

CHHINDWARA UNIVERSITY, CHHINDWARA

(Session 2019-20)

LL.B. PART III SEMESTER-V

PAPER – I CIVIL PROCEDURE CODE-I

UNIT-I:




1. History of the Code, Title extent commencement.
2. Definition - Decree, decree holder, judgment, judgment debtor, legal representative, mesne profit, order and pleader, Cause of action.
3. Jurisdiction of the Courts (Subject matter, territorial and pecuniary).
4. Res sub judice.
5. Res judicata.
6. Foreign Judgment.
7. Place of suing
8. Transfer of suits

UNIT -II

1. Parties to Suits.
2. Framing of Suits.
3. Pleadings generally (Order VI).
4. Summons
5. Plaint – Order VII.
6. Written Statement- Order VIII (Set-off & Counter-claim).

UNIT III

1. Appearances of parties and consequence of non-appearance
2. Examination of parties by the court.
3. Discovery, interrogation and inspection
4. Admission

 Dr. B. B. K. Akodiga
 Dr. Damyanti Khatke 18/10/2021
 Sneha Kumari

UNIT IV:

1. Production impounding and return of document
2. Settlement of issue
3. Disposal of suit at the first hearing
4. Adjournment
5. Hearing of the suit and examination of witness
6. Affidavit

UNIT V:

1. Judgment and decree
2. Interest and cost
3. Execution of decree and order
4. Death marriage and insolvency of parties
5. Withdrawal and adjustment of suit and payment into court.

Selected Bibliography

1. Mulla, Code of Civil procedure (1999), Universal Delhi
2. C.K. Thakker, Code of Civil Procedure (1999), Universal Delhi
3. M.R. Mallick (ed.) B.B. Mitra on Limitation Act (1998), Eastern Lucknow.
4. Majumdar P.K. and Kataria R.P. Commentary on the Code of Civil Procedure. 1908 (1998), Universal Delhi.
6. Saha A.N. The Code of Civil Procedure (2000) Universal Delhi
7. Sarkar Law of Civil Procedure Vols. (2000) Universal Delhi.
8. Universal's Code of Civil Procedure (2000)



CHHINDWARA UNIVERSITY, CHHINDWARA

(Session 2019-20)

LL.B. PART III SEMESTER V

PAPER-II FAMILY LAW II (MUSLIM LAW)

UNIT-I Muslim Law

1. Origin and development of Muslim Law,
2. Who is Muslim?
3. Conversion to Islam,
4. Schools of Muslim law and sources of Muslim law

UNIT-II Marriage & Divorce

1. Kind of Marriage, (Nikah) (Muta Marriage)
2. Option of puberty,
3. Meher (Dowry).
4. Dissolution of Marriage under Muslim Law: (Divorce) Talaq, Ila, Khula, Mubarrat, Talaq-eTafweed, Lian, Faskh etc.
5. Dissolution of Muslim Marriage Act, 1939.

UNIT – III Guardianship & maintenance

1. Guardianship – elements, type.
2. Maintenance of Wives with Special Reference to Section 125 Cr. P.C.
3. Shah Banu Case and the Ensuing Legislation.

UNIT-IV Will, Gift and Wakf

1. Wills,
2. Gift.
3. Doctrine of musha and pre-emption,
4. Wakf

UNIT-V Parentage and inheritance

1. Parentage and acknowledgement
2. Succession and Death bed transaction

Select Bibliography -

1. Mulla, Mohammedan Law
2. Dr. Paras Diwan, Muslim Law in Modern India
3. Aquil Ahmed, Mohammedan Law
4. Fyzee, Introduction to Mohammedan Law
5. Schat Mohammedan, Jurisprudence
6. Coulson, Principles of Mohammedan Law
7. Jhabvala, Principles of Mohammedan law



CHHINDWARA UNIVERSITY, CHHINDWARA

(Session 2019-20)

LL.B. PART III SEMESTER V

PAPER III 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: 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), Taxman2. 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.


Mang


CHHINDWARA UNIVERSITY, CHHINDWARA

(Session 2019-20)

LL.B. PART III SEMESTER V

PAPER – IV SOCIAL SECURITY AND OTHER LABOUR LEGISLATION (LABOUR LAW-II WITH NEW AMENDMENTS)

UNIT I. The Minimum Wages Act, 1948:

1. Object, Constitutional Validity and Salient Features of the Act
2. Important Definitions
3. Fixation of Minimum Rates of Wages
4. Advisory Board
5. Wages in kind
6. Maintenance of registers & record
7. Penalty
8. Power of government to make rules

UNIT II. The payment of Wages Act, 1936:

1. Scope and Applicability Of The Act.
2. Important Definitions
3. Payment of Wages and Deductions from Wages
4. Authorities under the Act

UNIT III. The Factories Act, 1948:

1. Important Definitions
2. Inspecting Staff
3. Health, Safety and Welfare Measures
4. Working Hours of Adults



UNIT IV The Factories Act, 1948

1. Employment of Young Persons
2. Annual Leave with Wages
3. Special Provision
4. Penalty and procedure
5. Supplement

UNIT V

1. Workman Compensation Act, 1923 An Overview

Selected Bibliography

1. S.N. Mishra : Labour and Industrial Law, Central Law Publication, Allahabad,
2. S.C. Srivastava: Industrial Relations and Labour Law, Vikas Publishing House, New Delhi
3. Khan and Khan's: Commentary on Labour and Industrial Law, Asia Law House, Hyderabad
4. V.G. Goswami : Labour and Industrial Laws, Central Law Agency, Allahabad) Eligibility and Disqualification for Bonus

CHHINDWARA UNIVERSITY, CHHINDWARA

(Session 2019-20)

LL.B. PART III SEMESTER V

PAPER-V 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.
3. State Bar Council and its disciplinary committee
4. Bar Council of India- and its disciplinary committee
5. Complaint against advocates and procedure to be followed by the Disciplinary Committee.
6. 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

CHHINDWARA UNIVERSITY, CHHINDWARA

(Session 2019-20)

LL.B. PART -III SEMESTER - V

PAPER – VI CRIMINOLOGY & PENOLOGY

UNIT-I

1. Definition, Nature, Scope and Importance of Criminology; Methods of Criminological Studies;

UNIT-II

1. Schools of Criminology; Future Directions in Criminology with Special Reference to Peace-making

2. Criminology, Postmodern Criminology and Feminist Criminology, Cause of Crime

UNIT III

1. Concept of Punishment; Relationship between Criminology and Penology; Forms of Punishment - From Ancient to Modern;

2. Theories of Punishment; Capital Punishment; Death Penalty by Public hanging

3. Capital punishment in India

a. Death Penalty or life imprisonment

b. Rarest of the rare cases

c. Constitutionality and grounds of capital punishment

d. Minority judgment of justice Bhagwati



UNIT IV

1. Police and its Role in Crime Prevention;
2. Concept of Treatment with Special Reference to Prison,
3. Indian Jail Reforms Committee Report 1919-20 (Recommendations)
4. Plea for setting up Prison Panel
5. Role of Prisons in Modern Penology
6. The problem of Overcrowding in prisons
7. The problem of prison Discipline
8. The problem of Prisoners' Health
9. Probation and Parole;
10. New Dimensions of Penology - Compensation to the Victims of Crime; Victimology.

UNIT-V Imprisonment

1. Simple Imprisonment
2. Rigorous Imprisonment
3. Solitary confinement
4. Imprisonment for life
5. Monetary Punishment
 - a) Fine
 - b) Forfeiture of Property



Select Bibliography

1. E. Sutherland, White collar Crime (1949).
2. Prof. N.V. Paranjape Criminology and penology.
3. Dr. Yamuna Shankar Sharma penology.
4. Om Prakash Shrivastava Principles of Criminal Law

Dr. B.K. Aswadia
Do. Damyanti Katsce 19/10/2021
Aditya — Aditya Singh
S — Brisha Kumari