

# **AVADH LAW COLLEGE**

**LL.B. Fifth Semester**

**PAPER-1**

**Maximum Marks: 100**

**ADMINISTRATIVE LAW - I**

## **UNIT - I**

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

Nature, definition , scope and development of administrative Law, Relation between Constitutional Law and Administrative Law, Rule Of Law- Its applicability and relevance in India

## **UNIT- II**

### **Legislative Powers of Administration**

Need of delegation of legislative power, Requirement for the validity of delegated legislation, Excessive delegation , sub- delegated , conditional legislation and Henry VIII Clause, Reasons for growth of delegated legislation in India, Legislative control of delegated legislation – laying procedures and their efficacy ; committees on delegated legislation , judicial control of delegated legislation

## **UNIT- III**

### **Judicial Powers of Administration**

Need for devolution of adjudicatory authority on administration,  
Distinction between quasi-judicial and administrative functions; tribunal and court Tribunals: need, nature , constitution , Jurisdiction and procedure  
Administrative Tribunal: Constitution, powers and jurisdiction under the Administrative Tribunals act, 1985

## **UNIT – IV:**

### **Natural Justice**

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

**UNIT – V :**

**Meaning and Need for Administrative discretion**

Limitations on exercise of discretion Mala

fide exercise of discretion Colourable

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 – distance; limitations and remedies

**Books:**

Jain & Jain: Principles of Administrative Law Wade:  
Administrative law

C.K. Thakkar : lectures on Administrative law

S.P. Sathe: Administrative law

M.P. Jain : Cases and Meteri

**LL.B. FIFTH SEMESTER**

**PAPER –II**

**MAXIMUM MARKS : 100**

**TAXATION LAWS**

**UNIT- I**

**GENEERAL 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 CESS; 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 incoming; Deemed income;

Clubbing of income ; Assesses; Person ; and tax planning

Chargeable income ; Heads of income – salaries; income from house property; income from business or professional; capital gains income from other sources

Deductions, relief and exemptions

Income Tax Authorities; Powers and functions Offences

and penal Sanctions

Settlement of grievances; authorities, powers and functions

**UNIT – III :**

**SALE TAX**

Central Sales Tax 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 state; and sale in the course of export and import

Charge of tax; exemption and rebate

Sale Tax Authorities; powers and functions Offences and

penalties

## **UNIT – IV**

### **Wealth Tax**

Taxable wealth; determination of value of assets ; exemptions and rate of wealth tax Wealth Tax Authorities ; Constitution, Powers and function  
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**

Sampath Iyengar: Law of Income tax  
Kanga And Palkiwala: The Law and Practice of Income Tax  
K. 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 CEILING AND OTHER LOCAL LAWS - 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 definition : Agriculture year; Beneficiary ; Land Management Committee; Gaon Fund and Consolidated Gaon Fund; Gram Sabha; Gram Panchayat; Grove land ; Intermediary; revenue ; and sir

Consequences of vesting

**UNIT - II**

NEW LAND TENURES BHAMIDHAR

SIRDAR

ASAMI AND ADHIVASI RIGHTS OF

TENURE HOLDERS EJECTMENT

EJECTMENT OF BHUMIDHAR WITH TRANSFRABLE RIGHTS AND WITH NON-TRANSFERABLE RIGHTS

EJECTMENT OF AN ASAMI – GROUNDS FOR EJECTMENT

**UNIT – III**

ABANDONMENT, SURRENDER AND LEASE ABANDONMENT ;

CONSEQUENCES OF ABANDONMENT

Surrender –(1) 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 male lineal descendent 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 for recovery of an arrear of land revenue

Revenue Court and Revenue Officer – Powers and Functions

Maintenance of Maps and records

Appeal; 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

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**Paper –IV**

**Maximum Marks: 100**

**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

Positivist Theory (Lambroso, Garofalo, and Enrico Ferri) Psycho-analytical Theory

Social Dis-organisation and Anomic

Differential Assciation Theory Delinquent

Sub-culture Theory

**UNIT – IV**

Dimensions of Crime

White collar crime; definition, scope and extent; corruption in public life Causes, Prevention and treatment of white collar criminality with special reference to India Juvenile delinquency:

definition, nature and scope

Cause, prevention and treatment of juvenile delinquency in India Criminality

of women; cause, 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 Color Crime

W.C. reckless : The Prevention of Juvenile Delinquency

S. Roa: Crime in Our Society

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



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**Paper –V**

**Maximum Marks: 100**

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

**UNIT -I**

ARBITRATION

Arbitration: meaning, Scope and importance of arbitration UNCTRAL,  
Model Law

Types Of arbitration

Distinction: 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 a 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 and parties; communication; duty of the parties to co- operate; suggestions by parties; confidentiality

Resort to judicial proceeding

#### **ACT**

Arbitration and Conciliation Act, 1996

#### **BOOKS**

B.P. Saraf and M. Jhunjhunwala Law of Arbitration and Conciliation Gerald R. Williams;

The New Arbitration and Conciliation Law of India

A.K. Bansal : Law of International Commercial Arbitration Avtar Singh : Arbitration and Conciliation

G.K. Kwatra : The Arbitration and Conciliation Law of India

N.D. Basu : Law Of Arbitration and Conciliation

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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 Endeavour 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: FOR

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 in 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 H.O. and statutory protection

**UNIT – IV**

CONTRACTUAL AND CRIMINAL LIABILITY

Minor's agreement; nature, rationale

Liability in beneficial contracts Testimony of  
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

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**Paper –VII**

**Maximum Marks: 100**

**PUBLIC INTEREST LAWYERING, LEGAL AID AND PARA-LEGAL EARVICE**

THIS PAPER CAN BE TAUGHT PARTLY THROUGH CLASS-ROOM INSTRUCTIONS INCLUDING SIMULATION EXERCISES AND PARTLY THROUGH EXTENSION PROGRAMMES LIKE LOK ADALAT, LEGAL AID CAMPS, LEGAL LITRACY AND PARA-LEGAL TRAINING, THE COURSE WILL ALSO CONTAIN LESSONS ON NEGOTIATIONS AND COUNSELING, USE OF COMPUTER IN LEGAL WORK, LEGAL RESEARCH IN SUPPORT OF PUBLIC INTEREST LITIGATION, WRITING OF CASE COMMENTS, EDITING OF LAW JOURNALS, AND LAW OFFICE MANAGEMENT. THE PART WILL CARY 90 MARKS THAT MAY BE APPROPRIATELY DIVIDED TO THE DIFFERENT PROGRAMMES.

THERE WILL BE A VIVA VOCE EXAMINATION CONDUCTED BY ONE EXTERNAL AND ONE INTERNAL EXAMINER DULY APPOINTED BY THE CONCERNED UNIVERSITY. THIS WILL CARRY 10 MARKS.