

**RAJESH PANDEY COLLEGE OF LAW**

*AKBARPUR AMBEDKAR NAGAR (U.P.)*

AFFILIATED BY

**DR. RAM MANOHAR LOHIA AWADH UNIVERSITY, AYODHYA (U.P.)**

**SYLLABUS**

**OF**

**LL.B. (THREE YEAR COURSE)**

**LL.B. 5<sup>th</sup> SEMESTER**

# **LL.B. 5<sup>th</sup> SEMESTER**

**I. ADMINISTRATIVE LAW-I**

**II. TAXATION LAWS**

**III. LAND LAWS INCLUDING CELLING AND OTHER LOCAL  
LAW-I**

**IV. CRIMINOLOGY AND PENOLOGY**

**V. ARBITRATION , CONCILLIATION AND ALTERNATE  
DISPUTE RESOLUTION SYSTEM**

**VI. LAW AND THE CHILD**

**VII. PRACTICAL TRAINING: ALTERNATE DISPUTE  
RESOLUTION SYSTEM**

**ADMINISTRATIVE LAW-I**

**UNIT-I**

**Evolution, Nature and Scope of Administrative Law**

Nature, definition, scope and development of Administrative Law and its Relation with Constitutional Law and Administrative Law  
Rule of law - its applicability and relevance in India  
Separation of power and its relevance

**UNIT-II**

**Legislative power of Administration**

Need of delamination of legislative power Requirements for the validity of delegated legislation  
Excessive delegation, sub-delegation, conditional legislation and Henry VIII Clause Reason for growth of delegated legislation in India  
Legislative control of delegation

**UNIT-III**

**Judicial Power of Administration**

Need for devolution of adjudicatory authority on administration  
Distinction between quasi-judicial and administrative function; tribunal and court Tribunals: need, nature, constitution, power and jurisdiction under the Administrative Tribunals Act, 1985

**UNIT -IV**

**Natural Justice**

Definition, nature object and scope of justice  
Principles of natural justice: (i) Rule against bias-meaning and type; real and likelihood of bias; and (ii) Audi alteram (Hear the side)- essentials of hearing process  
Speaking orders and reasoned decisions Pre-decisional and post- decisional hearing  
Effect of breach of nature justice; void or voidable

UNIT -V

**Administrative Discretion**

Meaning and need for Administrative discretion

Limitations on exercise of discretion

Malafide exercise of discretion

Colorable legislation

Doctrine of proportionality

Judicial review of administrative discretion; meaning nature and scope of judicial review

Grounds of judicial review

Judicial review and administrative review-distinction; limitations and remedies

**BOOKs**

Jain & Jain: principles of Administrative Law

Wade: Administrative Law

C.K. Thakar: Lectures on Administrative Law

S.P. Sathe: Administrative Law

M.P. Jain: Cases and Material on Indian Administrative Law

**LL.B. Fifth Semester**

**PAPER-II**

**Maximum Marks: 100**

**TAXATION LAWS**

**UNIT- I**

**General Perspective**

- History of tax law in India
- Fundamental principles relating to tax laws
- Governmental financial policy, tax structure and their role in the national economy Concept of tax; nature and characteristics of taxes
- Distinction between tax and fee; tax and cases; direct and indirect taxes; and tax evasion and tax avoidance
- Scope of taxing power of Parliament, State legislatures and local bodies

**UNIT -II**

**Income Tax**

- Basic concepts: Income; Total income; Income not included in total income; Deemed income; Clubbing of income; Assesse; Person; and Tax planning
- Chargeable income: Heads of income- Salaries; income from house property; income from business or profession; capital gains; income from other sources
- Deductions, relief and exemptions
- Income Tax authorities: powers and functions
- Offences and panel sanctions
- Settlement of grievances: authorities, powers and functions

**UNIT-III**

**Sales Tax**

- Central Sales and State Sales Tax
- Sale or purchase of goods: meaning of sale; sale in the course of inter-State sale and commerce; sale to take place outside a Sate; and sale in course of export and import
- Charge of tax; exemption and rebate
- Sales Tax Authorities: powers and functions Offences and penalties
- Charge of tax; exemption and rebate
- Sales Tax Authorities: powers and functions Offences and penalties

## UNIT -IV

### Wealth Tax

Taxable wealth; determination of value of assets; exemption and rate of wealth tax  
Wealth Tax Authorities: constitution, powers and functions  
Offences and penalties

## UNIT -V

### Service Tax

Taxable service  
Meaning and importance of service tax Constitutional perspective  
Salient provisions of service tax law  
Valuation of taxable service Offences and penalties

### BOOKS

SampathIyengar: Law of Income Tax  
Kanga and Palkiwala: The Law and Practice of Income Tax  
K.P. Parameswaran: Power of Taxation under the Constitution  
S.D. Singh: Principles of Sales Tax Law  
R.V. Patel: The Central Sales Tax Act  
C.A. Gularickar: Law and Practice of Wealth Tax and Valuation Ramesh Sharma:  
Supreme Court on Direct Taxes

**LL.B. Fifth Semester**

**PAPER-III**

**Maximum Marks: 100**

**LAND LAWS INCLUDING CELLING AND OTHER LOCAL LAW-I**

**UNIT-I**

**Abolition of Zamindari**

Salient features of the Zamindari Abolition and Land Reforms Act, 1950 Aims and objects of the Act

Causes for Zamindari Abolition

Important definitions: Agricultural year; Beneficiary; Land Management Committee; Gaon fund and Consolidated Gaon Fund; Gram Sabha; Gram Panchayat, Grove and; Intermediary; Revenue; and Sir

Consequences of vesting

**UNIT-II**

**New Land Tenures**

Bhumidhar

Sirdar

Asami and Adhivasi Rights  
of tenure holders Ejectment

Ejectment of Bhumidhar with transferrable rights and with non-transferable rights Ejectment of an Asami-ground for ejectment

**UNIT-III**

**Abandonment, Surrender and Lease**

Abandonment; Consequences of Abandonment

Surrender- (i) by a Bhumidhar with non-transferable rights; and (ii) by an Asami Distinction between surrender and abandonment

Lease

Registration of lease

Lease by a disabled person- who is a disabled person

?



## UNIT-IV

### **Succession and Allotment of land**

General order of succession

Succession where Bhumidhar or Asami dies without leaving a made lineal decrement

Female's interest inherited from a male

Interest of a female acquiring bhumidhari rights Passing of interest by survivorship

Allotment of land Order of preference Procedure of allotment

Cancellation of allotment



## UNIT-V

### **Land Revenue and Revenue Authorities**

Revenue and Rent

Persons liable to pay land revenue

Process of recovery of an arrear of land revenue

Revenue Court and Revenue Officer- powers and functions

Maintenance of Maps and records

Appeals; Revision; and Review

**Act**

U.P. Zamindari and Land Reforms Act, 1950

**BOOKS**

R.R. Maurya: U.P. Land Laws

R.P. Singh; U.P. Land Laws



**CRIMINOLOGY AND PENOLOGY**

**UNIT-I**

**Introduction to Criminology**

Definition, nature and extent of crime in India, Definition, nature, scope and importance of criminology  
Relationship between crime, criminal law and criminology Methods of criminological studies

**UNIT-II**

**Schools of Criminology**

Classical and Neo-Classical  
Sociological  
Socialistic Feminist approach  
Multiple factor Theory

**UNIT-III**

**Crime Causation**

Positive Theory (Lombroso, Garofalo, and Enrico Ferri) Psycho-analytical Theory  
Social dis-organization and Anomic  
Differential Association Theory  
Delinquent Sub-culture Theory

**UNIT-IV**

**Dimensions of Crimes**

White collar crime: definition, scope and extent; corruption in public life  
Cause, prevention and treatment of white collar criminality with special reference to India  
Juvenile delinquency: definition, nature and scope  
Causes, prevention and treatment of juvenile delinquency in India Criminality or women: causes, prevention and treatment

**UNIT-V**

**Penology**

Theories of punishment

Capital punishment; judicial attitude towards capital punishment in India Prison system;  
open prison-evaluation

Probation

Parole

Distinction between probation and parole

**BOOKs**

Catherine S. Williams: Text Book on Criminology Sutherland and  
Cressy: Principles of Criminology  
J.M. Sethna: Society and the Criminal

A. Siddique: Criminology- Problems and Perspectives Sutherland: White  
Collar Crime

W.C. Reckless: The Prevention of Juvenile Delinquency

S. Rao: Crime in Our Society

Law Commission of India- 42<sup>nd</sup> Report

**LL.B. Fifth Semester**

**PAPER-V**

**Maximum Marks: 100**

**ARBITRATION, CONCILIATION AND ALTERNATE DISPUTE  
RESOLUTION SYSTEM**

**UNIT-I**

**Arbitration**

Arbitration: meaning, scope and importance or arbitration  
UNCITRAL model law  
Types of arbitration

Distinctions: arbitration and conciliation; arbitration and expert determination Extent of  
judicial intervention  
International commercial arbitration

**UNIT-II**

**Arbitration agreement and arbitration tribunal**

Essentials of arbitration agreement; kinds of arbitration agreement Who can  
enter into arbitration agreement?  
Validity

Reference to arbitration  
Interim measures by court  
Arbitration Tribunal: Appointment, jurisdiction, powers of arbitral tribunal Grounds of  
challenge  
Procedure Court  
assistance

**UNIT-III**

**Award**

Rules of guidance  
Form and content  
Correction and interpretation Grounds  
of setting aside an award  
Can misconduct be a ground?; incapacity of party; invalidity of arbitration agreement; want of proper  
notice and hearing; beyond the scope of reference; contravention of composition and procedure;  
breach of confidentiality; impartiality of the arbitrator; bar of limitation; res judicata; consent of parties  
Enforcement



**UNIT-IV**

**Appeal, Revision and Enforcement of foreign awards**

Forum of appeal

Power of Appellate Court Costs of arbitration proceeding Revision

New York Convention awards

Geneva Convention awards



**UNIT-V**

**Conciliation**

Conciliation: meaning and importance

Distinction between 'conciliation', 'negotiation', 'mediation', and 'arbitration' Appointment of Conciliator

Interaction between conciliation and parties; communication; duty of the parties to co- operate; suggestions by parties; confidentiality

Resort to judicial proceeding

Acts

Arbitration and Conciliation Act, 1996

**LL.B. Fifth Semester**

**PAPER-VI**

**Maximum Marks: 100**

**LAW AND THE CHILD**

**UNIT-I**

**Social, Constitutional and International Legal Status of Child:**

Significance, scope and magnitude of the problem  
Special status of child-national policies  
Constitutional concern-Articles 15 (3), 24, 39 (e) and (f)

International concern and endeavor for the welfare of children: Minimum Wage convention;  
Child Rights Convention; and U.N. Declaration of the Rights of the Child

**UNIT-II**

**Problems of Conception, birth:**

Legal status of the child in the womb  
Sex selection: fanticide and infanticide  
Tortious liability against injuries to unborn children  
Coparcenary and property rights of the unborn children  
Law relating to maternity benefit and relief

**UNIT-III**

**Family Relations and Child and Legal Control of Child Labour:**

The status of a child matters of marriage, legitimacy, guardianship, adoption, maintenance and custody.

Statutory provisions regarding child marriage, guardianship, adoption and maintenance  
Regulation of the employment of children in various occupations  
Recommendations of the ILO and statutory protection

**UNIT-IV**

**Contractual and criminal Liability:**

Minor's agreement: nature, rationale

Liability in beneficial contracts

Testimony of children

Crimes committed by child; crimes committed by others in relation to children

Judicial proceedings in criminal cases

Statutory provisions: Sections 82, 83, 299 Explanation 3, 363A, 372 and 376 IPC; Penal provisions contained in the Child Marriage Restraint Act, 1929; Young Persons Harmful Publication Act, 1956; and Juvenile Justice Act, 2000

**UNIT-V**

**Law and Offences against Child:**

Juvenile Justice Act

Provision for the protection of neglected children

Institutions for the protection of neglected children

Child Welfare Boards and Juvenile Courts: constitution, powers, duties and functions

Protection of girls from immoral traffic

Prevention of vagrancy and beggary

**BOOKS**

S.K. Awasthi: Juvenile Justice Act, 1986 Indian Law

Institute: Child and the Law

Indian Law Institute: Treatise on the Juvenile Justice Act

P.L. Mehta and S.S. Jaswal: Child Labour and the Law

L.S. Shastri: Child Marriage Restraint Act, 1996

**LL.B. Fifth Semester**

**PAPER-VII**

**Maximum Marks: 100**

**Practical Training: Alternate Dispute Resolution**

**System Outline of the course:-**

- 1- Negotiation skills to be learned with simulated program.
- 2- Conciliation skills.
- 3- Arbitration Law and practice including International arbitration and arbitration rules.

The Course is required to be conducted by senior legal practitioners through simulation and case studies. Evaluation may also be conducted by practical exercises at least for a significant part of evolution.