

SEM-IV

Session - 2022-23



Maharaja Surajmal Brij University

Bharatpur (Raj.)

SYLLABUS

FACULTY OF LAW

LL.B. 3 YEAR COURSE

FOURTH SEMESTER

← 
अकादमिक प्रभारी
महाराजा सूरजमल बृज विश्वविद्यालय
भरतपुर (राज.)


Only For Session
2020-21

Chandrashekhar Singh
Dr. S. K. Singh (9.20.21)
7/11/22

Thonds
7/11/22

मि.स
7/11/22

(Dr. Manoj Kumar Sharma)


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Law of Taxation Including GST

Paper No. 401

Sem. IV

Max. Marks: 100

Pass Marks: 40

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, Examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Income Tax Act: (1) Definitions - Assessment Year, previous year. Agriculture, Income Assessment Capital Asset Dividend Income Casual Income, Gross Total Income; Maximum and Minimum marginal rate, person, resident- non-resident Transfer.
2. Basis of Charge - Charges of Income-Tax; Scope of total income, Residence in India. Income deemed to be received in Divided income Income deemed to accrue or arise in India.
3. Income, which do not form part of total income.
4. Income of other persons included in assesses total income.
5. Deductions to be made in computing total Income.
6. Relief in respect of income tax. Return, Assessment, Reassessment.
7. Determination of tax in certain specific cases.
8. Income tax authorities- appointment and control; Jurisdiction, Powers, Procedure for Assessment, Liability in special cases, collection and recovery of tax, appeals Revision and Reference. Central Sales Tax Act, 1956 since Repealed

GST and CGST Law

1. Levy and Collection of Taxes
2. Registration
3. Payment of Tax, Returns, Refunds

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Interpretation of Statutes and Drafting of Laws

Paper No. 402

Sem. IV

Max. Marks: 100

Pass Marks: 40

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, Examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Meaning of Interpretation-Basic principles of interpretation - Intention of the Legislature, Statutes be read as a whole. Plain meaning rule, Harmonious Construction, Golden and Mischief Rule- Ut Res Magis Valeat Quam Periret.
2. Statute in Peri materia, Internal and extent. aids to interpretation of statutes.
3. Principles of Interpretation of Constitution and Penal and Fiscal Statutes.
4. Delegates non potest delegare, Ejusdem Generis, Pith and Substance Rule, expression unius est exclusion alterius, Non-obstante clause, Mandatory and Directory provision. Noscitur a sociis, Reddendo Singulla.

Leading Cases:

1. Haydon's Case (1584) 3 Ca Rep. 7a, p. 76.: ER 637,
2. Bengal Immunity company v. State of Bihar, AIR 1955 SC 661.
3. Alamgir v. State of Bihar, AIR, 1959 SC 436
4. Inder Singh v State of Rajasthan, AIR 1957 SC 510.
5. Ram Avatar v. Assistant Sales Tax Officer.

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Administrative Law

Paper No. 403

Max. Marks: 100

Sem. IV

Pass Marks: 40

- Note:** (1) In order to ensure that students do not leave out important portions of the syllabus, Examiners shall be free to repeat the questions set in the previous examination.
- (2) Leading cases prescribed under this paper may be read wherever they are relevant.

Definition, Nature, Scope, Rule of Law, Separation of powers, Relationship between Administrative Law and Constitutional Sources of Administrative Law, Government Administrative Authorities and Bodies.

Statutory Corporations including their control, the extent of executive power, Administrative Finality and the Court review,

Delegated Legislation- Nature, Scope, Forms, Necessity, Control, including judicial Parliamentary and Legislative, Conditional legislation and Sub-delegation.

Principles of Natural Justice and their Control, Doctrine of Bias, Audi Alteram Partem, right to Consult, Reasoned Decision.

Judicial Control of Administrative Action, Habeas Corpus., Mandamus, Certiorari, Prohibition, and Quo warranto writs, Redressal of Citizens Grievances, Central Vigilance Commission, Commission of Enquiry Act, Ombudsman, Lokpal, Lokyukta of the State of Rajasthan.

Government liability in Torts and Contract, Suits against the Government and Public Authorities.

Leading Cases

1. A.K. Kripak v. Union of India, Alit 1970 SC 150 0969) 2 SCCC 262.
2. In Re-Delhi Laws Act, etc, AIR. 1951 SC 332.
3. Raj Narain v. Chairman, Patna Administration, AIR. 1954 Sc 569
4. State of Karnataka v: Union of India, AIR 1978 SC 68
5. Union of India v. R. Gandhi, President, Madras Bar Association 2010 (3) SCALE 514

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 2/11/22
 2/11/22

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Insurance, Banking & N.I. Act

Paper No. 404

Sem. IV

Max. Marks: 100

Pass Marks: 40

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, Examiners shall be free to repeat the questions set in the previous examination.

- (2) Leading cases prescribed under this paper may be read wherever they are relevant.
1. (a) Evolution and development of the concept of Insurance, Role and importance of Insurance.
 - (b) General principles of the contract of Insurance, nature of contract of Insurance.
 - (c) Classification of Policies, Selection and measurement of risk, Treatment of substandard risk, calculation of premium.
 - (d) Duties and powers of Controller of Insurance under the Insurance Act, 1938.
 - (e) Legal position of the nominee under the Insurance Act, 1938
 2. (a) Establishment of Life Insurance Corporation of India.
 - (b) Investment Provisions and Rights of the Policy Holders under the Life Insurance Corporation Act, 1956; Marine Insurance and Fire Insurance.
 - (c) Motor Insurance, Live-stock-Insurance against deterioration of stocks, loss or profit Insurance, contractor's All Risk Insurance and Credit Guarantee.
 3. **Public Liability Insurance Act, 1992.**
Definition's, Criminal liability based on no fault, Verification and publication of accidents by collector, application for claim for relief, Environmental Relief fund, Claim of Compensation under other laws; Powers of the Central Government or its authorised officers under the Act, Penalties and Liability of Companies or Government Departments.
 4. **Negotiable Instruments Act, 1981:** Object, Definitions, parties to notes, Bills and cheques; negotiations, of Instruments; Presentment, Discharge from liability on Notices, Bills and cheques. Dishonour and Notice of Dishonour, Reasonable time for Notice, noting and protest, Acceptance and Payment for honour and dereliction; compensation: Rules of Evidence; Provisions regarding crossed cheques, Bills in sets; International Law governing Instruments. Truncation of financial Instruments


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Leading Cases :

1. New India Assurance Co. v. Radhey Shyam Motilal Khandelwal, AIR 1974 Bom.228.
2. Prudential Insurance Co. v. Inland Revenue Commissioners, (1904) 2 KB 658.
3. Mills V. Smith (1963) 2 ALL. ER 1078.
4. Digby V. General Accident (1943) AC 121,138.
7. V. Ramaswami Aiyanger & others v. T.N.V. Kailasa Thenever, AIR 1951 SC 185


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7/11/2021

**Public Interest Lawyering; Legal Aid,
Para-Legal Services and Moot Court**

Paper No. 405

Sem. IV

Max. Marks: 100 ✓

Pass Marks: 40

This paper shall consist of following two parts:

- ~~(a) Practical written paper: 80 Marks~~
~~(b) Viva-Voce examination: 20 Marks~~ } 100

The candidate must pass in part (a) and (b) separately. For pass, he shall be required to obtain 36 percent marks in each part, i.e. 29 Marks out of 80 and 7 marks out of 20 Marks and 40% in aggregate i.e. 40 marks.

(a) Practical Written Paper: 80 marks

- (1) Meaning, nature, scope and object of public Interest Litigation (PIL) PIL against the State and other Public Bodies. Difference Between Public Interest Litigation and Private Interest Litigation;- meaning of Social Action Litigation, concept of Locus Standi.
- (2) Legal Aid under the
 - (i) Constitution;
 - (ii) Code of Criminal Procedure; and
 - (iii) Code of Civil Procedure.

The Legal Services authorities Act, 1987. Legal Aid in Law Schools, Legal Aid and Voluntary Organisations. Legal Aid and Legal Profession, District Legal Aid Committee.

- (3) Lok Adalats- Their jurisdiction, working and powers under the Legal Services authorities Act, 1987.

Leading Cases :

1. Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161.
2. Olga Tellis v. Bombay Municipal Corporation, (1985) 3 SCC 545.
3. Sukhdas v. Union Territory of Arunachal Pradesh, AIR 1986 SC 928.
4. Sheela Barse v. State of Maharashtra, AIR 1988 SC 378.

Only one written paper carry 100 marks

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