

B.A. LL.B. (Hons.)

SEMESTER-IX

LBC901 Law of Taxation

LBC902 Civil Procedure Code-II & Limitation Act

LBC903 Land Laws including Tenure & Tenancy

LBE901 Offence against Child & Juvenile

or

LBEC902 COPRA & M.V. Accident Act

LBS901 Alternative Dispute Resolution (Clinical Course)

B.A. LL.B. (Hons.) Semester – IX

LAW OF TAXATION

Core Course LBC901

Credit 04

Continuous Evaluation 40 marks

Term End Examination 60 marks

UNIT-I

Income Tax Act 1961

1. Basic Concepts
2. Definitions:-
 - 2.1 Income
 - 2.2 Agriculture Income
 - 2.3 Assessee
 - 2.4 Company, Dividend, Amalgamation, Demerger,
 - 2.5 Total Income
 - 2.6 Assessing Officer
 - 2.7 Assessment Year and Previous Year
3. Distinction between Capital receipt and Revenue
4. Distinction between Capital Expenditure and Revenue Expenditure
5. Capital loss and Revenue Loss
6. Residential status of Assessee

UNIT-II

1. Heads of Income
 - 1.1 Salary- meaning and scope of salary
 - 1.2 Deduction from salary
2. Income from House Property
 - 2.1 Deduction from House Property
3. Profits and Gains of Business or Profession
 - 3.1 Deduction from Business or Profession

4. Capital Gains
 - 4.1 Transfer
 - 4.2 Chargeability to Tax
5. Income from other Sources
 - 5.1 Deductions
6. Income of other person included in Assessee Total Income

UNIT-III

1. Set off or carry forward of Losses
2. Income Tax Authorities
3. Power & Functions
4. Procedure for Assessment
5. Rectification

UNIT-IV

1. Appeal
2. Reference
3. Revision
4. Penalties
5. Offences
6. Prosecution
7. Miscellaneous

UNIT-V

Central Sales Tax Act, 1956

Definitions

- 1.1 Declared Goods
- 1.2 Registration of Dealers
- 1.3 Inter-State Sales
- 1.4 Sale or purchase of Goods outside a state
- 1.5 Sale or Purchase in the course of Export or Import

1.6 Inter-state Sales Tax

1.7 Liabilities in special Cases

Select BiL Biography

1. A.K. Saxena : Income Tax Act
2. Kailash Rai : Income Tax Act
3. V.K. Singhanian : Students Guide to Income Tax (Including Central Sales Tax)
4. H.C. Malhotra : Income Tax
5. C.R. Latta : The Income Tax Law
6. P.C. Gang : Central Sales Tax Law in India
7. Basanti Lal Babel : Direct Tax Laws, (Offence, Prosecution & Penalties) (in Hindi)

B.A. LL.B. (Hons.) Semester – IX

Civil Procedure Code-II & Limitation Act

Core Course LBC902

Credit 04

Continuous Evaluation 40 marks

Term End Examination 60 marks

Unit-I

1. Suits by Aliens and by or against Foreign Rulers.
2. Suits against Rules of Former Indian States.
3. Suit involving a substantial questions of law as to the inter-relation of the constitution
4. Suits by or against military, naval or airmen
5. Suits by or against Corporation
6. Suits by or against firms and persons carrying on Business in names other than their own
7. Suits by or against minor trustees executors and administrators

Unit-II

1. Suits by against minor and persons of unsound mind
2. Suits Relating matters Concerning the family
3. Suits by paupers
4. Suits relating to mortgages of immovaLBe property
5. Interpleader Suits
6. Settlement of disputes out side the court
7. Special Case
8. Suits relating to PuLBic matters
9. Summary Procedure or NegotiaLBe Instruments

Unit-III

1. Arrest and Attachment before judgment
2. Temporary Injunctions and Interlocutory Orders
3. Appointment of Receiver
4. Appeals from original decrees
5. Appeals from appellate decrees
6. Appeals from orders
7. Powers of Appellare Courts)

8. Pauper Appeals
9. Appeals to the Supreme Courts

Unit-IV

1. Reference
2. Review
3. Revision
4. Special Provisions Relating to the High Courts not being the Court of a Judicial Commissioner
5. Miscellaneous
6. Chartered High Court
7. Provisional Small Causes Courts
8. Presidents small causes courts

Unit-V

1. Law of Limitation

- 1.1 The concept – the law assists the vigilant and not those who sleep over the rights
- 1.2 Distinction with laches, acquiescence, prescription
- 1.3 Extension and suspension of limitation
- 1.4 Sufficient cause for not filing the proceedings
- 1.5 Illness
- 1.6 Mistaken legal advise
- 1.7 Mistaken view of law
- 1.8 Poverty, minority and purdha
- 1.9 Imprisonment
- 1.10 Defective vakalatnama
- 1.11 Legal liabilities
- 1.12 Foreign rule of limitation: contract entered into under a foreign law
- 1.13 Acknowledgement – essential requisites
- 1.14 Continuing tort and continuing breach of contract

Note- The above units will include whole Act with recent amendments and the study of important updated relevant cases decided by the judiciary.

Select BiL Biography

1. Mulla : Code of Civil Procedure (1999), Universal Delhi
2. C.K. Thacker : Code of Civil Procedure (1999), Universal Delhi
3. M.R. Mallick : B.B. Mitra on Limitation Act (1998), Eastern Lucknow
4. Majumdar P.K. and Kataria R.P. : Commentary on the Code of Civil Procedure,
1908 (1998), Universal Delhi
5. Saha A.N. : The Code of Civil Procedure (2000), Universal Delhi
6. Sarkar's : Law of Civil Procedure, Vols. (2000), Universal Delhi
Universal's Code of Civil Procedure (2000)

B.A. LL.B. (Hons.) Semester – IX

Madhya Pradesh Land Revenue Code

Core Course LBC903

Credit 04

Continuous Evaluation 40 marks

Term End Examination 60 marks

Unit-1

1.1. Objects, Reasons and Basic features of enacting Madhya Pradesh Land Revenue Code 1959.

1.2 Definitions: Abadi, Agriculture, Agriculture and Revenue years, Board, Bonafide Agriculturist, Co-operative Society, Government Forest, Government Lessee, Holding, Improvement, Land, Landless Person, Land Records, Mango grove, Orchard, Plot number, Rents, Revenue Officer.

1.3 Revenue Board, Constitution, Jurisdiction, Limitations

1.4 Revenue Officers, Classes and their Powers

1.5 Provisions relating to property in the Constitution of India

Unit – II

2.1 Procedure of Revenue Officers and Revenue Courts

2.2 Appeal

2.3 Revision and Review

2.4 Land and Land Revenue

2.5 Revenue Survey and Settlement in Non Urban Area.

Unit – III

3.1 Assessment and Re-Assessment of Land in Urban Area

3.2 Land Records, Field Map, Record of rights,

3.3 Boundaries and Boundary Marks, Survey Marks

3.4 Realisation of Land Revenue

3.5 Tenure-holders

UNIT-IV

4.1 Government lease - Appointment, Termination of lease, Service Land and legal remedies

4.2 Occupancy Tenants,

4.3 Alluvion and Diluvion

4.4 Consolidation of holdings

4.5 Village Officers

Unit –V Rights and Liabilities of -

5.1 Patels

5.2 Kotwars

5.3 Gram Sabha

5.4 Rights in Abadi, Unoccupied Land and Its Procedure

5.5 Miscellaneous Provisions and legal remedies

Note: The above units will include whole Act with recent amendments and the study of important updated relevant cases decided by the Judiciary.

SELECT BIBLIOGRAPHY:

1. H.N. Dwivedi : M.P. Land Revenue Code.
2. R.D. Jain : M.P. Land Revenue Code
3. R.D. Jain : म.प्र. भू-राजस्व संहिता (हिन्दी)
4. S.D. Shrivastava : म.प्र. भू-विधि
5. मोहम्मद नजमी : म.प्र. भू-राजस्व संहिता

B.A. LL.B. (Hons.) Semester – IX

OFFENCE AGAINST CHILD & JUVENILE

Elective Course LBE901

Credit 04

Continuous Evaluation 40 marks

Term End Examination 60 marks

UNIT – I Introduction

- 1.1 Definition and concepts of term child and Juvenile
- 1.2 Causes of offence against child
- 1.3 International protection/conventions relating to child
- 1.4 Constitutional concerns – Article-15(3), Article-23 and 24, Article-39(e) and (f), Article-21-A, Article-51-A(k).

UNIT – II

- 2.1 Child abuse, Protection of Children from Sexual offence Act 2012,
- 2.2 Child labour and forced labour
- 2.3 kidnapping, abduction
- 2.4 Abetment of suicide of child
- 2.5 Exemption of Child from criminal liability (Section 82 and 83 of IPC)

UNIT - III

- 3.1 Child marriage, (Child Marriage Restrain Act 1929) Prohibition of Child Marriage Act 2006
- 3.2 Abandonment of child (316-318 IPC)
- 3.3 Female foeticide, PC-PNDT Act 1994
- 3.4 Custody of Child during matrimonial suit.

UNIT – IV

- 4.1 Sale of obscene object to young (S.293 IPC)

- 4.2 Child Pornography, IT Act 2000 (Section 67 B),
- 4.3 Cyber Appellant Tribunal (Section 48 to 58)
- 5.1 National Commission for the Protection of Child Rights
- 5.2 Judicial Activism with respect to children

UNIT – V Juvenile Delinquency

- 1. Juvenile delinquency – Nature, causes,
- 2. Juvenile Court System,
- 3. Treatment and rehabilitation of juveniles
- 4. Legislative and judicial protection of juvenile offender,
- 5. Juvenile Justice Act, 2001. (Repealed)
- 6. Juvenile Justice Act, 2015

Note: The above units will include whole Act with recent amendments and the study of important updated relevant cases decided by the Judiciary.

SELECT BIBLIOGRAPHY

- 1. Paras Diwan Children & Legal Protection
- 2. Savitri Goonesekar Children Law and Justice
- 3. O.P. Mishra Law Relating to women & child
- 4. Mamta Rao Law Relating to Women & Child. Eastern Book Company, Lucknow.

B.A. LL.B. (Hons.) Semester – IX

CONSUMER PROTECTION ACT & MOTOR VEHICLE ACCIDENT ACT

Elective Course LBE902

Credit 04

Continuous Evaluation 40 marks

Term End Examination 60 marks

UNIT – I: Concept of Consumer

Consumer, the concept (The Consumer Protection Act)

International concept

Need of consumer protection law

Definitions and scope: objective

Who is a consumer?

Consumer council –consumer rights

UNIT – II: Goods and Services

Consumer of Goods and Meaning of Goods

Defect in Goods Commercial purpose of Goods

Service Deficiency – Meaning and definition including all services

Contract

Personal Services

Professional Services: Medical Services Architects and Engineers Advocacy services:

UNIT – III: Forum and Commission

Constitution of consumer Forum: District Forum, State Commission, National Commission

Jurisdiction and powers

Functions and Remedies.

Enforcement of Consumer Right: Consumer protection council.

UNIT – IV: Motor Vehicle Act 1988

Preliminary (Chapter I)

Licensing of Drivers of Motor Vehicle (Chapter II)

Licensing of Conductors (Chapter III)

Registration of Motor Vehicle (Chapter IV)

UNIT - V

Liability without fault in certain cases (Chapter X)

Claims Tribunals

Offences, Penalties and Procedure (Chapter XIII)

M. P. Motor vehicle rules 1995

Note: The above units will include whole Act with recent amendments and the study of important updated relevant cases decided by the Judiciary.

Select biLBiography

1. Farooq Ahmad Consumer Protection Law in India (ProLBems & Prospects)
2. Avtar Singh Law of Consumer Protection (Principles and Practices)
3. Gurjeet Singh The Law of Consumer Protection in India (Justice within Reach)
4. Farooq Ahmad & Law on Consumer Services (2003) (Valley PuLBishers) Mushtaq Ahmad Dar
5. Dr.Mamta Rao Services of consumer protection .
6. Arora J C. Motor Vehicles Act With Ready Referencer.
7. S.K.Dutt and Sunita Dadhich Motor Vehicle Act .
- 8.P.K.Sarkar Motor Vehicles Act, 1988.

B.A. LL.B. (Hons.) Semester – IX

ALTERNATIVE DISPUTE RESOLUTION (CLINICAL COURSE)

Skill Course LBS901

Credit 04

Continuous Evaluation 40 marks

Term End Examination 60 marks

Unit-I

1. CONCEPT OF ADR

1.1 History and Reasons for the growth of ADR

1.2 Advantages of ADR

1.3 Legislative and Judicial Sanction for ADR

1.4 UNCITRAL Modal law

1.5 Important forms of ADR - Negotiation, Mediation, Conciliation, Arbitration, Ombudsman
Lok Pal and Lokayukta (Under Lok Pal and Lokayukta Act 2013) , Lok-adalat included
Permanent Lok Adalat.

1.6 International arbitration (Various Countries)- Definition, Essentials and related Issues.

Unit-II

2. Arbitration and Conciliation Act 1996 and 2015

2.1 Salient feature of Arbitration and Conciliation Act 1996 & 2015

2.2 Arbitration: meaning, scope and types

2.3 arbitration agreement

2.4 Arbitration: meaning, scope and types

2.5 Arbitration Agreement - Essentials - Rule of severability

- 2.6 Who can enter into arbitration agreement , Validity of arbitration agreement
- 2.7 Extent of Judicial Intervention- Power of Court to refer parties to arbitration
- 2.8 Interim measures.

Unit-III

3. COMPOSITION OF ARBITRAL TRIBUNAL AND PROCEDURE

- 3.1 Number of arbitrators - Appointment of arbitrators
- 3.2 Grounds for challenge – Challenge procedure - Court assistance.
- 3.3 Competence of arbitral tribunal to rule on its jurisdiction.
- 3.4 Interim measures ordered by arbitral tribunal.
- 3.5 Equal treatment of parties - Determination of rules of procedure - Place of arbitration – Language -Statement of claim and defence -Hearing and written proceedings- Expert appointment by arbitral tribunal.

Unit- IV

4. MAKING OF ARBITRAL AWARD AND TERMINATION OF PROCEEDINGS

- 4.1 Rules applicable to substance of dispute – Settlement - Form and contents of arbitral award, Correction and interpretation of award.
- 4.2 Termination proceeding.
- 4.3 Recourse against Arbitral Award - Finality and Enforcement of Arbitral Awards
- 4.4 Appeals and revision
 - 4.4.1 Enforcement of foreign awards
 - 4.4.2 New York convention Award
 - 4.4.3 Geneva Convention Awards

UNIT-V

5. Conciliation

- 5.1 Distinction between “conciliation”, “negotiation”, “mediation”, and “arbitration”
- 5.2 Appointment of conciliator, Role of Conciliator
- 5.3 Commencement of conciliating proceedings and termination of conciliation proceedings.

- 5.4 Legal Service Authorities Act 1987 (with amendment Legal Service Authorities Act 2002)
- 5.5 Lok Adalat, Permanent Lok Adalat, composition of Lok Adalat, procedure of Lok Adalat
- 5.6 Legal Aid camps

Note: The above units will include whole Act with recent amendments and the study of important updated relevant cases decided by the Judiciary.

Select BiL Biography

1. O.P. Malothra, *The law and practice of Arbitration & Conciliation* (2nd ed., LexisNexis Butterworths , New Delhi 2006).
2. P.C. Rao & William Sheffield, ed., *Alternative Disputes Resolution- What it is and how it works?* (Universal Law PuLBishing Co. Pvt. Ltd., New Delhi, 2006).
3. P.C. Markanda, *Law relating to Arbitration and Conciliation*, (7th edn., LexisNexis Butterworths, Nagpur, 2009).
4. Basu. N.D, *Law of Arbitration and Conciliation*(9th edn., Universal Law PuLBishing Co. Pvt.Ltd., New Delhi, 2000).
5. N,V. Paranjape, *Arbitration and Conciliation*.

Statutes to be Referred:

1. Arbitration and Conciliation Act, 1940
2. Arbitration and Conciliation Act, 1996
3. Arbitration and Conciliation Act, 2015
4. Legal Services Authorities Act, 1987 & 2002
5. Lokpal and Lokayukta Act 2013
6. UNCITRAL Model Law

Comprehensive Viva-Voce

Credit 04

Comprehensive *viva-voce* of 4 virtual credits will be conducted at the end of each semester of the programme by a board of examiners. The grades awarded in the viva-voce shall be shown separately in the grade-sheet.