

**GONDWANA UNIVERSITY**

**GADCHIROLI**

**FACULTY OF LAW**

**LL.B. 3 YRS**

**DETAILED SYLLABUS FOR**

**6<sup>th</sup> SEMESTERS**

## LL.B. –VIth Semester ( 3yrs)

### Course Code 6.1

## INTERPRETATION OF STATUTE

### Pattern of Question Paper

- ❖ The question paper shall consists of **80 marks**.
- ❖ It consists of **TWELVE QUESTIONS**, out of which Students are required to answer **EIGHT** Questions in all .
- ❖ **Question No. 1 is compulsory** and it shall consists of **TEN Objective/Multiple Choice Questions**.
- ❖ All Questions carry Equal Marks.

#### **Unit-I**

General-Meaning, Nature and Scope of Interpretation ;Statute- Definition and Classification  
Need and Purpose of Interpretation- General Principles of Interpretation - Rules of Construction  
under the General Clauses Act, 1897

#### **Unit-II**

General /Primary Principles of Interpretation,Intention of Legislature-Statute must be read as a  
whole-Statute to be workable and effective-Plain Language must be given effect irrespective of  
consequences- Subsidiary Rules of Interpretation -Rule of Last Antecedent-Non Obstante  
Clause-Legal Fiction-Mandatory and Directory Provisions-Conjunctive and Disjunctive words-  
Construction of General Words-*Noscitur A Sociis*, *EjusdemGeneris*,*Words of Rank*,  
*ReddendoSingulaSingulis*

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

Grammatical Rule of Interpretation — Golden Rule of Interpretation – Rule of Interpretation to  
avoid mischief.

#### **Unit-IV:**

Interpretation of Penal Statutes and Statutes of Taxation — Beneficial Construction —  
Construction to avoid conflict with other provisions — Doctrine of Harmonious Construction.

#### **Unit-V:**

External Aids to Interpretation — Statement of objects of legislation, Legislative debates,  
identification of purpose sought to be achieved through legislation — Internal Aids to  
Interpretation — Preamble, title, interpretation clause, marginal notes, explanations etc. —  
Presumptions.

#### **Unit-VI:**

Effect of Repeal — Effect of amendments to statutes — Conflict between parent legislation and  
subordinate legislation — Methods of interpreting substantive and procedural laws.

**Unit-VII Contemporary Issues of Interpretation-** Enactment of Complex and Technical Statutes-Traditional Usage of Latin, French words in the Statutes-Globalization and Unification of Law- A Challenge Ahead -Judicial Review and Interpretation of Statutes-Encroachment on Legislative Powers

***Suggested Readings***

1. Vepa P. Sarathi: Interpretation of Statutes, Eastern Book Co, 4<sup>th</sup> Edition, 1976.
2. Maxwell: Interpretation of Statutes, Butterworths Publications, 1976, 12<sup>th</sup> Edition.
3. Crawford: Interpretation of Statutes, Universal Publishers.
4. Chatterjee: Interpretation of Statutes.
5. G.P. Singh: Principles of Statutory Interpretation, Wadhwa and Company, 8<sup>th</sup> Edn., 2001.
6. Cross, Statutory Interpretation

## Course Code 6.2

### Law of Taxation

#### Pattern of Question Paper

- ❖ The question paper shall consist of **80 marks**.
- ❖ It consists of **TWELVE QUESTIONS** covering all the units in the syllabus, out of which Students are required to answer **EIGHT** Questions in all .
- ❖ **Question No. 1 is compulsory** and it shall consist of **TEN Objective/Multiple Choice Questions**.
- ❖ All Questions carry Equal Marks.

#### UNIT-I :-

- i) History of Taxation in India
- ii) Constitutional Basis of Power of Taxation
- iii) Scheme of Taxation
- iv) Basic Concepts of Income Tax
- v) Residential Status

#### UNIT-II :-

- i) Income Exempt from tax
- ii) Heads of Income
- iii) Clubbing of Income
- iv) Set off and carry forward of losses
- v) Permissible deductions from gross total income

#### UNIT-III:-

- i) Return of Income
- ii) PAN & TAN
- iii) Assessment – Procedure & Kinds
- iv) Rectification of Mistake
- v) Advance Tax, TDS

#### UNIT-IV:-

- i) Income Tax Authorities- hierarchy, Powers & Function
- ii) Survey, Search & Seizure under Income Tax Act
- iii) Settlement of Income Tax Cases
- iv) Penalties & Prosecution
- v) Appeal and Revision

## **UNIT-V:-**

- i) Concept of GST
- ii) Benefits of GST over VAT
- iii) Basic concepts under GST Act, 2016
- iv) Administration under GST Act, 2016
- v) Registration Procedure under GST Act, 2016
- vi) Levy and Exemptions from tax under GST
- vii) Return filling & Assessment Procedure under GST Act, 2016
- viii) Penalties , Prosecution , Appeal & Revision under GST Act, 2016

## **Suggested Reading:-**

- 1) Students Guide to Income Tax – Dr. Vinod K. Singhania
- 2) Principles of Taxation & Tax Laws- Dr. S.R. Myneni
- 3) Income Tax – Dr. S. R. Myneni
- 4) Income Tax – Dr. Girish Ahuja & Dr. Ravi Gupta
- 5) Income Tax – Mohd. Rafi
- 6) Guide to Goods and Services Act- Dr. Sanjiv Agrawal
- 7) Taxman's Basics of GST- Nitya Tax Associates
- 8) Guide to Goods and Services Act(GST)- 2016

## Course Code 6.3

### TRIBAL LAWS

#### Pattern of Question Paper

- ❖ The question paper shall consist of **80 marks**.
- ❖ It consists of **TWELVE QUESTIONS**, out of which Students are required to answer **EIGHT** Questions in all .
- ❖ **Question No. 1 is compulsory** and it shall consist of **TEN Objective/Multiple Choice Questions**.
- ❖ All Questions carry Equal Marks.

#### **Unit—I: General Aspects of Tribal Population & Tribal Welfare:**

Tribal Population in India, Characteristics of tribal population, , Socio-Economic Background of Tribal Population, Problems of Tribals— Tribals and Indigenous people--Human Rights of Tribals-- Indigenous and Tribal Peoples Convention, 1989

#### **Unit—II Constitutional Provisions for Tribals:**

Rights for Social, economic and political empowerment of tribals--Educational and Cultural Rights (Articles 15(4), 29, 46 and 350.)-- Social Rights (Articles 23 and 24)--Economic Rights (Articles 244 and 275), --Political Rights (Articles 164(1), 243, 330, 334 and 371.)--Employment Rights (Articles 15(4), 16(4) and 16(4A).)

Scheduling and De-scheduling of Tribes—Articles 332 & 366.

Administration and control of Scheduled Areas and Scheduled Tribes-- The Fifth and Sixth Schedules of the Constitution,

#### **Unit—III: Tribal Development Policies and Programmes in India:--**

Tribal Welfare--The Fundamental Principles of Pandit Jawaharlal Nehru-- Tribal Sub-Plan. ( T.S.P.)-- Integrated Tribal Development Project (I.T.D.P.)—Tribal Welfare under Five Year Plans-- National Policies for Tribal Welfare—National Commission for Scheduled Tribes (NCST)— NISTAR Rights.

#### **Unit IV: Important Legislations relating to Tribals:**

*Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA)*—Principal objects & Salient features.

*Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989*—Objects and Features  
*The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006*--Forest Rights of Forest Dwelling Scheduled Tribes & other traditional forest dwellers-- Recognition of and vesting of forest rights--Duties of holders of forest rights--Diversion of Forest Land for providing facilities to tribals--authorities for vesting forest rights--Procedure for vesting forest rights--Offences and Penalties—Rules.

**Unit V: Issues and Concerns:**

Impact of Land Acquisition and Mining activities on Tribals--Impact of Forest Policies and Laws on Tribals--Displacement, Restoration and Rehabilitation of tribals--Protection of traditional knowledge of tribal communities

**Suggested Readings:**

VasudhaDhagamwar, *Role and Image of Law in India: The Tribal Experience*,2006, Sage Publications Inida Pvt. Ltd, New Delhi  
Pariyaram M. Chacko (edt.), *Tribal communities and social change*,2005, Sage Publications Inida Pvt. Ltd, New Delhi  
Govind Chandra Rath, *Tribal Development in India: The Contemporary Debate*  
M.P.Jain, *Indian Constitutional Law*, Wadhwa& Co, Nagpur  
V.N.Shukla, *Constitution of India*, Eastern Book Company, Lucknow  
Granville Austin, *Indian Constitution-Cornerstone of a Nation*, OUP, New Delhi  
C. J. Nirmal, *Human Rights in India*, Oxford

**Clinical Paper -III**  
**Course Code 6.4**  
**DRAFTING, PLEADINGS AND CONVEYANCING**

Class-room instruction and simulation exercises on the following items shall be extended. However there is no end semester theory examination for this course.

**UNIT-I: Drafting:** General Principles of Drafting and relevant Substantive Rules shall be taught.

**UNIT-II: Pleadings:**

(i) Civil—Plaint, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution Petition, Memorandum of Appeal and Revision.

(ii) Petition under Article 226 and 32 of the Constitution of India - Drafting of Writ Petition and PIL Petition.

(iii) Criminal— Complaint, Criminal Miscellaneous Petition, Bail Application, Memorandum of Appeal and Revision.

**UNIT -III**

**Conveyancing:** Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed

**Practical Exercises**

Apart from teaching the relevant law, the course includes not less than 15 (fifteen) practical exercises in drafting of pleadings carrying a total of 45 marks (3 marks for each) and 15 (fifteen) exercises in conveyancing carrying another 45 marks (3 marks for each exercise) and remaining 10 marks for viva-voce.

These 30 exercises shall be recorded. Each student shall be served with different problems for the purpose of exercise. These exercises shall be assessed and marks may be allotted.

These exercises shall be evaluated by a common committee consisting of (i) Principal of the College/the concerned teacher as Internal Examiner (ii) External Examiner appointed by the University (iii) an Advocate with 10 years experience at the Bar. The same committee will also conduct viva-voce on the above concepts.

**Note: Attendance of the students for viva-voce shall be compulsory.**

**Suggested Readings:**

1. R.N. Chaturvedi : *Pleadings and Conveyancing*, Central Law Publications.
2. De Souza : *Conveyancing*, Eastern Law House.
3. Tiwari : *Drafting, Pleading and Conveyancing*, Central Law Agency.
4. Mogha: *Indian Conveyancer*, Eastern Law House.
5. Mogha: *Law of Pleadings in India*, Eastern Law House.
6. Shiv Gopal: *Conveyancing, Precedents and Forms*, Eastern Book Company
7. Narayana P.S.: *Civil Pleadings and Practice*, Asia Law House.
8. Narayana P.S.: *Criminal Pleadings and Practice*, Asia Law House.
9. Noshirvan H. Jhabvala: *Drafting, Pleadings, Conveyancing & Professional Ethics*. Jamhadar



10. R.D.Srivastava: The Law of Pleadings, *Drafting and Conveyancing*, Central Law Agency

## **Clinical Paper -IV :**

### **Course Code 6.5**

### **Moot court& Internship**

This paper has three components of 30 marks each and viva-voce for 10 marks.

**(A) Moot Court (30 marks):** Every student is required to participate in at least three moot courts in the VI Semester with 10 marks for each. The moot court work will be on an assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

Marks will be given on the basis of written submission and oral advocacy. Written submissions shall include brief summary of facts, issues involved, provisions of laws and arguments, citation, prayer, etc. Marks for oral advocacy may be awarded for communication skills, presentations, language, provisions of law; authorities quoted, court manners, etc. Written Memorials submitted by the students shall be kept by the College for Further Verification.

The performance of student in the moot court shall be evaluated by a committee consisting of (i) Principal of the College (ii) an Advocate with 10 years experience at the Bar; and (iii) the teacher concerned.

**(B) Observance of Trial in two cases, one Civil and one Criminal (30 marks):**

Students are required to attend courts to observe at least one civil and one criminal case. They shall maintain a record and enter the various steps observed during their attendance on different days in the court assignment. The Court Observation Record submitted by the students should be evaluated by a committee consisting of (i) Principal of the College/the concerned teacher (ii) External Examiner appointed by the University and (iii) an Advocate with 10 years experience at the Bar. Court attendance shall be compulsory and details shall be recorded in a Record Book kept therefor. This may be carried under the supervision of a teacher of the college. This scheme will carry 30 marks.

**(C) Interviewing Techniques and Pre-Trial Preparations and Internship/Court Visit Diary (30 marks):**

Each student should observe two 'interview sessions' of clients either in the Lawyer's Office or in the Legal Aid Office and record the proceedings in a diary, which will carry 15 marks.

Each student has to further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit / petition. This shall be recorded in the diary which will carry 15 marks.

The diary shall clearly indicate the dates on which the above observations are made and they shall be authenticated by the advocate concerned.

Evaluation of the above diary shall be made by the committee consisting of (i) Principal of the College/the concerned teacher (ii) University Representative appointed by the Controller of Examinations in consultation with the Chairman, Board of Studies in Law, and (iii) an Advocate with 10 years experience at the Bar and average be taken.

**(D)Viva-voce (10 marks):** There shall be viva-voce examination on all the above three components. The Viva-voce Board consisting of (i) Principal of the College/the concerned teacher (ii) University Representative appointed by the Controller of Examinations in consultation with the Chairman, BOS in Law; and (iii)an advocate with 10 years experience at the Bar shall evaluate the student in the Viva. The proceedings of the viva-voce shall be recorded.

**Note:**

- 1. Attendance of the students in all the four components of the paper shall be compulsory.**
- 2. The above records, diary certified by the University Representative appointed by the Controller of Examinations in consultation with the Chairman, BOS in Law shall be submitted to the University for Further Verification.**

**Suggested Readings:**

1. Dr. KailashRai: *Moot Court Pre-Trial Preparation and Participation in Trial Proceedings*, Central Law Publication.
2. AmitaDanda: *Moot Court for Interactive Legal Education*, Gogia Law Agency, Hyderabad.
3. Blackstone's: *Books of Moots*, Oxford University Press.
4. Mishra: *Moot Court Pre-Trial Preparation and Participation in Trial Proceedings*, Central Law, Allahabad.

# OPTIONAL PAPER-I

## Course Code 6.6.1

### Human Rights

#### Pattern of Question Paper

- ❖ The question paper shall consists of **80 marks**.
- ❖ It consists of **TWELVE QUESTIONS**, out of which Students are required to answer **EIGHT** Questions in all .
- ❖ **Question No. 1 is compulsory** and it shall consists of **TEN Objective/Multiple Choice Questions**.
- ❖ All Questions carry Equal Marks.

#### UNIT-I

Meaning and definition of Human Rights - Evolution of Human Rights –Theories of Human Rights- Classification of rights; **Collective Rights**-Right to development-Right to Self determination -Right to Healthy Environment

#### UNIT -II

Adoption of Human Rights by the UN Charter - U.N.Commission on Human Rights - Universal Declaration of Human Rights - International Covenants on Human Rights( Civil and Political; Economic, Social and Cultural).

#### UNIT-III

Regional Conventions on Human Rights - European Convention on Human Rights - American Convention on Human Rights - African Charter on Human Rights(Banjul).

#### UNIT - IV

International Conventions on Human Rights - Disabled Persons, Indigenous persons,Persons with HIV – AIDS - CEDAW, Child Rights Convention, Convention against Slavery, Convention on Refugees - International Conference on Human Rights(1968) - World Conference on Human Rights(1993).

#### UNIT –V

Protection Agencies and Mechanisms -International Commission of Human Rights

- Amnesty International-Non-Governmental Organizations-International Labour

Organization- UNESCO-UNICEF

## **UNIT -VI**

Human Rights Protection in India - Human Rights Commissions - Protection of Human Rights Act - National Human Rights Commission (NHRC) - State Human Rights Commissions - Human Right Courts in Districts;**Human Rights and Terrorism –Present scenario**

### **Books suggested for reading:**

1. Meron Theodor, Human Rights and International Law: Legal and Policy Issues, 2 Vols.
2. S.K. Kapoor, Human rights Under International Law and Indian Law.
3. C. J. Nirmal, Human Rights in India, Oxford
4. P. R. Gandhi, International Human Rights Documents, Univrsal, Delhi
5. Wallace, International Human Rights: Texts and Materials, Sweet and Maxwell
6. Dr. H.O. Agrawal, International Law and Human Rights, Central Law Publication
7. K. R. Gupta, Global Terrorism, Atlantic Publishers
8. DugmartiRao, HIV / AIDS and Law, Ethics and Human Rights, Discovery Publishing House, New Delhi.

**OPTIONAL PAPER-II**  
**Course Code 6.6.2**  
**WOMEN & LAW**

**Pattern of Question Paper**

- ❖ The question paper shall consist of **80 marks**.
- ❖ It consists of **TWELVE QUESTIONS**, out of which Students are required to answer **EIGHT** Questions in all .
- ❖ **Question No. 1 is compulsory** and it shall consist of **TEN Objective/Multiple Choice Questions**.
- ❖ All Questions carry Equal Marks.

**UNIT-I :**

Historical background and status of women in ancient India — Constitutional Provisions and gender justice — Relevant provisions relating to women in Directive Principles of State Policy and Fundamental Duties etc. under the Indian Constitution.

**UNIT -II:**

Laws relating to marriage, divorce and succession and maintenance under the relevant personal laws with special emphasis on discrimination of women — Special Marriage Act — Maintenance under Cr. P.C.

**UNIT -III :**

Special provisions relating to women under the Indian Evidence Act, 1872 — Offences against women under Indian Penal Code - outraging the modesty of women -sexual harassment – rape – bigamy - mock and fraudulent marriages – adultery - causing miscarriage - insulting women etc.

**UNIT -IV:**

Socio-Legal position of women and the law — Dowry Prohibition Act, 1961, Medical Termination of Pregnancy Act — Law relating to the Pre Natal Diagnostic Techniques (Regulation and Prevention of Misuse) and Sex selection — Immoral Traffic (Prevention) Act – Law relating to domestic violence.

## **UNIT -V :**

Relevant provisions relating to women under Maternity Benefit Act, 1961, Factories Act and other Labour & Industrial Laws — Position of Women under International instruments — Salient features of Convention for Elimination of all forms of Discrimination Against Women (CEDAW)

### **Suggested Readings :**

1. S.P. Sathe: *Towards Gender Justice*.
2. Dr. Vijay Sharma: *Protection to woman in Matrimonial home*
3. Dr. Sarojini Saxena: *Femijuris* (Law relating to Women in India)
4. Dr. Archana Parshar: *Women and Social Reform*
5. Dr. Paras Diwan: *Dowry and protection to married women*
6. Mary Wollstonecraft: *A Vindication of the rights of women*.
7. Dr. G.B. Reddy: *Women and Law*, 2nd Edn. Gogia Law Agency, Hyderabad, 1998.
8. Dr. Anjali Hastak, *Empowerment of women through Property Rights in Hindu Law*, SPARC publ, Chandrapur