

# **EIGHTH SEMESTER BA.LL.B. (HONS) 5 YRS COURSE**

## **Course Code 8.1**

### **BANKING AND NEGOTIABLE INSTRUMENTS ACT**

#### **Unit I: Banking Regulation Act, 1949**

Concept of Bank and Banker, Functions of Banks, Classification of Banks, Relationship between Bank and Customer, Control by government and its agencies, Management of Banking companies, account and audit, Reconstruction and reorganization of banking companies, Suspension and winding up of business of banking companies, Social control over banking, Banking Ombudsman, Recent Trends in Banking: Automatic Teller Machine and Internet Banking, Smart Credit Cards, Banking Frauds.

#### **Unit II: Reserve Bank of India Act, 1934**

Incorporation, Capital, Management and Business of Banking Company, Central Banking function of Reserve Bank of India, Collection and furnishing of Credit Information, Control of Reserve Bank of India over Non-banking Institutions and Financial Institutions, Credit Control by Reserve Bank of India, General provisions and penalties.

#### **Unit III: Negotiable Instrument Act, 1881**

Definition and characteristic of Negotiable Instruments, Types of Negotiable Instruments, Definition and Essentials of Promissory Note, Bill of Exchange and Cheque, Liabilities and Capacity of Parties of Negotiable Instrument, Holder and Holder in due course, Transfer and Negotiation of Negotiable Instrument.

#### **Unit IV:**

Crossing of Cheques and payment, Dishonour of Cheques, Presentment and Payment, Dishonour, Noting and Protest of Negotiable Instrument, Endorsement: Definition, Essential of a valid endorsement and its kinds, Rules of evidence and compensation.

#### **UNIT -V**

Law relating to Negotiable Instruments, 1881 Act (Read with the amended Act of 2002) -

Negotiable Instruments - Kinds - Holder and holder in due course – Parties –Negotiation-Assignment – Presentment – Endorsement – Liability of parties – Payment in due course – Special rules of evidence - Material alteration – Noting and protest – Paying banker and collecting banker – Bills in sets – Penal provisions under NI Act - Banker’s book evidence Act.

**Prescribed Books:**

1. M. L. Tannan- Law of Banking.
2. M. S. Parthasarathy (Ed.), Khergamvala - Negotiable Instruments Act.
3. Taxman: *Law of Banking*, India Law House
4. R.N. Chaudhary, Banking Laws, Central Law Publications, Allahabad.
5. Avtar Singh – Negotiable Instruments Act.
6. Basu - Review of Current Banking: Theory and Practice.
7. Paget- Law of Banking.
8. L. C. Goyle- The Law of Banking and Bankers.
9. Relevant provisions of Information Technology Act, 2000

Case Study :-

- 1) Delhi Cloth & General Mills Ltd Vs. Harnam Singh AIR 1955 SC 505
- 2) Vimal Chandra Grover Vs. Bank of India AIR 2000 SC 2181
- 3) Sajjan Bank (P) Ltd Vs. Reserve Bank of India AIR 1961 Mad 8
- 4) Savoy & Co. Vs Lloyds Banks Ltd 1932 TLR 344
- 5) Cenral Bank of India Ltd Vs V. Gopinathan Nair AIR 1970 Ker 74
- 6) Shanti Prasad Jain Vs Director of Enforcement AIR 1963 SC 1023
- 7) Rikhabchand Mohanlal Surana Vs. The Sholapur Spinning and Weaving Co. Ltd. ,76, Bombay Law Reporter 748
- 8) M/s Hyderabad Commercial Bank Vs. India Bank AIR 1991 SC 247
- 9) Devayns Vs. Noble ,(1816) 1 Mer.529.
- 10) Other Leading Cases

## Course Code 8.2

### Law of Taxation, Tax policies & Planning

#### ❖ **Pattern of Question Paper**

- ❖ The question paper shall consists of **80 marks**.
- ❖ It consists of **TWELVE QUESTIONS**, students have to attempt **EIGHT** questions in all , out of which required to answer **SIX Questions From Section A( Unit I to IV) & TWO questions from Section B.( Unit V to VII)**
- ❖ **Question No. 1 is compulsory.**
- ❖ All Questions carry Equal Marks.

**Unit-I :** Constitutional basis of power of taxation — Article 265 of Constitution of India — History of Income Tax — Outlines of Income Tax Law -- Definitions- Residential Status of an Assessee

**Unit-II:** Incomes which do not form part of Total Income; Heads of Income and Computation — Income from Salary, Income from House Property- Profits and Gains of Business or Profession-Capital Gains and Income from other sources.

**UNIT-III:** Clubbing of Income; Set off and Carry Forward of Losses; Deductions to be made in computing Total Income

**Unit-IV:** Law and Procedure — PAN & TAN — Filing of Returns — Payment of Advance Tax -- Deduction of Tax at Source (TDS) - Double Tax Relief — Law and Procedure for Assessment - Kinds of Assessment, Penalties, Prosecution, Appeals and Grievances - Authorities.

**Unit-V :** Wealth Tax — Charge of Wealth Tax — Persons liable to Wealth Tax — Persons exempted from Wealth Tax — Assessment — Deemed Assessment — Debts — Assessment year -- Previous Year -- Valuation Date -- Rate of Wealth Tax — Wealth Tax Procedure — Filing of Returns — Statement of net wealth, Computation of Wealth Tax, Valuation rules for immovable property, Business Assets, Jewelry.

**Unit-VI:** Sales Tax ( CST & BST) - Value Added Tax — Relevant important provisions of Maharashtra Value Added Tax Act-2002 - Assessment — Procedure -Practice of Sales Tax and VAT – Authorities - Powers and Jurisdiction. - Service Tax

**Unit –VII** Tax Planning- Tax Avoidance- Tax Evasion- Black Money

#### **Suggested Readings :**

1.Dr. Vinod K.Singhania: *Student Guide to Income Tax*, Taxman, Allied Service Pvt. Limited.

2. Dr. Vinod K. Singhania: *Direct Taxes Law & Practice*, Taxman Allied Service Pvt. Limited.
3. Myneni S.R.: *Law of Taxation*, Allahabad Law Series.
4. Kailash Rai: *Taxation Laws*, Allahabad Law Agency.
5. Dr. Gurish Ahuja: *Systematic Approach to Income Tax*, Bharat Law House Pvt. Limited.
6. V.S. Datey : *Law and Practice Central Sales Tax Act, 2003*, Taxman Publications.
7. Nani Palkivala: *Income Tax*, Butterworths Publications.

**Course Code 8.3**

# **Insurance Law**

## **UNIT – I**

Introduction: Nature- Definition- History of Insurance- History and development of Insurance in India- Insurance Act, 1938- (main sections) Insurance Regulatory Authority Act, 1999: Its role and functions.

## **UNIT – II**

Contract of Insurance: Classification of contract of Insurance- Nature of various Insurance Contracts- Parties there to- Principles of good faith – non disclosure –Misrepresentation in Insurance Contract- Insurable Interest- Premium: Definition-method of payment, days of grace, forfeiture, return of premium, Mortality; The risk –Meaning and scope of risk, Causa Proxima, Assignment of the subject matter.

## **UNIT – III**

Life Insurance: Nature and scope of Life Insurance- Kinds of Life Insurance.The policy and formation of a life insurance contract- Event insured against Life Insurance contract- Circumstance affecting the risk- Amount recoverable under the Life Policy- Persons entitles to payment- Settlement of claim and payment of money- Life Insurance Act, 1956- Insurance against third party rights- General Insurance Act, 1972- The Motor Vehicles Act, 1988 – Sec. (140-176), Nature and scope- Absolute or no fault liabilities, Third party or compulsory insurance of motors vehicles- Claims Tribunal- Public Liability Insurance –Legal aspects of Motor Insurance –Claims – Own Damages Claims – Third Party Liability Claims.

## **UNIT – IV**

Fire Insurance: Nature and scope of Fire Insurance –Basic Principles – Conditions & Warranties – Right & Duties of Parties – Claims – Some Legal Aspects. Introduction to Agriculture Insurance – History of Crop Insurance in India – Crop Insurance Underwriting, Claims, Problems associated with Crop Insurance – Cattle Insurance in India.

## **UNIT – V**

Marine Insurance: Nature and Scope- Classification of Marine policies- Insurable interest- Insurable values- Marine insurance and policy- Conditions and express warranties- Voyage deviation- Perils of sea- Loss- Kinds of Loss- The Marine Insurance Act, 1963 (Sections 1 to 91).

### **Prescribed Books:**

1. K. S. N. Murthy and K. V. S. Sharma - Modern Law of Insurance in India.
2. M. H. Srinivasan - Principles of Insurance Law.
3. E. R.Hardy Ivamy - General Principles of Insurance Law, relevant Chapters.
4. Insurance Act, 1938.
5. The Marine Insurance Act, 1963.
6. General Insurance (Business) (Nationalization) Act, 1972.
- 7.The Life Insurance Corporation Act, 1956.
8. Motor Vehicle Act, 1988

### **Case study**

- 1 LIC vs vishwanathan verma 1995 sc 189
- 2 New India assurance ltd vs kesavan Ramamurthy AIR 1977 (2) A.P APDH 440
- 3 k.s. usha vs lic of india 2006 (3) ABR NOC 561
- 4 RBI peerless finance and investment co. AIR 1967 sc 1023
- 5 State of Orissa vs UOI insurance co. ltd 1997 (5) scc 512
- 6 In general assurance society ltd vs chanamul jain AIR 1966 sc 1644
- 7 Other Leading Cases

**Course Code 8.4**

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

- UNIT-I :** The Code of Criminal Procedure, 1973 : The rationale of Criminal Procedure — The importance of fair trial — Constitutional Perspectives : Articles 14, 20 & 21 — The organization of Police, Prosecutor and Defence Counsel — Pre-trial Process — Arrest — Distinction between “cognizable” and “non-cognizable” offences — Steps to ensure presence of accused at trial -- Warrant and Summons cases — Arrest with and without Warrant — The absconder status — Rights of arrested persons under Cr.P.C. and Article 22 (2) of the Constitution of India.
- UNIT II:** Search and Seizure — Search with and without warrant — Police search during investigation — General Principles of Search — Seizure — Constitutional aspects of validity of Search and Seizure proceedings.
- UNIT -III :** Trial Process: Commencement of Proceedings — Dismissal of Complaint — Bail, Bailable and Non-bailable Offences — Cancellation of Bails — Anticipatory Bail — General Principles concerning Bail Bond — Preliminary pleas to bar trial — Jurisdiction — Time Limitations — Pleas of *Autrefois Acquit and Autrefois Convict* — Fair Trial — Concept of fair trial — Presumption of innocence — Venue of trial — Jurisdiction of Criminal Courts — Rights of accused -- Constitutional Interpretation of Article 21 as a right to speedy trial — Charge — Form and content of Charge — Trial before a Court of Session : Procedural steps and substantive rights.
- UNIT -IV:** Judgment: Form and content -- Summary trial — Post-conviction orders in lieu of punishment — Modes of providing judgment copy — appeals, review and revisions- Reforms in Criminal Procedure Code
- UNIT-V** Preventive Measures- removal of Public Nuisance- Security Provisions-Maintenance of wife, children & parents
- UNIT -VI:** Probation and Parole: Authority granting Parole — Supervision — Conditional release -- suspension of sentence — Procedure under Probation of Offenders Act, 1958 -- Salient features of the Act. Juvenile Justice System -- Juvenile Justice (Care and Protection of Children) Act of 2000 -- Procedure under Juvenile Justice...Act — Treatment and Rehabilitation of Juveniles — Protection of Juvenile Offenders — Legislative and Judicial Role.

### **Suggested Readings:-**

1. Ratanlal & Dhirajlal- Criminal procedure Code, Universal, Delhi.
2. Chandrashekar Pillai, Kelkal Lectures on Criminal Procedure Code, Eastern, Lucknow.
3. Shaileendra Malik, The Code Of Criminal Procedure Code, Eighteen edition, 2011, Allahabad law Agency.
4. R.N. Choudhari, Juvenile Justice In India, II nd Edition, Orient publishing Compony, Allahabad.
5. K.L. Sethi, The Probation of offender Act, 1958, 3 rd Edition, Unique Law House, Ahemadabad.

### Case laws

- 1) AIR 2009 cr.l,j 1187 Rasiklal vs khanchand wadhvani
- 2) savitri Agrawal & others vs state of Maharashtra & others AIR 2009 sc 3173 2009 (9) cr.l,j 4290 AIR scw 5092
- 3) Savitaben somabhai bhatiya vs state of gujrat 2005 cr.lj 2141 sc 2005 AIR scw 1601 2005 (2) crimes 1
- 4) Sahebrao vs state of Maharashtra AIR 2006 sc 2002, 2006 cr.lj 2881 (sc) 2006 (9) scc 794
- 5) Mustak ahmed mohammed isak and others vs state of Maharashtra 2009 cr.lj 3952 2009 (7) scc 480
- 6) Dilwarsingh vs state of Delhi 2007 cr.lj 4709(sc) AIR 2007 sc 3234 2007(3) crimes 388
- 7) Other Leading Cases

**Course Code 8.5**



# Clinical Paper -II

## Project Work

This is a Practical Paper which contains preparation and submission of Socio-Legal Project on a given topic and viva-voce examination.

The Students are expected to be familiar with social science research methods and techniques and the basic research skills for conducting empirical research and preparation of research designs. The students will be required to process and interpret the research data based upon such empirical research surveys in select areas of law as might be assigned to them by the Supervisor in consultation with the Head of the Department. Students are expected to write a project report incorporating the data gathered on the basis of field studies and interviews. Students will be examined at viva-voce on the basis of written material or project report by external examiner in consultation with the Head of the Deptt. and/or Internal Examiner. The Marks Distribution is as follows:

Project Work (Internal & External Examiner ) 80 Marks

Viva –Voce (External Examiner ) 20 Marks

---

Total = 100 Marks

.....

The scope of the paper on Legal Education and Research Methodology is indicated as follows:

### **GUIDELINES FOR SOCIO-LEGAL RESEARCH .**

A student will be required to submit two copies of the research project to the Head of the Department.

**A. Research scholars are required to follow the steps given below for preparation of Socio-Legal Research**

#### **Research Methodology:**

Title of the Study  
Problem of the study  
Rationale of the study  
Objectives of the study  
Hypothesis  
Review of Literature

Operational concepts & Variables of the study

Research Design

Nature/ Type of the study

Universe

\* Population

\* Sample and Sample size.

\* Sampling Method

Method of Data Collection

Sources of Data Collection

Tools of Data collection

Limitations of Study

Time Schedule

Possible contribution of the study

Chapterisation

**B. Socio-Legal Research shall have the following structure :**

Cover

Cover page

Certificate

Acknowledgement

List of Case Laws.

List of Tables

List of Maps

Abbreviations

Contents

Chapter I Theoretical Background

Chapter II Research Methodology ( As given in A )

Chapter III Analysis and Interpretation of Data

Chapter IV Major Findings, Conclusions and Suggestion.

**Bibliography**

**Annexures:**

Interview Schedules / Questionnaires, Master Charts, Acts, Bills, Maps, etc.

## Corse Code 8.6

### Public International Law

#### UNIT-I

Nature, definition, origin and basis of International Law; Sources of International Law; Relationship between Municipal and International Law; Subjects of International Law.

#### UNIT- II

States as subjects of International Law: States in general; Recognition; State territorial sovereignty.

#### UNIT –III

State Succession — Responsibility of States for International delinquencies — State Territory — Modes of acquiring State Territory

#### UNIT – IV

State and Individual - Extradition, Asylum -Nationality-diplomatic envoys, consuls and other representatives; the law and practice as to treaties- Formation of Treaties - Modes of Consent, Reservation and termination.

#### UNIT – V

The United Nations Organisation - Principal organs and their functions; World Trade Organisation- Main features; International Labour Organisation.

#### UNIT -VI:

The Legal Regime of the Seas – Evolution of the Law of the Sea – Freedoms of the High Seas  
Common Heritage of Mankind – United Nations Convention on the Law of the Seas – Legal  
Regime of Airspace – Important Conventions relating to Airspace – Paris, Havana, Warsaw and  
Chicago Conventions – Five Freedoms of Air – Legal Regime of Outer space – Important  
Conventions such as Outer space Treaty, Agreement on Rescue and Return of Astronauts,  
Liability Convention, Agreement on Registration of Space objects, Moon Treaty - Unispace.

#### Prescribed Books:

- 1 J. G. Starke- An Introduction to International Law.
- 2 P.W. Bowett- International Institutions.
- 3 J. B. Brierly - The Law of Nations.
- 4 D. H. Harris - International Law (Cases and Materials).
- 5 Oppenheim - International Law( Volume I, Peace)
- 6 S. K. Kapoor - International Law and Human Rights.
- 7 Bhagirathlal Das – World Trade Organization .

- 8 Agrawal H O-International Law & Human Rights, Central Law Publication, Allahabad.
- 9 Starke J G, An Introduction to International Law, Aditya Book, Butterworths.

### **CASE STUDY:**

1. North Sea Continental Shelf Case, ICJ Reports, 1968, P.3 2
2. Kutch ward, Foreign Affairs Reports, Vol. XXVII (27) 68 3
3. Right to Passage over Indian Territory, ICJ Reports, 1950 P.6 2
4. South West Africa case, 1966 ICJ Reports, P.6
5. United Kingdom v. Norway (Anglo Norwegian Fisheries Cases) ICJ Reports, 1951, P. 116
6. The Corfu Channel Cases (Preliminary Objections) ICJ Report, 1948 P. 15 2
7. Nicaragua v. The U.S.A., ICJ Reports, 1984, P. 169
8. Md.Ajmal Md.Amir Kasab @Abu ... vs State Of Maharashtra, [2012] 8 S.C.R. 295
9. Other Leading Cases