**Syllabus –****Unit-I : Drafting and Pleading:**

The General principles of Drafting, Pleading and Conveyancing and their relevant Substantive rules shall be taught.

**Unit-II: Writing exercises on Drafting and Pleading (Civil & Criminal)**

- 2.1 Complaint
- 2.2 Written Statement
- 2.3 Affidavit
- 2.4 Caveat

- 2.5. Injunction Application / Preliminary issue application
- 2.6 Execution Petition
- 2.7 Appeal / Revision (Civil)
- 2.8 PIL Petition / Petition under Article 226 / Article 32 of Constitution of India
- 2.9 Application Motor Vehicle Act- M.A.C.P.
- 2.10 Divorce Petition – H.M.P.
- 2.11 Adjournment Application
- 2.12 / Court Commission / Amendment Application
- 2.13 Pursis
- 2.14 Bail Application – Regular Bail u/s 439/Anticipatory Bail application u/s 438.
- 2.15 Criminal Miscellaneous Petition-Maintenance Application u/s 125 of Cr. P.C.

### **Unit-III: Writing Exercises on Conveyancing [Deeds / Parts of Deed]**

- 3.1 Agreement to sell deed
- 3.2 Sale Deed
- 3.3 Mortgage deed
- 3.4 Lease deed
- 3.5 Gift deed
- 3.6 Power of Attorney
- 3.7 Promissory Note
- 3.8 Will & Codicil
- 3.9 Trust deed
- 3.10 Partnership deed
- 3.11 Guarantee Bond
- 3.12 Leave & License deed
- 3.13 Adoption deed
- 3.14 Partition Deed
- 3.15 Deed of declaration

### **Reference:**

1. Banerjee B. N.: *Criminal Pleading*.
2. Batukal: *Law of Evidence*.
3. Bindra N. S.: *Conveyancing Draftsman Interpretation Deed* – Law Book Publication (Allahabad)
4. Chaturvedi A. N.: *Law of Pleadings Conveyancing*. Allahabad Law Agency, Calcutta (1999)
5. D'souza: *Conveyancing*; Eastern Law House Agency
6. G. M. Kothari: *Drafting, Conveyancing and Pleading*.
7. Gupte and Dighe: *Civil Manual*.
8. Gupte and Dighe: *Criminal manual*.
9. Mitra B. B.: *Law of Limitation*.
10. Mogha P. C.: *Indian Conveyancing*; Eastern Law House - Calcutta
11. Mogha's: *Law of Pleading*; Eastern Law House – (1992) Calcutta
12. Shiva Gopal: *Conveyancing Precedent and Forms*.
13. Stone and Iyer: *Pleading*.

14. Taxman's: *The Code of Civil Procedure*, 1908.
15. Taxman's: *The Code of Criminal Procedure*, 1973.
16. Tijoriwala M. T.: *Law and Practice of Conveyancing*; Snow White Publication
17. G. M. Divekar: *Conveyancing*.
18. Retwade: *Legal Drafting (Paper book)*. - (HLH) Pune.
19. Mukherjee: *Law of Civil Appeals, Revisions References and law of Criminal appeals*, Revisions.
20. Banerjee and Awasthi: *Guide to Drafting*.
21. Retawade: *Drafting Pleading and Conveyancing*, - (HLH) Pune

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## **AECC – 506 ADVOCACY SKILL**

### **Objectives of the course**

Advocacy is a type of problem solving design to protect personal, legal rights, and to assure a dignified existence of all the people of society.

While studying Three Years Law / Five Years Law Course, students are informed, made aware and grasp the various provisions of different legislations in the syllabus, it's utility, content, conceptual clarity so also some settled principles of Law from the various judgments of High Court and Supreme Court. To become versatile and good Advocate, in addition to theoretical knowledge he/she has to acquire/adopt some skills to get the successes in the profession. In this backdrop, the object of this paper is to enunciate some of the basic skills of Advocacy which will be required by every student in the beginning of their career. So also to prepare students for challenges and hurdles which advocates generally face in the beginning of their career due to not having enough knowledge about Advocacy skills, client counseling, court practice and procedure. Hence, the purpose is to prepare students for all the challenges and overcome obstacles in the starting itself.

Each Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weight-age for the continuous internal Assessment shall be based on the following.

### **Internal Assessment -**

For passing this examination, 2 credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

**SYLLABUS ---****Unit I – Legal Profession in India**

- a) Legal Profession – Meaning, Definition
- b) History of Legal Profession in India
- c) Development of Legal Profession in India
- d) Seven Lamps of Advocacy

**Unit II – Advocacy and Legal Profession**

- a) Advocacy - Meaning, Definition
- b) Public Relation and Advocacy
- c) Principles of Advocacy

**Unit III -- Advocacy Skills**

- a) Meaning of Skills
- b) Important Skills –
  - 1) Language
  - 2) Effective Communication
  - 3) Interviewing and Counseling Client
  - 4) Drafting Capability / Writing skill
  - 5) Negotiating settlement and Agreement
  - 6) Facilitating early Resolution of Dispute
  - 7) Representing Client
  - 8) Presentation

**Unit IV -- Court Practice and procedure**

- a) Etiquettes
- b) Civil Practice and Procedure
- c) Criminal Practice and Procedure
- d) Application and appreciation of Law of Evidence
- e) Judgment writing (Civil and Criminal).

**Reference Books :---**

1. Sanjiva Row's Advocates Act, 1961.
2. Bar Council of India Rules on Standards of Professional conduct and Etiquette.
3. Dr. KailashRai-Legal Ethics, Accountancy for Lawyers and Bench-Bar Relations.
4. Dr. S. P. Gupta-Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations.
5. Krishnamurti Iyer-Advocacy.

6. M. P. Jain-Outline Indian Legal History-Chapter Development of Legal Profession.
7. V.K.V. Krishna Swami Iyer-Professional Conduct and Advocacy Chapters 10 to 17.
8. M. R. Mallick-Advocates Act, 1961 with professional Ethics Advocacy and Bar Bench Relationship.
9. P. L. Mehta, Sushma Gupta-Legal Education and Legal Professional in India.
10. J.P.S. Sirohi-Professional Ethics, Accountancy for Lawyers and Bar Bench Relations.
11. Anand-Professional Ethics of Bar.
12. Mynen S. R.-Professional Ethics, Accountancy for Lawyers and Bench Bar Relations.
13. Reddy G. B.-Practical Advocacy for Lawyers.

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## SEMESTER - VI

### DSC – 601 LAW OF CRIMES-II (CRIMINAL PROCEDURE CODE)

#### ( PAPER – I )

#### Objectives of the Course :

The criminal trial involves increasing expenditure of government resources. At the same time, it confronts a crisis of intrusion into individual rights in order to protect the common weal. Obviously, criminal procedure has to be just, fair and reasonable to the accused as well as to the victims. Undoubtedly the process is to be carried out in an objective manner. Criminal procedure, thus, makes a balance of conflicting interests. This imposes a duty upon those connected with the working of the criminal process to abide by the law and to exercise discretion conferred on them in the best manner. Code of Criminal Procedure, originally enacted years ago, had undergone many trials and experiments, to enormous to be placed within a class room discussion. However, the students should obtain a fair idea how the code works as the main spring of the criminal justice delivery system and should be exposed to the significant riddles of the procedure.

#### Teaching Learning Methods:

Lectures including class room discussion, inviting experts like judges, senior Advocates for interacting sessions, guest lectures etc are good teaching learning methods.

**Evaluation methods:** Theory Examination – 70 Marks

#### Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

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**30 Marks**  
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#### Syllabus --

##### Unit-I: Introductory

1. Salient features of the Code
2. Important Definitions
3. Functionaries under the Code -The police, the prosecutors, the criminal courts, the defense counsel, Prison authorities and their powers and functions
4. Classification of offences- Cognizable and Non-cognizable, Bailable and Non-Bailable, Compoundable and Non-Compoundable.
5. The concept and component of Fair Trial and its importance

**Unit-II: Pre-Trial Process-I**

1. First Information Report (Ss. 154-155)
2. Investigation by the police (Ss. 156-176)
3. Summons and Warrant (S.61- 81)
4. Proclamation, attachments and other rules ( S. 82- 90)
5. Search and seizure (Ss. 91-105)

**Unit-III: Pre-Trial Process-II**

1. Arrest of persons – with and without warrant- by whom and how - procedure and circumstances
2. Rights of arrested person (Ss. 41A to 60)
3. Provisions relating to Bail and Bond (Ss. 436-450)
4. Discretionary bail- Mandatory bail – circumstances
5. Anticipatory Bail (S. 438)

**Unit-IV: Trial Process**

1. Trial meaning and nature, types of trial, Common features of trial
2. Proceedings before magistrate, Commencement of proceeding, Condition Requisites for Initiation of Proceeding (S. 190- 199)
3. Complaint to Magistrates ( S. 200-203) , Commencement of proceedings before Magistrates (S. 204- 207)
4. Charges in Criminal Trial (Ss. 211-224)
5. Plea Bargaining (S. 265A- 265L,) and compounding of offences ( S. 320 )

**Unit-V: Trials and their procedures**

1. Trial before Court of Session (Ss. 225-237)
2. Trial of warrant cases by Magistrates (Ss. 238-250)
3. Trial of summons cases by Magistrates (Ss. 251-259)
4. Summary Trials (Ss. 260-265)
5. Inquiries and Trials (Ss. 266-339)

**Unit-VI: Judgment (353-365) Appeals (372-394)**

1. Form, content and Modes of providing Judgment (Ss. 353,354, )
2. Compensation and Cost ( S. 357, 357A, 357B, 357C, 358,362, 363)
3. Post Conviction order (S. 360- 362)
4. Right of Appeal, Appeal against conviction (372- 377), Appeal against Acquittal (S. 378)
5. Procedure of Appeal ( S. 379 - 394)



**Unit - VII Reference and Revision (395-405) , Execution, Suspension, remission, and Commutation of sentences**

1. Reference to High Court ( S. 395)
2. Revisional Jurisdiction (Ss. 397-401) Revisional Conditions & Powers of Revisional Courts.
3. Execution of sentences ( S. 413- 424)
4. Suspension (S.432), Postponement( S. 415, 416)
5. Remission and Commutation of sentences(S. 433-A)

**Unit-VIII: Preventive Measures, security proceedings and maintenance of wives, children and parents**

1. Preventive action of the Police ( S. 149- 153)
2. Unlawful Assemblies (S. 129 - 132)
3. Removal of public nuisance (S. 133- 143)
4. Maintenance of wives, children and parents ( S. 125- 128)
5. Limitation period under Code of Criminal Procedure ( S. 467- 473)

**References:**

1. Ratanlal&Dhirajlal: Criminal Procedure Code, Universal Publications.
2. Kelkar, R V: Lectures of Criminal Procedure, Eastern Book Company.
3. Tondon: The Code of Criminal Prodedure, Allahabad Law Agency.
4. Takwani, C K: Criminal Procedure Code, Butterworths Wadhawa Company, Nagpur.
5. S. N. Misra : The Code of Criminal Procedure , 1973, , Central Law Publication

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**DSC – 602 INTRODUCTION TO INTELLECTUAL PROPERTY LAW  
(Paper – II)**

**Objectives of the Course:**

Intellectual Property Protection is an emerging global issue in the 21<sup>st</sup> Century. With the development of Internet and communication in the information age the technology has become a tool to infringe various Intellectual Property interests of the Rightful owners.

There is much public debate as to the effectiveness of the IPR and IP Laws and their impact on the Industrial and economic development of the nation. India after joining WTO, started amending the domestic Intellectual Property Laws to satisfy the TRIPS obligation. Considering Indian Political scenario there is constant anxiety as to how the expanded IP laws are going to affect the Indian Society and its economy.

Thus, IPRs have opened new vistas in the life of man sitting in any corner of the globe. Intellectual Property Rights are of many kinds viz, patents, copy rights, Trade Marks, Designs, Information Technology, Emergence of E-Commerce and E-Banking and Traditional knowledge and so on. The paper however is intended to acquaint students with Major Intellectual Property Laws, more specifically Copyright, Trademark and Patent after giving general orientation of other Intellectual Property Laws.

#### **Objectives of the Study:**

- To impart knowledge of the basic principles underlying the various provisions of the IP Laws to the students.
- To develop an understanding the basic concepts in a comparatively detailed manner so that the student should have no difficulty to know at least major types of IPs.

#### **Teaching Learning Method:-**

The teaching methodology suggested for his paper should be a class room teaching i.e. lecture method. The teacher is also advised to take group discussions, seminars, assignments for development of knowledge skills.

**Evaluation methods:** Theory Examination – 70 Marks

#### **Internal Assessment:**

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

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**30 Marks**  
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## **SYLLABUS --**

### **Unit-I: Introduction to the Principles of Intellectual Property and Relevant Laws in India**

- 1.1 Introduction to Intellectual Property
  - 1.1.1 Concept of property
  - 1.1.2 Various forms of property
  - 1.1.3 Nature of Intellectual Property Rights
  - 1.1.4 Economic importance of Intellectual Property
- 1.2 Major Philosophical Justifications for Intellectual Property Protection: Western and Indian Philosophies related to Intellectual Property
  - 1.2.1 Natural Rights Theory
  - 1.2.2 The Utilitarian Theory
  - 1.2.3 Personality Theory
  - 1.2.4 Constitution of India and Aspects of Property and Intellectual Property
- 1.3 An overview of Kinds of Intellectual Properties and Laws relating thereto in India
  - 1.3.1 Kinds of Intellectual Properties
    - Trade Marks, Patents, Copyrights and Related Rights, Industrial Designs, Geographical Indications, Layout Designs of Integrated Circuits, Plant Varieties, Information Technology and Data Protection, Trade Secrets
  - 1.3.2 Statutory and Common Law Protection to various Kinds of Intellectual Properties: A Brief Overview of relevant Indian laws.

### **Unit-II: International Intellectual Property Regime**

- 2.1 Historical Development of IPRs at International Level
- 2.2. Introduction to the leading international instruments concerning intellectual property rights:
  - 2.2.1 Paris Convention
  - 2.2.2 Berne Convention
  - 2.2.3 WIPO and agreements under it: WCT, PCT, Madrid, Hague,
  - 2.2.4 Budapest Treaty
  - 2.2.5 Trade Related Aspects of Intellectual Property Rights
- 2.3 Introduction to other International Agreements, Conventions and Enforcement Mechanism dealing with Specific Intellectual Properties

### **Unit III: Introduction to the Concept and International Legal Instruments Relating to Copyright Law**

- 3.1. Concept of copyright
- 3.2. Justification for Copyright Protection
- 3.3. Brief Historical development of Copyright Law
  - 3.3.1. Indian History of Copyright Law
  - 3.3.2. International Instruments related to Copyright
    - 3.3.2.1. The Berne Convention for the Protection of Literary and Artistic Works, 1886.
    - 3.3.2.2. Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961).
    - 3.3.2.3. Universal Copyright Convention, 1952
    - 3.3.2.4. Trade Related Aspects of Intellectual Property Rights, 1995. (TRIPs),
    - 3.3.2.5. WIPO Performances and Phonograms Treaty, 1996 (WPPT),
    - 3.3.2.6. WIPO Copyright Treaty, 1996 (WCT),
- 3.4 Subject and Criteria of Protection under Copyright law
  - 3.4.1.1 Basic requirements to seek Copyright Protection over any work
  - 3.4.1.2 Works in which Copyright Subsist: Copyright Act Provisions
- 3.5 Related Rights
  - 3.5. 1 Performer's Right
  - 3.5. 2 Broadcasting Organization's Right

### **Unit IV: Commercial dealing with Copyrighted Work**

- 4.1 Who is an owner?
- 4. 2 Economic and Moral Rights associated with Copyright recognised in India
- 4.3 Duration of copyright
- 4.4 Assignment of Copyright
- 4.5 Licensing of copyright
  - 4.5.1 Voluntary
  - 4.5 2 Compulsory
  - 4.5.3 Statutory
- 4.6 Infringement of Copyright
  - 4.6.1 Elements of infringement of copyright
    - 4.6.1.1 Who can sue?
    - 4.6.1.2 Burden of Proof

4.6.1.3 Secondary liability for infringement

4.6.1.4 Exceptions: Purpose and usage of fair dealing – fair use

4.7 Remedies for infringement

4.7.1 Civil remedies

4.7.2 Criminal Remedies

4.7.3 Administrative remedies

## **Unit V: An Introduction to Trademarks**

5.1 Meaning, Characteristics and Functions of trademark and Need for Trademarks Protection

5.2 Evolution of Trademark Law in India

5.3 International Developments and Dimensions of Trademark Protection

5.3.1 Paris Convention 1883

5.3.2 TRIPS 1995

5.3.3 Madrid System of International Registration of Marks

5.3.4 Trademark Law Treaty 1994

5.3.5 Nice Agreement 1957

5.3.6 Vienna Agreement 1973

5.4 Kinds of Trademarks

5.5 Creation of Trademark

5.5.1 The distinctive Spectrum

5.5.2 Concept of Acquired Distinctiveness and Generic Marks

5.6 Bars to Trademark Protection

5.6.1 Absolute grounds of refusal

5.6.2 Relative grounds of refusal

## **Unit VI: Law regarding Registration, Rights, Infringement and Remedies related to Trademarks**

6.1 Procedure for registration of Trademarks

6.2 Honest and Concurrent Use

- 6.3 Effects of registration: Rights of Registered Trademark owners
- 6.4 Assignment and licensing of Trademarks
- 6.5 Infringement of Trademarks
- 6.6 Protection of Well-known Trademarks
- 6.7 Statutory Remedies for Trademarks Infringement and Common Law remedy of Passing Off
- 6.8 Defenses against Trademarks Infringement

## **Unit VII :Fundamentals of Patenting**

- 7.1 Meaning and Concept of Patent
- 7.2 Significance of Patent System
- 7.3 Historical Background of Patents
  - 7.3.1 History of Patent Law in India
  - 7.3.2 Position of Patent Law in India
    - 7.3.2.1 Nature and Extent of Patent Rights
    - 7.3.2.2 Rights of the Co-owners
    - 7.3.2.3 Persons Entitled to Exercise the Patent Rights
  - 7.3.3 History of Patent Law in Other Countries
- 7.4 Types of Patents
- 7.5 World Patent
  - 7.5.1 Budapest Treaty
  - 7.5.2 Patent Cooperation Treaty
  - 7.5.3 International Application
- 7.6 Things that may be patented (Sec-2)
- 7.7 Things that cannot be patented (Sec-3)
- 7.8 Basic Elements of Patentability in an Invention

## **Unit VIII: Law relating to Patent Application, Patent Infringement**

- 8.1 Procedure for filing Patent Application
  - 8.1.1 Revocation of Patent, Licensing, Compulsory Licensing
  - 8.1.2 Parallel Import
  - 8.1.3 Prior publication or anticipation
  - 8.1.4 Obviousness and the lack of inventive step
  - 8.1.5 Insufficient description
- 8.2 Infringement
  - 8.2.1 Criteria of infringement
  - 8.2.2 Onus of proof
  - 8.2.3 Patent Infringement
  - 8.2.4 Defenses in suits of infringement

**References:-**

- 1) Rodney D Ryder, Intellectual Property and the Internet, LexizNexis Batterworths,
- 2) New Delhi
- 3) Mishra J.P., An Introduction to Intellectual Property Rights, Central Law
- 4) Publications, Allahabad.
- 5) Bhandari M.K., Law Relating to Intellectual Property Rights, Central Law
- 6) Publications, Allahabad
- 7) Myneni SR, Law of Intellectual Property, Asia Law House, Hyderabad.

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**DSC – 603 LABOUR LAW-II (Social Security Laws)  
Paper – III**

**Objectives of the Course:**

Every society today faces a situation which has never been known before. The Unprecedented rise in population growth and unbalanced development of industries has created certain implications. Insecurities of live have increased to a large extent. Hence to protect the individual and society from the uncertainties of future, social Security has been adopted as an indispensable national program. The principle of social security under the Constitution of India holds responsible for protecting its citizens against certain contingencies of life. The Concurrent List of the Constitution of India mentions issues like Social security, social insurance, employment, welfare of the labour, provident fund, employer's liability, employees' compensation etc. During contingencies state will provide as per the enactments i.e. Medical care in times of illness, Maternity, Facilities, pension during inability.

Drawing from the Constitution of India and the ILO Convention on Social security some of the legislation have been enacted for social security relating to maternity benefits; workmen's compensation, sickness insurance, minimum wages, income security medical care etc. These conventions have been ratified by India in 1964. Hence there are number of social security enactments passed by the legislature for the protection of rights of Industrial workers.

The concept of social and economic justice under the Constitution of India is a living concept of revolutionary import; it gives sustenance to the rule of law and meaning and significance to the idea of welfare state. The concept of social justice has become an integral part of industrial law which protects interest not only of employees but also of the government and society too. As without seeking welfare of the employees we cannot expect the required production and profit of the industry. The required profit only leads to enhance our national economy and national development. The national development would only be computed on international level.

By studying this subject the student can understand the problems of labour and social welfare in different angles. The object of different social security law clearly provided that how it will be helpful to the employee, society, nation at international level.

### **Teaching Learning Methods:**

The lecture is a method of exposition. In this method the student can be motivated for learning. Visiting the Industrial tours, the student can understand the facilities, protection available to the workers.

**Evaluation methods:** Theory Examination – 70 Marks

### **Internal Assessment:**

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

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**30 Marks**  
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## **SYLLABUS --**

### **SYLLABUS:**

#### **Unit-I: Social Security and Labour Welfare**

- 1.1 Concept, Evolution and Objectives of Social security
- 1.2 Theories of Social Securities
- 1.3 Principles of Social security Legislations
- 1.4 Social Security and Constitutional Provisions
- 1.5 Social Security from an International Perspective

#### **Unit-II: Employees' Compensation Act 1923**

- 2.1 Nature, scope and objectives of the Act
- 2.2 Meaning of Disablement, Partial Disablement, Total Disablement
- 2.3 Employer's Liability for Compensation
- 2.4 Theory of notional extension
- 2.5 Procedure and Machinery to determine compensation

#### **Unit-III: Factories Act, 1948**

- 3.1 History and Objectives of the Act
- 3.2 Definitions - Manufacturing process, occupier, factory and worker
- 3.3 Provisions relating to Health, Safety and Welfare of workers
- 3.4 Employment of Children and Young Persons
- 3.5 Penalties and Procedure



**Unit-IV: Employees State Insurance Act, 1948**

- 4.1 Background, Constitutional validity and Object of the Act
- 4.2 Standing committee and Medical benefit council
- 4.3 Employees State Insurance Funds and Contribution
- 4.4 Benefits available under Employees Insurance Scheme
- 4.5 Adjudication and settlement of disputes

**Unit-V: Maternity Benefit Act, 1961**

- 5.1 significant features of Maternity Benefit Act
- 5.2 Eligibility criteria for maternity benefits for women employee
- 5.3 Right of the women under Maternity Benefit Act
- 5.4 Employers obligations under the act
- 5.5 Powers and duties of inspectors

**Unit –VI: Child Labour (Prohibition and Regulation) Act, 1986**

- 6.1 Objectives of the Act
- 6.2 Prohibition of Employment in hazardous occupation
- 6.3 Regulation of conditions of work of children
- 6.4 Child Labour Advisor Committee
- 6.5 Procedure and Penalties related to offences

**Unit-VII: The Unorganized Workers and Social Security Act, 2008**

- 7.1 Meaning of unorganized sector
- 7.2 Identification of unorganized problems
- 7.3 Framing of the Scheme
- 7.4 Central Government Scheme for workers
- 7.5 National Social Security Board

**Unit-VII: Other social Security legislations**

- 8.1 Employees Provident Funds and Miscellaneous Provisions Act, 1952
  - Object and Scope of the Act
  - Kinds of Provident Funds
- 8.2 Employer's liability under Employees Provident Fund Act
- 8.3 Payment of Gratuity Act, 1972
  - Object and Scope of the Act
- 8.4 Eligibility for payment of Gratuity
- 8.5 The Payment of Bonus Act, 1965
  - Significant features of the Act

**References:**

1. John, Bowers & Simon Honeyball: *Text book on Labour Law* (1996), Blackstone, London.
2. Srivastave, K. D., *Commentaries on Payment of Wages Act 1936* (1998), Eastern, Lucknow.

3. Srivastave, K. D., *Commentaries on Minimum Wages Act 1948* (1995), Eastern Book Company, Lucknow.
4. Srivastave, K. D., *Disciplinary Action against Industrial Employees and its Remedies* (1990), Eastern Book Company, Lucknow.
5. Srivastave, K. D., *Commentaries on Factory Act 1948* (2000), Eastern Book Company, Lucknow.
6. Giri, V. V., *Labour Problems in Indian Industry Chs. 1 and 15*, (1972) Indian Law Institute, Labour law and Labour Relation (1987) (1982) *Cochin University Law Review*, vol. 6pp. 153-210, *Reports of the National Commission on Labour*. Ch. 14-17, 22,23 and 24.
7. Rao, S. B., *Law and Practice on Minimum Wages* (1999), Law Publishing House, Allahabad.
8. Seth, D. D. *Commentaries on Industrial Disputes Act 1947* (1998), Law Publishing House, Allahabad.
9. Sexena, R. C., *Labour Problems and Social Welfare Chapter 1, 5 and 6* (1974)
- 10 Goswami, V G, *Labour and Industrial Laws*, Central Law Agency, Allahabad.

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## DSC – 604 PRINCIPLES OF TAXATION LAW

### (Paper – IV )

#### **Objectives of the course:**

The Tax system plays very significant role in governance of the Country. Tax is the right of government and duty of the citizen. In the context of a federal structure the distribution of the taxing powers assumes added significance. It is the fundamental duty of the citizen of this country to pay taxes to the Government.

The main objective of the course is providing knowledge of frame work of taxation system in India to impart knowledge of the basic principles of underlying the substantive provisions of income tax, GST Law to the student. To equip students with application of principles and provisions of Tax laws in computation of income and taxation of a person excluding companies under various heads of income and their assessment procedure.

#### **Methods of teaching-learning:**

Lecture and Case-study method shall be the main method of learning to be followed. Visits to the Authorities like Income Tax Authorities or GST Authorities can be organized for better understanding of Practical aspect of Subject. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise.

**Evaluation methods:** Theory Examination – 70 Marks

**Internal Assessment:**

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

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**30 Marks**  
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**Syllabus --**

**Unit-I: General Concept of Tax**

- 1.1 History of Tax Laws in India
- 1.2 Fundamental principles relating to tax laws
- 1.3 Constitutional Provisions relating to tax
- 1.4 Scope of Taxing powers of parliament, state legislative and local bodies

**Unit-II: The Income Tax Act- Concepts**

- 2.1 Concept of Tax: Nature and characteristics of taxes Distinction between Tax and Fee, Tax and Cess, Direct and Indirect Tax, Tax evasion and Tax avoidance, Tax assessment
- 2.2 Basic Concept: Tax Definitions, concept of Income, Assesses, person previous year, Assessment year, Residential Status, Income, Total income, Income not included in total income Deemed income, clubbing income
- 2.3 Basis of charge and Scope of total income
- 2.4 Incomes which do not form part of total Income

**Unit-III: The Income Tax Act- Computation of Total Income Under Various Heads.**

- 3.1 Salaries (Ss. 15,16,17)
- 3.2 Income from house property
- 3.3 Profit and gains of business or profession
- 3.4 Capital gains
- 3.5 Income from other sources

**Unit-IV: Income Tax Act- Permissible Deductions/Exemptions**

- 4.1 Deductions in respect of payment
- 4.2 Deductions in respect of incomes
- 4.3 Deduction of Tax at sources

**Unit-V: Assessment**

- 5.1 Assessment of Individual
- 5.2 Assessment of Hindu Undivided families
- 5.3 Assessment of firms and Associations
- 5.4 Assessment of cooperative societies
- 5.5 Assessment of Charitable Trust and Religious Trust
- 5.6 Assessment of Company

**Unit-VI: Income Tax-Authorities and Procedure for Assessment**

- 6.1 Classes of IT authorities
- 6.2 Jurisdiction of IT authorities
- 6.3 Powers and functions of IT authorities
- 6.4 Procedure for Filing of Returns, E-filing
- 6.5 Income Tax Tribunal

**Unit – VII: Introduction to GST-**

- 7.1 Introduction to GST
- 7.2 Levy and Collection of GST
- 7.3 Concept of Supply
- 7.4 Input Tax Credit
- 7.5 Registration

**Unit – VIII: GST- Procedure-**

- 8.1 Returns under GST
- 8.2 Payment of Tax under GST
- 8.3 Assessment and Audit
- 8.4 Refund under GST
- 8.5 Reverse Charge.

***References:***

1. Ramesh, Sharma, *Supreme Court of Direct Taxex (2008)*, Bharath Law House, New Delhi.
2. Sampath, Iyengar, *Law of Income Tax (1998)*, Bharath Law House, New Delhi.
3. Diwan, B K & Sanjay Mehtani, *Formation, Taxation and Assessment Charitable and Religious Trusts (1999)*, Bharath Law House, New Delhi.
4. K. Parameshwaran, *Power of Taxation Under the Constitution (1987)*, Eastern Book Company, Luknow.
5. Singh, S D, *Principles of Law Sales Tax (1973)*, Eastern, Lucknow.
6. Singhanian, V K, *Students Guide to Income Tax*, Taxman Publishing Pvt. Ltd., New Delhi.
7. A Birds eye view of GST – R K Jha and P K Singh
8. Hand Book on Tax Laws- Raj Agrawal
9. Goods and service Tax Act – Ghanshyam Upadhyay

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**DSC – 605 MOOT COURT, PRE-TRIAL PREPARATION AND PARTICIPATION IN  
TRIAL PROCEEDINGS  
(PAPER – V)**

**Objective of the Course :**

This paper is aimed to impart the practical presentation of arguments, skill of research and case analysis at the original and appellate stages of a case. This course enables the student to apply all laws of the course in the practical.

The objectives of the course are to acquaint the students about – (a) court working and its procedure, (b) application substantive and procedural law to given facts, (c) court manners and discipline, (d) conversance with interview techniques and pre-trial preparations, (e) developing skills of arguments and presentation, and (f) learning skills of analysis and arrangement of facts.

The teaching methods used for this paper include hypothetical problems, role plays, simulation exercises, court attendance and advocate chamber visits etc. Active participation is expected from the students which maximize learning opportunities.

This paper split up into following components with scheme of marking-

**A. Moot Court: (30 Marks)**

The teacher teaching this course will supply **Three Moot Court (or two Moot Court and one Mock Trial)** problems to the students in the course of a single semester requiring them to work on all three problems assigned to them, prepare written submissions (memorials) and present oral arguments in a moot court setting. Marks for this component are divided equally between written submission and oral arguments. Students may be asked to work in teams at the discretion of teacher.

**The concerned teacher shall reserve few lectures to guide the students on-**

1. Framing / selection of Moot Court problem
2. Identifying the legal provisions and its applicability
3. Kinds of Courts and its jurisdiction (an overview),
4. Court procedures (an overview), Court manners and discipline,
5. Rules of written submissions / memorials, modes of citation, use of library and e-resources
6. Rules/protocol of argument, Defence to the Court etc.

The concerned teacher may prescribe other guidelines for the students at his / her discretion as per requirement of the course.

**B. Observance of Civil Trial/ Family Trial/ Tribunal Trial -- (15 Marks)**

The students are assigned to observe civil case whereas he/she has to observe actual proceeding of the Civil court or Family Court or Tribunal. Recording of the proceeding can be written in the diary with following components-

1. Case of the plaintiff
2. Case of the defendant
3. Issues or matters in controversy/grievance/ dispute
4. Provisions of substantive law involved
5. Provisions of procedural law involved
6. Brief summary of examination of witnesses (If any)
7. Brief statement of important documents filed (If any)
8. Summary of arguments (if any)
9. Summary of Judgment or order passed(if any)

The concerned teacher may prescribe other guidelines for the students at his / her discretion as per requirement of the course.

**C. Observance of Criminal Trials --- (15 Marks)**

The students are assigned to observe Criminal case whereas he/she has to observe actual proceeding of the Civil court. Recording of the proceeding can be write in the diary in following components-

1. Case of the prosecution
2. Case of the accused
3. Offences or matters in grievance/ dispute
4. Provisions of substantive law involved
5. Provisions of procedural law involved
6. Brief summary of examination of witnesses (If any)
7. Brief statement of important documents filed (If any)
8. Summary of arguments (if any)
9. Summary of Judgment or order passed (if any)

The concerned teacher may prescribe other guidelines for the students at his / her discretion as per requirement of the course.

**D. Pre-Trial Preparation --- (20 Marks)**

Each student should observe two interviewing sessions of clients at the lawyer's office / legal aid office and record the proceedings in the journal. Each student will further observe the preparation of documents and court papers by the Advocate and the Procedure for the suit/ petition/complaint as the case may be. This will be recorded in the Journal.

### **Guidelines for Pre-trial Preparations –**

- a) Internship and pre-trial preparations should be at the beginning of the academic year
- b) Observation of interviewing sessions of client in the office of advocate or the legal aid office
- c) Observation of Advice given to the client by the advocate or authority of legal aid office
- d) Observation of maintaining confidentiality of the parties.

The concerned teacher may prescribe few other guidelines for the students at his / her discretion.

### **E. Internship Diary --- (10 Marks)**

The diary is an integral part of the course and it will be evaluated in terms of thoughtfulness and reflections about students learning experience. Each student shall keep Internship diary and the same shall be evaluated by Core Faculty member of the staff every year. The total mark shall be assessed in the Final Semester of the course in the Moot Court paper based on the attendance of student during entire internship period.

### **F. Viva -voce -- 10 Marks**

Viva Voce Examinations for 10 marks will be conducted in presence of External Examiners appointed by the University. As per BCI norms Internal marks for 90 will be evaluated by the practical training Teacher / Principal of the concerned college on the basis written exercises submitted by the student.

### **References/Bibliography**

1. O.P.Mishra, Moot Court, Central Law Agency, Allahabad
  2. John Snape and Garry Watt, How to Moot (a student guide to mooting), Oxford University Press
  3. Dr Kailash Rai, Moot Court, Central Law Publications, Allahabad
  4. Nomita Agarwal, 'A Beginners Path to Moot Court' Universal law publishing,2014
  5. Abhinandan Malik, Moot courts and mooting, Eastern Book Company,2017
  6. K.L, Bhatiya, Moot court and Mock trial- Art to Art of Advocay, essentials of court craft, Universal Law Publishing,2013
  7. K. Evans, Language of Advocacy, 1<sup>st</sup> Indian Reprint, Universal Law Publishing,2000
  8. J. Hill, Practical guide to Mooting, 1<sup>st</sup> Indian Reprint, Palgrave Macmillion,
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**AECC -- 606 CRIME INVESTIGATION AND FORENSIC SCIENCE****Objectives of the Course**

- 1) To acquaint Students with basic Concepts of Crime investigation and Forensic Science.
- 2) To acquaint Students with basic Criminal Law.
- 3) To provide knowledge of application of Crime investigation and Forensic Science in Criminal investigation.

**UNIT I -- GENERAL PRINCIPLES OF CRIME SCENE INVESTIGATION**

- 1 Crime Investigations- Meaning and Types Of
- 2 Relationship between Crime Scene Investigation and Forensic Science
- 3 Steps involved in crime investigation- safeguards under Cr. P. C.
- 4 Role of forensic scientists, investigative officers, forensic doctors, fire brigade, judiciary etc
- 5 Importance of physical evidence, collection of physical evidence in crimes like murder theft, extortion, explosion etc.

**UNIT II -- INTRODUCTION TO FORENSIC SCIENCE**

1. Meaning & Definition of Forensic Science.
2. Modern aspects of Forensic Science.
3. Application of Forensic Science.
4. Awareness, education of Forensic Science.

**UNIT III -- BRANCHES OF FORENSIC SCIENCE, CRIME SCENE & EVIDENCE**

1. Various Branches of Forensic Science.
2. Forensic Science Laboratory – Mobile Van Forensic.
3. Crime Scene – Methods of Investigation, Recording of Crime Scene &
4. Digital investigation, Digital crime scene evaluation process, Search & Seizure, Digital Forensic Lab Setup



#### UNIT IV -- DETECTION OF CRIME SCENE AND CRIME SCENE MANAGEMENT

- 1 Role of First Responding Officer. Coordination between police personnel and Forensic scientists at crime scenes. The evaluation of 5Ws (who? what? when? where? why?) and 1H (how?).
- 2 Scene of crime: Types, protection of scene of crime, preservation (recording) of scene of crime photography and sketching methods.
- 3 Physical evidence: Meaning, Types, search methods, collection and preservation, Forwarding. Chain of custody. Collection, preservation, packing and forwarding of: blood, semen and other biological stains, firearm exhibits, documents, fingerprint, viscera, hair & fiber, glass, soil and dust, petroleum products, drugs and poisons, etc.
- 4 Documentation of crime scenes – photography, videography, sketching- Baseline method, Triangulation method, coordinate method, extended coordinate method. Crime scene notes.
- 5 Search – Definition, Objectives, Patterns- Strip/Lane method, Grid method, Zone method, Spiral method, Wheel method.

#### Reference Books -

- R.K. Tiwari, P.K. Sastry and K.V. Ravikumar, Computer Crimes and Computer Forensics, Select Publishers, New Delhi (2003)
- B.B. Nanda and R.K. Tiwari, Forensic Science in India: A Vision for the Twenty First Century, Select Publishers, New Delhi (2001).
- M. S. Dahiya, Principles and Practices in Contemporary Forensic Sciences, Shanti Prakashan (2015)
- M. S. Maloney, Crime Scene Investigation: Procedural Guide, CRC Press (2014)
- Forensic Science Principles & Application. Dr. Nishant Singh
- Forensic Science in Crime Investigation. B. S. Nabaf

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