

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

# **SYLLABUS**

**OF**

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



**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**

**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 Administartive Law

S.P. Sathe: Administrative Law

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

**LL.B. Fifth Semester  
PAPER-II  
TAXATION LAWS**

**Maximum Marks: 100**

**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 State; and sale in course of export and import

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 transferable 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



**LL.B. Fifth Semester  
PAPER-IV  
CRIMINOLOGY AND PENOLOGY**

**Maximum Marks: 100**

**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 of 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 cooperate; suggestions by parties; confidentiality

Resort to judicial proceeding

### **Acts**

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

**LL.B. Fifth Semester  
PAPER-VI  
Law and The Child**

**Maximum Marks: 100**

**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: fanticideand 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.