

Group – B: CRIMINAL LAW

Object: This group is designed to discuss history and principles of criminal law, comparative criminal procedure, criminology, penology and juvenile delinquency.

Outcome: The students shall be well versed with each and every aspect of criminal law in addition to Juvenile Justice Law.

LL.M. 2nd Semester

203-Paper -I (ELECTIVE PAPER): History and Principles of Criminal Law

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit – I

1. Principles of Criminal law
2. General Principles of Criminal liability
3. Crime : Definition; nature; elements of crime; Different levels of Mensrea and their relevance in constitution of Crime; History of Mensrea as an essential element of crime in criminal jurisprudence.

Differences : Crime and Civil Wrong
Crime and Moral Wrong

Inter-relationship of Crimes and Torts.

4. Theories of Criminal Liability
5. Theories of Causation of Crime
6. Actus Reus Non Facit Reum Nisi Mens Sit Rea
7. Actus mi envictu reus, nisi mens facit reum.

Unit – II

1. Constructive joint Liability:
 - (a) Common intention
 - (b) Common Object
2. Stages of Crimes
3. Concept of Individualization of Punishment
4. Modern view of Punishment and Indian Penal Code
5. Executive Clemency : Meaning; Historical development; types
 - Power of Executive Clemency under constitution of India.
 - Clemency Petition: Procedure; scope before trail, during trail and after conviction.
 - Is executive clemency derogatory or supplementary to Administration of Justice.

Unit – III

1. General defences : Excusable and Justifiable
 - Difference between two types of defences
 - Excusable defences under IPC
 - Justifiable defences under IPC
2. Inchoate Criminal Offences
 - Attempt
 - Criminal Conspiracy
 - Attempts
3. Reforms in Criminal Law: Role of Judiciary Legislature and Law Commission in India.

Unit – IV

1. Presumptions and Burden of Proof under India Penal Code
2. Criminal Liability: An overview
3. Corporate criminal liability: History of evolution of corporate criminal liability in India.
4. Vicarious liability under criminal law in India; Vicarious liability of state; Vicarious liability under special statutes

Select Bibliography:

1. William , Glanville : Criminal Law (General Part)
2. Kennys : Outlines of Criminal Law (edited by J.W.C Turner)
3. Stuwart, S.W : A Modern View of the Criminal Law (Pergamon) Press Ltd., Oxford, 1969)
4. Nigam, R.C. : Law of Crimes in India Vol. I (Principles of Criminal Law)
5. Gour, Hari Singh : Penal Law of India.
6. Bhatt, V.R. : Essays in Criminal Law (Karnataka University ,Dharwar, 1979)
7. Bhattacharya, B.K. : Insanity & Criminal Law (Eastern Law House, Calcutta).
8. Fitzgerlard, P.J. : Criminal Law & Punishment.
9. Colin, Howard : Strick Responsibility (Sweet & Maxwell Ltd.,London,1963)
10. Law Commission of India, Reports: 29,42,43 and 47
11. Radzinowicz and Turner : Modern Approach to Criminal Law.
12. Edwards : Mens Rea in Statutory Offences.
13. Hall : General Principles of Criminal Law.
14. Stephen, James F. : History of Criminal Law (Vols. I,II & III).
15. Chaturvedi, A.N. : Rights of the Accused under the Indian Constitution(1984)

LL.B. 1ST SEMESTER
SESSION 2019-20

CODE-102: PAPER-II: CONSTITUTIONAL LAW-I

Max. Marks: 100

Time: 3 Hours

Note: (i) The Entire Syllabus of the theory has been divided into **four units**. But the question paper shall have **five units**. Unit **I** to **IV** of the question paper will have two questions from each **unit** of the syllabus. The student will be required to attempt one question from each **unit**.

Unit-V will consist of one compulsory question divided into 8 parts, carrying two parts from each unit to the syllabus. The student will be required to attempt any four parts.

(ii) All questions shall carry equal marks.

Unit-I

- Making of the Indian Constitution
- Nature and Salient Features of the Constitution of India
- Preamble
- Union and its Territory

Prescribed Case:

Kesavananda Bharti v. State of Kerala, AIR 1973 SC 1461

Unit-II

1. Fundamental Rights in General (Articles 12 and 13)
2. Equality Before Law (Articles 14)
3. Right to Equality (Articles 15-18)

Prescribed Case:

Indra Sawhney v. U.O.I AIR 1993 SC 477

Unit-III

1. Right to Freedom (Article 19)
2. Right to Freedom (Articles 20, 21 & 22)
3. Right against Exploitation (Articles 23-24)
4. Right to Freedom of Religion (Articles 25-28)

Prescribed Case:

Maneka Gandhi v. Union of India, AIR 1978 SC 597

Unit-IV

1. Cultural and Educational Rights (Articles 29-30)
2. Directive Principles of State Policy (Articles 36-51) Article 31-C
3. Right to Property (Articles 300-A, 31-A & 31-B)
4. Fundamental Duties (Article 51-A)

Prescribed Case:

Minerva Mills Ltd. v. Union of India, AIR 1980 SC 1789.

Book Recommended:

1. Basu, D.D. : Constitution of India
2. Chander Pal : Centre-State Relations and Co-operative Federation
3. Chander Pal : State Autonomy in Indian Federation
4. Diwan, Paras : Constitution of India
5. Gupta, R.K. : Centre-State Fiscal Relations under Indian Constitution.
6. Jain, M.P. : Indian Constitutional Law
7. Seervai, H.M. : Constitutional Law of India
8. Singh Mahendra, P : V.N. Shukla's Constitutional Law of India
9. Narinder Kumar : Constitutional Law of India

LL.B (IV SEMESTER)
CODE-403: PAPER-III: INSURANCE LAW

Max. Marks: 100

Time: 3 Hours

Note: (i) The Entire Syllabus of the theory has been divided into **four units**. But the question paper shall have **five units**. Unit **I** to **IV** of the question paper will have two questions from each **unit** of the syllabus. The student will be required to attempt one question from each **unit**.

Unit-V will consist of one compulsory question divided in to 8 parts, carrying two parts from each unit of the syllabus. The student will be required to attempt any four parts.

(ii) All questions shall carry equal marks.

Unit-I

1. Insurance: Definition, Nature, Scope and functions.
2. History of Insurance: Life, Fire, Marine.
3. Principles of Insurance: General Principles, Specific Principles and Basic Principles of Insurance.
4. Contract of Insurance: Its elements, concept of Indemnity and non indemnity.
5. Insurable Interest
6. Premium in Insurance Contract: Issue of Adequacy of Premium.
7. Modes of Payment of Premium
Forfeiture of Policy: An overview
Non-Forfeiture clauses in an Insurance contract.
8. Assignment of Insurance Policy : History, relevancy of assignment, conditional assignments.
9. Conditions of the policy : Express and implied conditions.
Conditions of the Life policy
Conditions of the Fire policy
Conditions of the Marine policy
10. Classification of insurance Policies; form and content

Prescribed Case:

Reserve Bank of India v. Peerless General Finance and Investment Co. AIR 1987 SC 1023

Unit – II

Insurance Regulatory and Development Authority Act 1999 (41 of 1999) Structure, Duties, Powers and functions of Authority.

Life Insurance Corporation Act 1956 and the life Insurance (Emergency Provisions) Act 1956 History, establishment, composition, LIC: Object, functions and Scope.

Life Insurance: Definition, Kinds of Life Insurance, nature, scope, formation of Life Insurance contract, circumstances effecting the risk.

Amount recoverable under the life policy.

Persons entitled to payment, settlement of claims

Payment of money

Prescribed Case

LIC v. Nirmala Adi Reddy, AIR 1984 SC 346

Unit - III

Marine Insurance Act 1963: Marine Insurance Nature and scope, Kinds of Marine Policies.

Concept of Insurable Interest and Insurable value in reference to marine Insurance;

Assignment of Marine Policy.
Premium in Marine Insurance An Overview
Circumstances when half premium is refunded
Circumstances when full premium is refunded
Rights of Insurance an payment and return of premium
Perils of Sea
Measures of Indemnity.

Prescribed Case

Home insurance Co. v. Ramnath & Co., AIR 1955 Mad. 602

Unit – IV

Public Liability Insurance Act,1991

Nature, Scope and object, liability to give relief in certain cases on principles of no fault (Section 3), Duty of owner to take out insurance policies (Section 4), verification and Publication of Accident by collector (Section 5) Application for Claim for relief (Section 6), Award of Relief (Section 7)

Establishment of Environmental Relief Fund (Sections 7A); Provisions as to other right to claim compensation of death (Section 8); Powers of Collection (Section 9 to 13), Penalty for contravention (Section 15); offences by companies and Government Departments (Section 16,17)

Prescribed Case

Charan Lal Sahu v. Union of India, AIR 1990 SC 1480; (1990) 1 SCC 613

Statutory Material

1. The Life Insurance Corporation Act,1956
2. The Life Insurance (Emergency Provisions) Act,1956
3. Marine insurance Act,1963
4. Public Liability Insurance Act,1991

Books Recommended:

1. Srinivasan, M.N. : Law and the Life Insurance Contract
2. Srivastava, Kirpa Dayal : Commentaries on Employees State Insurance Act,1948
3. Murthy, K.S.N. : Modern Law of Insurance in India
4. Banerjee , B.N. : The Law of Insurance
5. Mishra, M.N. : Law of insurance
6. Ivamy, E.R. Hardy : Marine insurance
7. Bhattacharjee : The Life Insurance Corporation Act
8. Naresh Mahipal : An introduction to Insurance Laws (ed. 2017), Central Law Publications.

LL.B. 5TH SEMESTER
SESSION 2019-20

CODE-502: PAPER-II: LABOUR AND INDUSTRIAL LAW-I

Max. Marks: 100

Time: 3 Hours

Note: (i) The Entire Syllabus of the theory has been divided into **four units**. But the question paper shall have **five units**. Unit **I** to **IV** of the question paper will have two questions from each **unit** of the syllabus. The student will be required to attempt one question from each **unit**.

Unit-V will consist of one compulsory question divided in to 8 parts, carrying two parts from each unit of the syllabus. The student will be required to attempt any four parts.

All questions shall carry equal marks.

Unit-I: Industrial Disputes Act,1947

Definition of Industry, Industrial Dispute and Workman; Grievance Settlement Authorities- Works Committee, Court of Enquiry, Conciliation Officer and Board of Conciliation, Labour Court, Industrial and National Tribunal; Reference of Dispute to Board, Court and Tribunals (Section 10); Voluntary Reference of Disputes to Arbitration (Section 10A)

Prescribed Case

Banglore Water Supply and Sewerage Board v. A. Rajappa and others, AIR 1978 SC 548

Unit-II: Industrial Disputes Act,1947

Strikes and Lockouts, Lay Off and Retrenchment, Transfer and Closure (Chapter VA & VB), Conditions of Service etc. to remain unchanged (Sections 33-33C), Workers Participation in Management, Unfair Labour Practices.

Prescribed Case

Syndicate Bank v. K. Umesh Nayak, 1994 1 LLJ 836(SC)

Unit-III: Trade Union Act,1926

Definitions of Trade Union, Trade Disputes, Procedure of Registration of Trade Unions Cancellation of Registration, Dissolution of Trade Union, Rights, Liabilities and Immunities of the Members of Registered Trade Union, Recognition of Trade Union, Collective Bargaining.

Industrial Employment (Standing Orders) Act,1946

Concept and Meaning of Standing orders, Certification Process; Its Operation and binding Effect, Modification of Standing Orders and Temporary Application of Model Standing Orders.

Prescribed Case

In re Indian Steam Navigation Workers Union, AIR 1936 Cal. 57

Unit-IV: Equal Remuneration Act,1976

Payment of Equal Remuneration to Men and Women Workers, Prohibition of Discrimination while Recruiting Men and Women Workers, Advisory Committee and the Role of the Appropriate Government to Appoint Authorities for Deciding Claims.

The child and Adolescent labour(Prohibition and Regulation) Act,1986

Prohibition of employment of children in any occupation and process, Regulation of conditions of work of adolescents, penalties.

Prescribed Case

M/s Mackinnan Mackenzie and Co. Ltd. V. Andrey D'Costas and another, (1987) ILLJ 536(SC)

Books Recommended

1. Malhotra O.P. : Industrial Dispute Act,1947
2. Mishra, S.N. : Labour and Industrial Laws
3. Yadav,Sunil : labour & Industrial Laws
4. Puri, S.K. : Labour and Industrial Laws
5. Goswami, V.G. : Labour Law and Industrial Laws
6. Varandani, G. : Workers Participation in Management
7. Sabharwal, R.K. : Job Security of Industrial Workers

CODE-601: PAPER-I: PRINCIPLES OF TAXATION LAW

Max. Marks: 100

Time: 3 Hours

Note: (i) The Entire Syllabus of the theory has been divided into **four units**. But the question paper shall have **five units**. Unit **I** to **IV** of the question paper will have two questions from each **unit** of the syllabus. The student will be required to attempt one question from each **unit**.

Unit-V will consist of one compulsory question divided in to 8 parts, carrying two parts from each unit of the syllabus. The student will be required to attempt any four parts.

(ii) All questions shall carry equal marks.

Unit-I

Need and importance of Income Tax in India, history of the development of Income Tax, Nature of Income Tax

Concepts; Income (Sec. 2(24)), Total Income (Sec.2(45)), Agriculture Income (Sec. 2(1A)), Assessee (Sec.2(7)), Assessment Year and Previous Year (Sec. 2(9)) and Revenue; Charge of Income Tax; Income of other persons included in assessed total Income(Ss. 60-65); Income which do not form part of total Income (Ss. 10-13A)

Prescribed Case

C.I.T. v. Raja Benoy Kumar Sahas Roy, 32 ITR 466 SC (1957)

Unit-II

Salary (Ss. 15-17); Income from House Property (Ss. 2-27); Profits and gain of business or Profession (Ss. 24 to 44 AD & 68 to 69 AD; Depreciation Allowance and Development Rebate; Capital Gains (Sections 45-55 A); Income from other Sources (Ss. 56 to 59)

Prescribed Case

C.I.T. v. Dalhousie Properties Ltd. 1984 Tax. L.R. 1334 (SC)

Unit-III

Set off and carry forward of losses (Ss. 70-80); Procedure for Assessment (Ss. 139-158); Liability in special cases (Ss. 159-181); Special Provisions Applicable to Firms (Ss. 184-189 A)

Prescribed Case

Bhushan Lal Parduman Kumar v. C.I.T., 1978 Tax L.R. 1346 SC

Unit-IV

Income Tax Authorities (Ss. 117-138); Appeal, Reference and Revision and Special Provisions for Avoiding Repetitive Appeals; Collection, Recoveries and Refund (Ss. 190-234) and (237-245); Penalties, Offences and Prosecution.

The Integrated Goods and Services Tax Act, 2017

Aims and Objectives of the Act; Definitions under the Act, Administration, Levy and Collection of Tax, Determination of Nature of Supply; Place of Supply of Goods or Services, Refund of Integrated Tax, Zero rated Supply; Apportionment of Tax and Settlement of Funds, Miscellaneous

Prescribed Case:

Union of India v. Mohit Mineral Pvt. Ltd., SCC 2018 SC 1727, Date of Decision 03-10-2018

Books Recommended

1. Bhattacharya's : Law and Practice of Income Tax
2. Chaturvedi, Kothari : Central Sales Tax Act
3. Jain, S.N. : Central Tax Act
4. Kanga and Pai : Law and Practice of Income Tax
5. Saxena, A.,K. : Income Tax Act, 1996
6. Ravi, K. : Law of Income Tax

7. Sampath Iyenger : Law of Income Tax
8. Kailash Rai : Law of Income Tax

LL.B.6TH SEMESTER
SESSION 2019-20

CODE-602: PAPER-II: LABOUR AND INDUSTRIAL LAW-II

Max. Marks: 100

Time: 3 Hours

Note: (i) The Entire Syllabus of the theory has been divided into **four units**. But the question paper shall have **five units**. Unit **I** to **IV** of the question paper will have two questions from each **unit** of the syllabus. The student will be required to attempt one question from each **unit**.

Unit-V will consist of one compulsory question divided in to 8 parts, carrying two parts from each unit of the syllabus. The student will be required to attempt any four parts.

(ii) All questions shall carry equal marks.

Unit-I:

The Employee's Compensation Act, 1923

Definition of Total and Partial Disablement, Employee, Employer, Dependent, Wages. Employer's Liability for Compensation, Methods of calculating Wages, Distribution of Compensation, and Commissioner's

Employees' State Insurance Act, 1948:

ESI Corporation, Standing Committee and Medical Benefit Council, Contributions and Benefits, Adjudication of Disputes & Claims

Prescribed Case

M. Mackenzie v. I.M. Issak, AIR 1970 SC 1006

Unit-II: The Employees' Provident Funds and Miscellaneous Provisions Act, 1952

Object and Scope of the Act, Employees' Provident Fund Scheme, Authorities, Central Board of Trustees, State Board of Trustees, Regional Committees, Determination of Money due from employer, Mode of recovery of money, Power to recover damages (Section 14-B)

The Payment of Gratuity Act, 1972

Object, Scope and Concept of Gratuity, Payment of Gratuity, Ceiling of Gratuity, Determination and recovery of Gratuity

Prescribed Case

Jeewan Lal (1929) Ltd. V. Appellate Authority and Others, 1984 II LLJ 464(SC)

Unit-III: The Factories Act, 1948

Definition of Factory, Worker, Hazardous process, Occupier, Adult, Adolescent and child, Provisions relating to Health & Cleanliness, Safety, Hazardous process and welfare of workers. Employment of children and Adolescents. Annual leave with wages, penalties and procedure

Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979

Definition, Registration of Establishments, Employing Inter-State Migrant Workmen; Licensing of Contractors; Duties and Obligations of Contractors, Wages, Welfare and other facilities, Inspecting Staff.

Prescribed Case

Delhi Cloth and General Mills Co. Ltd. V. The Chief Commissioner, Delhi, AIR 1971 SC 344

Unit-IV: The Minimum Wages Act, 1948

Definition of minimum Wages, Fixation of Minimum rates of Wages, Procedure for Fixation, Revision and Disposal of Claims

The Payment of Wages Act, 1936

Object and Scope of the Act, Responsibility for Payment of Wages, Deductions Fines, Claims arising out of Deduction and delay in payment, Enforcement Machinery- their powers and functions

Bonded Labour System (Abolition) Act, 1976

Object and main features of the Act, Abolition of Bonded Labour System, Extinguishment of Liability to Repay Bonded Debt, Implementing Authorities, Vigilance Committee

Prescribed Case

Bandhua Mukti Morcha v. Union of India, AIR 1984 SC 802

Books Recommended

1. Mishra, S.N. : Labour and Industrial Laws
2. Yadav, Sunil : : Labour and Industrial Laws
3. Puri, S.K. : Labour and Industrial Laws
4. Goswami, V.G. : Labour Law and Industrial Laws
5. Sabharwal, R.K. : Job Security of Industrial Workers
7. Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979