

CHHINDWARA UNIVERSITY, CHHINDWARA
LL.B. PART III SEMESTER VI
PAPER-I PROFESSIONAL ETHICS AND PROFESSIONAL
ACCOUNTING SYSTEM

Note:

1. The written exam of this paper will have 80 marks and viva-voce will carry 20 marks.
2. Written examination will be conducted by the University.
3. Viva-voce of this paper will be conducted by a panel of two examiners out of which one external examiner shall be appointed by the examination Committee of the University and internal examiner shall be appointed by the Principal/Director/Head of the Institution concerned. The remuneration shall be as per Chhindwara University norms.

UNIT –I Admission, Enrolment & Rights of Advocate

1. Importance of Legal Profession.
2. Persons who may be admitted as advocate on a State roll.
3. Disqualification for enrolment
4. Rights of Advocates
5. State Bar Councils
 - a) Establishment and Organisation
 - b) Powers and Functions
6. Bar Council of India
 - a) Organisation
 - b) Powers and Functions

UNIT – II Ethics of Legal Profession

1. Meaning, Nature and Need
2. Duty to the Client

UNIT – III Punishment for Professional or Other Misconduct

1. Professional or other Misconduct- Meaning and Scope
2. The Body or Authority empowered to punish for professional or other misconduct.
 - i. State Bar Council and its disciplinary committee

- ii. Bar Council of India- and its disciplinary committee
- 3. Complaint against advocates and procedure to be followed by the Disciplinary Committee.
- 4. Remedies against the order of punishment.

Unit – IV Bench Bar Relation

- 1. Role of Judge on Maintaining Rule of Law
- 2. Mutual Respect
- 3. Maintenance of orderly society
- 4. Invaluable aid of advocates to Judges
- 5. Privilege of Advocates
- 6. Duty to avoid interruption of Council
- 7. Administration of Justice clean & Pure
- 8. Uncourteous conduct, Misconduct of lawyers and Insulting Language.

Unit – V Meaning and Categories of Contempt of Court

- 1. Contempt of Court- Its meaning and Nature
- 2. Kinds of Contempt
 - a. Criminal Contempt
 - b. Civil Contempt
- 3. Contempt by Lawyers
- 4. Contempt by Judges, Magistrates or other persons acting judicially
- 5. Contempt by State, Corporate bodies & other officers

Selected Bibliography

- 1. J.P.S. Sirohi : Professional Ethics, Lawyer's Accountability, Bench- Bar Relationship.
- 2. Kailash Rai : Legal Ethics, Accountability, for Lawyer's , Bar-Bench Relation.

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PAPER-II DRAFTING, PLEADING AND CONVEYANCE

Note:

1 This paper shall have Diary of 90 (45+45) marks and viva- voce of 10 marks, which shall be evaluated by a panel of two examiners out of which one external examiner shall be appointed by the examination committee of the University and Internal examiner shall be appointed by the Principal/Director/Head of the Institution concerned. The remuneration shall be as per Chhindwara University norms.

2. (a) Drafting : General principles of drafting and relevant substantive rules shall be taught

(b) Pleadings :-

(i) Civil : Complaint, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution Petition, Memorandum of Appeal and Revision, Petition under Article 226 and 32 of the Constitution of India.

(ii) Criminal: Complaint, Criminal Miscellaneous petition, Bail Application, Memorandum of Appeal and Revision.

(iii) Conveyance: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed

(iv) Drafting of writ petition and PIL petition

The course will be taught through class instructions and simulation exercises, preferably with assistance of practicing lawyers/retired judges.

Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in drafting carrying a total of 45 marks (3 marks for each) and 15 exercises in conveyancing carrying another 45 marks (3 marks for each exercise) remaining 10 marks will be given for viva voce.

Select Bibliography

1. R.N. Chaturvedi: Pleading, Drafting and Conveyancing,
2. Manohar Murli: The art of Conveyancing and Pleading.

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PAPER-III MOOT COURT

Note : 1. Three components of 30 marks each and viva for 10 marks shall be conducted by University.

2. Each component and viva-voce examination of this paper will be conducted by a panel of two examiners out of which one external examiner shall be appointed by the examination committee of the University and Internal examiner who may be professors/Judges may be appointed by the Principal/Director/Head of the Institution concerned. The remuneration shall be as per Chhindwara University norms.

3. (a) Moot Court (30 Marks). Every student will be required to participate in moot courts in a year. The moot court work will be on assigned problem.

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

Students may be required to attend two trials in the course of the last two or three years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.

(c) Interviewing techniques and Pre-trial preparations and Internship diary (30 marks):

Each student will observe two interviewing sessions of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary, which will carry 15 marks.

(d) The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks

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PAPER-IV INFORMATION TECHNOLOGY LAW

UNIT-I Introduction

1. Concept and Definition – Computer, Digital Signature, Key Pair,

Subscriber, Verification

2. Globalisation and E-commerce – U.S./U.K.

3. I.T. Act 2000 – Aim and object, E-mail, Torts & contract on Internet,

Offences and Cyber Crimes, Stalking, Hacking, tempering, Junk Spaming –
publication of obscene material, offences of computer, worms & virus
Defamation and internet

4. Loop holes in I.T. Act.

UNIT-II Adjudication and penalties

1. Powers of Police Officers

2. The Cyber Regulations Appellate Tribunal

3. Appeal to High Court

4. Compounding of contravention and Recovery of penalty

UNIT-III Protection of Consumers and Victims

1. Protection of consumer & unfair Terms

2. Protection of person when person is not consumer

3. Proposed Amendments

4. R.B.I. Guideline for A.T.M. Transactions

UNIT-IV International at sphere of Global Regime

1. Civil Jurisdictions
2. Minimum contact Doctrine in U.S.A.
3. E mail on Internet
4. Danger for computer software failure

UNIT-V Right of Privacy (on Internet) Media Law

1. Right to Privacy – Breach of (Defamation, Trespass, Nuisance)
2. Breaching confidence and harassment
3. Privacy on Internet
4. Real Victims of Virtual Crime

Select Bibliography

1. I.T. Tech. Law : Gupta & Agrawal – Premier Publication, Allahabad

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PAPER-V PRINCIPLES OF TAXATION LAW

UNIT- I Meaning of Tax

1. Types of Tax
2. Difference between Direct Tax and Indirect Tax
3. Characteristics of Tax, Fee and its differences
4. Difference between Tax and Duty
5. Concept of Cess and Surcharge
6. Principle of Ability/Capacity to pay

UNIT II Constitutional Perspective

- 1: Taxation under Article 265 of the Constitution of India.
- 2: Taxation and Right to Equality.
- 3: Distribution of Taxing Powers between the Union and the States:
 - a. Article 246 of the Constitution of India;
 - b. Distribution of their Functions; and
 - c. Allocation of Taxing Powers
- 4: Taxation and Freedom to Carry on Trade and Commerce

UNIT-III Income Tax

- 1 Basic concepts- basis of charges of tax
- 2 Definitions
- 3 Residential status of assesses – its impact on tax liability.

Heads of income -

1. General concepts
2. Chargeability to tax- admissible & inadmissible deductions, exclusions and deductions from income,
3. Set off and carry forward of losses.
4. Salaries
5. Income from House Property
6. Income from Profits of Profession and business
7. Capital Gains
8. Income from other sources
9. Clubbing of income

UNIT- IV Income tax authorities

1. Powers & functions,
1. Assessment
2. Allotment of permanent account number,
3. Economic criteria scheme.

UNIT- V Appeal, Revision and Reference

1. Appeal,
2. Revision,
3. Reference
4. Rectification, (Sec.269N, 269 UJ)

Prosecution and Penalties

1. Prosecutions under Income Tax Act, 1961
2. Non- compliance,
3. Contravention,
4. Avoidance
5. Evasion of tax.
6. Penalties

Selected Bibliography

1. Taxman : Tax Planning and Management, (1998), Taxman

2. Agarwal, A.N. : Indian Economics (Selected Chapters) (1997) Wishwa Prakashini, N.Delhi.
3. N.K. Palkhivala & B.A. Palkhivala (eds) : Kanga and Palkhivala's Income Tax Law and Practice (7th ed. 1976).
4. Agrawal, V.S. : Taxation of Salaries with Tax Planning (1990), Professional Book Publishers, New Delhi.
5. V.S. Sunderam : Law of Income Tax in India (11th ed. 1978).
6. A.C. Sampat Iyengar : Three Taxes (6th ed. 1987).
7. K. Chaturvedi and S.M. Pithisaria : Income Tax Law (3rd ed. 1981).
8. V.P. Gandhi : Some Aspects of Indian Tax Structure : An Economic Analysis (1970)
9. T. Mathew : Tax Policy (1975).
10. H.M. Seervai : Constitutional Law of India (3rd ed. 1984)
11. I.P.S. Siddhu : Company Taxation Cases.
12. M.P. Jain : Indian Constitutional Law. (4th ed. 1994).
13. Bhagwati Prasad : Direct Taxes : Law and Practice (1996) Wishwa Prakashan, New Delhi.

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PAPER-VI LAW OF INSURANCE

UNIT – I Introduction

1. History and Growth of Insurance Business in India
2. Definition of Insurance and Nature of Insurance Contract
3. Insurance Contract-A Contract of Indemnity
4. Contingent Contract and Insurance
5. Wager and Insurance
6. Utmost good faith and Insurance
7. Principles of Insurance

UNIT – II Life Insurance

- a. Kinds of Insurance-Life, Fire, Marine and Motor Vehicles Insurance
- b. General Principle of Insurance
 - i. Insurable interest- In Life, Fire and Marine
 - ii. Premium
 - iii. Risk-scope and elements of risk
- c. Life Insurance Contract – Nature and Scope
- d. Establishment and Functioning of LIC

UNIT – III Marine Insurance

1. Nature and scope of Marine Insurance
2. Different kinds of marine policies
3. Voyage –Deviation
4. Implied warranties in marine insurance contract
5. Assignment of Marine Policy

UNIT –IV Fire Insurance

1. Nature of Fire Insurance Contract
2. Double insurance and reinsurance
3. Special Doctrines: Reinstatement, Subrogation and Contribution.

UNIT – V Motor Vehicle Insurance

1. Motor Vehicle Insurance and Rights of third parties
2. Burglary Insurance
3. Insurance Regulatory and Development Authority; it's power and function

Suggested Readings

1. M.N. Srinivasan, Principles of Insurance Law , Ramaiya Publishers, Bangalore
2. Avatar Singh : Law of Insurance , Eastern Book Company, Lucknow
3. K.S.N. Murthy and KVS. Sharma: Modern Law of Insurance in India, Butterworths, Delhi
4. Haring and Eevenly : General Principles of Insurance
5. Michael Parkington : Insurance Law , Sweet and Maxwell, London
6. Brij Nandan Singh : Insurance Law , University Book Agency, Allahabad, Sweet and Maxwell, London
7. B.C. Mithra : The Law relating to Marine Insurance, The University Book Agency, Allahabad
8. J.V.N. Jiaswal: Law of Insurance, Eastern Book Company, Lucknow
9. John Birds, Modern Insurance Law, Sweet and Maxwell, London