

PUNJABI UNIVERSITY, PATIALA

SYLLABUS

BACHELOR OF LAWS PART-V (NINTH & TENTH SEMESTER) (FIVE YEARS COURSE)

for 2021-22, 2022-2023 and 2023-24 sessions.

Continued for 2024-25, 2025-26 & 2026-27
SCHEME OF STUDIES

NINTH SEMESTER

		Univ. Exam	Int. Exam	Max. Marks
Paper-I	Civil Procedure Code and Limitation Act	74	26	100
Paper-II	Alternative Dispute Resolution and Legal Aid	74	26	100
Paper-III	Moot Court Participation and Seminar-I	-	-	100*
Paper-IV	Option: Any one of the following: a) Criminology, Penology and Victimology b) Intellectual Property Law c) Probation, Parole and Prison Administration	74	26	100
Paper: V	Option: Any one of the following: a) Private International Law b) Human Rights Law and Practice c) Offences against Child and Juvenile Offence	74	26	100

TENTH SEMESTER

		Univ. Exam	Int. Exam	Max. Marks
Paper-I	Clinical Legal Education and Internship	-	-	100*
Paper-II	Law of Registration, Specific Relief and Court Fee	74	26	100
Paper-III	Option: Any one of the following: a) Law on Infrastructure Development b) Law of Equity, Trust and Religious Endowments c) Forensic Science and Law	74	26	100
Paper-IV	Option: Any one of the following: a) Interpretation of Statutes b) Competition Law c) White Collar Crime	74	26	100
Paper: V	Option: Any one of the following: a) Local Law b) Co-operative Law c) Direct Taxation	74	26	100

* Paper- : Moot Court Participation and Seminar-I &
Moot Court Participation and Seminar-II are of 100 marks i.e.
Moot Courts (Every Student will give presentation at two
moot court with 30 marks each) = 60 marks
Court Visit = 20 marks
Seminar = 20 marks

100 marks

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GENERAL INSTRUCTIONS FOR THE PAPER**SETTER FOR ALL THE PAPERS**

1. The maximum marks for each paper are 74 and the time allowed is 3 hours.
2. The minimum number of marks required to pass each paper shall be 45% in University Examination and 45% in University Examination and Internal Assessment taken together.

The question paper will consist of three units: I, II and III. Unit I and II will have four questions from respective units of the syllabus and will carry 11 marks each. Unit III will consist of 10 short-answer type question, which will cover the entire syllabus uniformly and will carry 30 marks in all Internal exams marks for each paper are 26 which includes 05 marks of Attendance, 11 marks of Written Assignment/Project Work etc. and 10 marks for Two Mid- Semester Tests/Internal Examination.


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(Ninth Semester)

Paper I : Civil Procedure Code and Limitation Act

Unit - I

Substantive and Procedural Law, Nature of Code of Civil Procedure and its scheme, Meaning of Suit and its essentials ; jurisdiction of Courts to try suit of a civil nature unless barred ; objections to jurisdiction. General Conditions of Res Judicata, Matters directly and substantially in issue, Constructive Res Judicata, Res Judicata and Res Subjudice, Res Judicata and Estoppel, Res Judicata between co-defendants and co-plaintiffs.

Conclusiveness of Foreign Judgment, its enforcement and execution, Place of suing, Representative suit, Split of cause of action and Res Judicata.

Issue and service of Summons to defendants, Injunctions (Order 39 Rule 1 and 2), summons to witnesses, dismissal of suit for default, Exparte proceedings, setting aside exparte decree, difference between Decree and Order.

Suit by or against Government or Public Officer, Interpleader Suit, Suit by an Indigent person, Special case, suit relating to public nuisance and public charities, abatement and its effect ; suit by or against minors and persons of unsound mind, compromise by next friend or guardian.

Nature of right of appeal, difference between appeal, reference and Review

Concept of Execution, Who may apply for execution and against whom execution may be sought;

Definition of court which passed a decree, transfer of decree for execution (Section 36-42 & Order XXI)

Precept (Section 46) ; Scope of Section 47 ; Execution against transferees and legal representatives (Sections 49-50) ; Stay of execution (Order XXI, rules 26-29)

Unit – II

Modes of execution (Sections 51-54) ; Arrest and Detention (Sections 55-59, Order XXI, rules 37-40)

Attachment of Property in execution of a decree; non-attachment property; transfer of property and attachment (Sections 60-64); Objections to attachment (Order XXI, rules 58-59)

General procedure for sale of attached property (Order XXI rules 64-69); who cannot bid at sale (Order XXI rules 72, 72A, 73); Sale and resale of immovable property in execution (order XXI, rules 82-87)

Setting aside and confirmation of execution of sale (Order XXI 89-94); Rateable distribution of Assets (Section-73); Resistance to delivery possession in execution and remedies (Section 74, order XXI, rules 97-106)

The Limitation Act

Definitions

Limitation of Suits, Appeal and Applications

Computation of Period of Limitation

Acquisition of Ownership by Possession

Suggested Readings

Mulla	:	Code of Civil Procedure
A.N. Saha	:	Code of Civil Procedure
Mitra	:	Law of Limitations
Avtar Singh	:	Limitation Act
Justice P.S. Narayana	:	Code of Civil Procedure (2nd Edn.)

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Paper - II : Alternative Disputes Resolution & Legal Aid

Unit-I

The Arbitration and Conciliation Act, 1996

- Definitions
- Forms of Arbitration Agreement: Arbitral Clause and Submission to Arbitration
- Constituents of Arbitration Agreement
- Composition of Arbitral Tribunal
- Removal of arbitrator
- Termination of Mandate and substitution of Arbitration
- Setting aside of arbitral award

Enforcement of Domestic Awards under Arbitration and Conciliation Act 1996


The Arbitration and Conciliation Act, 1996

- Scope of Conciliation
- Appointment of Conciliators
- Role of Conciliator
- Settlement agreement
- Status and effect of settlement agreement
- Confidentiality
- Termination of Conciliation proceedings
- Resort to arbitral or Judicial proceedings
- Difference between Conciliation and Mediation
- Distinction between Mediation and Arbitration

Unit-II


Alternative Means of Settlement of Disputes

- Merits of ADR
- Demerits of ADR
- Negotiation
- Essential Ingredients of Negotiation
- Sources of Negotiation
- Kinds of approaches to negotiation
- Obstructions to Negotiation
- Lok- Adalats & Legal Aid
- Concept of Lok-Adalat
- Establishment of Lok-Adalats
- Jurisdiction of Lok-Adalats
- Powers of the Lok-Adalats
- Award of the Lok-Adalats
- Legal Aid under Constitution of India, 1950
- Free Legal Services under the Legal Services Authorities Act, 1987


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Books Recommended:

- Dr. Avtar Singh, Law of Arbitration & Conciliation
S.C. Tripathi, Arbitration and Conciliation Act, 1996
Dr. N.V. Paranjape, Arbitration & Alternative Dispute Resolution
Dr. S.S. Mishra, Law of Arbitration & Conciliation in India
N.V. Paranjape, Public Interest Litigation, Legal Aid & Services, Lok Adalats & Para-Legal Services
S.S. Mishra, Legal Services, Public Interest Litigation and Para-Legal Services
- The Arbitration & Conciliation Act, 1996 (Bare Act)
 - The Legal Services Authorities Act, 1987 (Bare Act)
- Dr. Anupam Kulwal, An Introduction to ADR - A text book for Indian Law Students, Centre Law Publication (2011).


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Paper-III : Moot-Court Exercise and Internship

* Paper- : Moot Court Participation and Seminar-I & Moot Court Participation and Seminar-II
are of 100 marks i.e.

Moot Courts (Every Student will give presentation at two moot court with 30 marks each)	= 60 marks
Court Visit	= 20 marks
Seminar	= 20 marks

	100 marks

(The students will maintain a record and enter the various steps observed during their
attendance on different days in the Court assignment).


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Option: Any one of the following:

Paper-IV Option (a) : Criminology, Penology & Victimology

Unit-I

Meaning, Nature, Scope and Objectives of Criminology, its relationship with criminal law and other social sciences.

Schools of Criminology: Pre-classical school, Classical School, Neo-Classical School, Positive School, Clinical School, Sociological School

Crime Causation: Physiological, Psychological and Sociological, Economic, Mental, Family and Mass Media

Penology: Meaning, Definition and Scope

Concept and Necessity of Punishment

Theories of Punishment: Retributive theory, Deterrent theory, Preventive and Reformatory theory

Capital Punishment - constitutionality of capital punishment, judicial approach towards death penalty.

Unit-II

Meaning & Scope of Victimology

Types of Victims of Crime

Rights of the Victims of Crime

Provisions regarding Compensation to the Victims of Crime under Code of Criminal Procedure and Indian Penal Code

Compensation under Probation of Offences Act.

Compensation to Victim under Motor Vehicle Act

Common Law regarding Compensation in Tort and Civil Law

Judicial trends in Compensatory Jurisprudence

Recommendations of Justice Malimath Committee with respect to compensation to victims of Crime.

Suggested Readings

- | | | |
|---------------------------|---|---------------------------------------|
| 1. Sutherland E. & Cressy | : | Principles of Criminology |
| 2. Siddique, A. | : | Criminology : Problems & Perspectives |
| 3. Paranjape, N.V. | : | Criminology and Penology |
| 4. Sirohi, J.P.S. | : | Criminology & Penology |

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Paper - IV Option (b) : Intellectual Property Law

Unit-I

Concept and Nature of Intellectual Property :-

Meaning, main forms of Intellectual Property

System of Intellectual Property Rights, Competing rationale of the legal regimes for the protection of rights in Intellectual Property

Forms of Industrial property, Patents, Trade Secrets, utility models ; criteria for patenting, rationale behind grant of patents.

Leading International Instruments concerning Intellectual Property Rights

The Paris Convention for the Protection of Industrial Property: Its establishment, concept of Paris Union, Minimum Standards of Patent Protection under the Convention; Initiatives towards revision of the Paris Convention

The World Intellectual Property Organisation (WIPO)

Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) : Its aim, provisions on patents and their incompatibility with the Indian Patents Act, 1970

Unit-II

Select Aspects of the Law of Patents in India :-

Concept of Patent, object of patent grant system, International character of patents, historical overview of the patents law in India.

Salient features of the Patents act

Patentable and non-patentable Inventions

Duration of the Patent Grant

Law of Patents in India :-

Process of obtaining a patent, powers of controller of patents

Grounds of opposition to grant of patent

Rights and obligations of a patentee

Assignment of Patent, Compulsory licences, licences of right and Revocation of Patents Infringement of Patents and Reliefs.

Suggested Readings

1. Anderfelt, UIF: International Patent Legislation & Developing Countries


2. Carnish W.R. : Intellectual Property

3. Sangal, P.S. & Kishore : Indian Patent System and Paris Convention
: Legal Perspectives

4. Narayanan, P. : Intellectual Property Law

5. Narayanan, P. : Patent Law

6. Georgious I Zekos : Intellectual Property Rights & Cyber Space.


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Paper - IV Option (c) : Probation, Parole and Prison Administration

UNIT-I

Origin and Growth of Prisons
 Classification of Prisons
 Classification of Prisoners
 Jail Administration
 Emerging Principles of correctional justice
 Correctional Institutions
 Educational Programmes
 Vocational Programmes. Welfare of Prison Personnel

UNIT-II

Modernization of prisons in the light of the Constitutional right of the prisoners
 Protection of inmates from criminal cultures
 Living conditions of prisons compatible with human dignity
 Treatment Programme in Prisons
 Treatment of Prisoners-Non Custodials.
 Probation
 Parole
 After-care
 Public Participation in Prevention of Crime
 Role of Welfare Agencies in Crime Prevention

SUGGESTED READINGS

1. Howard Jones : Paul Cornes's Open Prisons
2. Louis P. Carney : Introduction to correctional Science, 2nd Ed.
3. Carter and Wilkins : Probation, Parole and Community
4. Relevant Provision of the following Acts/Rules
 - Prisoners Act, 1900
 - Prisoners Act, 1984
 - Bostal Act, 1926
 - Punjab Jain Manual
 - The Good Conduct Prisoners Probational Release Act, 1926
 - The Good Conduct Prisoners Probational Release Act, 1927
 - The Punjab (Good Conduct Prisoners Probational Temporary Release) Act, 1962
 - The Punjab (Good Conduct Prisoners Probational Temporary Release) Act, 1962
 - Probation of Offences Act, 1958
 - Punjab Probation of Offenders Rules, 1962
 - Model Probation of Offenders Rules


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Option: Any one of the following:

Paper - V Option (a) : Private International Law

Unit-I

Definition, Nature and Scope of Private International Law, Difference between Public International Law and Private International Law.

Evolution of Indian Private International Law, Theories of Private International Law.

Characterization

Renvoi

Application and Exclusion of Foreign Law

Domicile : Meaning, Domicile of Origin and Domicile of Choice, Domicile of Dependents, Married Women, Minor Children, Commercial Domicile.

Jurisdiction of Courts.

Unit-II

Recognition of Foreign Judgements, Enforcement of Foreign Arbitral Awards

Law of Contract : Proper Law of Contract, Formation of Contract, Capacity to Contract, Formal and Material Validity, Discharge of Contract, Jurisdiction and Choice of Law in E-contracts

Marriage - Concept of Marriage, Validity of Marriage

Matrimonial Causes : Jurisdiction of Courts, Choice of Law, Recognition of Foreign Divorces, Recognition of Foreign Nullity Decrees, Recognition of Foreign Decrees of Judicial Separation.

Ancillary Reliefs : Jurisdiction of Courts, Choice of Law, Enforcement of Foreign Maintenance Orders

Legitimacy and Legitimation

Adoption

Guardianship and Custody of Minor Children - Jurisdiction, Choice of Law.

Recognition and Enforcement of Foreign Guardianship and Custody Orders.

Suggested Readings

P.M. North : Cheshire and North Private International Law

Paras Diwan : Private International Law
Indian and English


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Paper-V - Option (b) - Human Rights Law and Practice

Unit - I

Genesis of Human Rights in India

- Meaning
- Evolution of the concept of Human Rights in India
- Object and Salient features of:-
 - * Universal Declaration of Human Rights (1948)
 - * International Covenant on Civil and Political Rights (1966)
 - * International Covenant on Social, Cultural and Economic Rights (1966)

Human Rights and Constitutional Legal Framework

- Protection of Human Rights Mechanism
- Human Rights in Ancient India, Islamic and British Era.
- Object and Salient features of Protection of Human Rights Act, 1994
- Composition of National Human Rights Commission and State Human Rights Commission
- Powers and functions of National Human Rights Commission and State Human Rights Commission.
- Role of Judiciary in Protection of Human Rights.

Unit - II

Human Rights of Marginalized Section of Society

- Human Rights of Women
- Rights of aged and differently abled persons
- Human Rights of prisoners
- Human Rights and child
- Human Rights against exploitation
- Human Rights of Scheduled Castes, Scheduled Tribes and Backward Classes/S.Ts/S.Cs

Human Rights and personal Liberty

- Right to free Legal aid
- Right to speedy trial
- Right against handcuffing
- Search and seizure
- Torture in Police Custody
- Custodial deaths
- Police fake encounter

Suggested Readings

1. P.L.Mehta :- Human Rights under the Indian Constitution
2. S.K.Kapoor :- International Law and Human Rights
3. V.K. Anand :- Human Rights
4. Darren JO Byrn :- Human Rights An Introduction
5. Dr. S.K. Sharma :- Human Rights in the World Today
6. Pandit Kamalakar :- Human Rights and Criminal Justice.

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Paper-V - Option (c) -Offences against Children and Juvenile Offence

Unit I

Offences against Children Under I.P.C.

The Causing of Miscarriage and of injuries to Unborn Child.

Kidnapping

Trafficking in Children

Sexual Offences:

- Prostitution
- Rape
- Sodomy
- Pornography

Offences against Children under Labour Laws and Prohibition of Child Marriage Act.

Prohibition of employment of Children

Working Hours for Children

Economic Exploitation and Abuse of Children

Child Marriage

Unit II

Protection of Child from Sexual Harassment Act, 2013

- Preventive Sexual Assault and Aggravated Penetrative Sexual Assault (3 to 6)
- Sexual Assault and Aggravated Sexual Assault (7 to 10)
- Sexual Harassment (11, 12)
- Using Child for Pornographic Purpose (13 to 15)
- Abetment and Attempt to commit an offence (16 to 18)
- Procedure for Reporting Case (19 to 23)
- Procedure for recording Statement (24 to 27)
- Special Courts and Procedure and Powers of Special Courts (28 to 38)

The Juvenile Justice (Care and Protection of Children) Act, 2015.

- General Principles of Care and Protection of children
- Juvenile Justice Board: Procedure, Powers and functions
- Procedure in relation to children in conflict with law.
- Children's Court and its Powers.
- Child welfare committee: Procedure, Powers and functions.
- Procedure in relation to children in need of Care and Protection.
- Rehabilitation and Social Re-Integration.
- Offences against Children.

Suggested Readings :

The Juvenile Justice (Care and Protection of Children) Act, 2015

The Prohibition of Child Marriage Act, 2006

The Child Labour (Prohibition and Regulation) Act, 1986

Law of Crimes by Rattan Lal Dhiraj Lal

Indian Penal Code by H.S.Gour

The Juvenile Justice System in India by Ved Kumari

Neglected Children : A Study of Juvenile Justice System by Dr. Pushpinder Kaur Dhillon


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B.A. LL.B. Five Year Course
Tenth Semester

Paper I:- Clinical Legal Education and Internship


This paper consists entirely of Practical Work in which each student is to participate in two Moot Courts apart from Project Report and Court visits. For this paper, the students would be evaluated by internal teachers.

However, on these students would be given assignments / attending Lok Adalats organised by the District Courts as well as would be encouraged to undertake various Legal Aid Campus.

Distribution of Marks is as under:

1. Moot Courts (Every student will give presentation at two moot courts with 25 marks each)	50 Marks	
2. Project Report (Written Assignment and Presentation with 15 marks each)		30 Marks
3. Court Visits	<u>20 Marks</u>	
Total		<u>100 Marks</u>

(The students will maintain a record and enter the various steps observed during their attendance on different days in the Court assignment).


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Paper II:- Law of Registration, Specific Relief and Court fees

Unit-I


The Registration Establishment
 Registrable Documents
 Time of Presentation
 Place of Registration
 Presenting Documents for Registration
 Extent of admissibility of a registered document
 Difference between execution and registration of a document
 Evidentiary value of registered documents
 Enforcing, Appearance of Executants and Witnesses
 Presenting, Deposit of Wills and Authorities to Adopt
 Effects of Registration and Non-Registration
 Duties and Powers of Registering Officers

Unit-II

Recovering Possession of Property
 Specific Performance of Contracts
 Rectification of Instruments
 Rescission of Contracts
 Cancellation of Instruments
 Declaratory Decrees
 Fees in the High Courts and in the Courts of small causes at the presidency towns
 Fees in other Courts and in public offices
 Probates, Letters of administration and certificates of administration Process fees
 Mode of levying fees

Suggested Readings

J.P. Sirohi : Indian Registration Act
 Aquil Ahmad : Specific Relief Act
 R.K. Bangia : Law of Registration
 R.K. Bangia : Specific Relief
 Indian Registration Act, 1908 (Bare Act)
 Specific Relief Act, 1963 (Bare Act)
 The Court fees Act, 1870 (Bare Act)


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Option: Any one of the following:

Paper III- Option (a) – Law on Infrastructure Development

UNIT-I

The Electricity Act, 2003

Definitions

National Electricity Policy and Plan

Generation, Transmission and Distribution of Electricity

Licensing and Tariff

Central Electricity Authority and Regulatory Commissions

Offences and Penalties

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

Determination of Social Impact and Public Purpose

Special Provision to Safeguard Food Security

Rehabilitation and Resettlement Award

Procedure and Manner of Rehabilitation and Resettlement

National Monitoring Committee for Rehabilitation and Resettlement

Establishment of Land Acquisition, Rehabilitation and Resettlement Authority

Apportionment of Compensation

Temporary occupation of Land

Offences and Penalties

UNIT-II

The Special Economic Zones Act, 2005

Definitions

Establishment of Special Economic Zone

Constitution of Board of Approval

Development Commissioner

Single Window Clearance

Special Fiscal Provisions for Special Economic Zones

Special Economic Zone Authority

Legal framework of specific infrastructure sector :-

1. Telecom

2. Roads and National Highways

3. Water

4. Airports


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Paper III- Option (b) -Law of Equity, Trust and Religious Endowments

Unit I

Concept and definition of Equity

- Historical Background
- Definition, nature and scope of equity
- Equity as a branch of law
- Equity under the Indian Legal System
- Classification of Equity Jurisdiction.
- Exclusive Jurisdiction
- Concurrent Jurisdiction
- Auxilliary Jurisdiction

Nature of Equitable Rights and Interests

- Evolution of Equitable Interests
- Difference between Legal and Equitable Estate " Choose in Action and" Choose in Possession"
- Maxims of Equity.
- Equity will not suffer a wrong to be without a remedy
- Equity follows the Law
- He who seeks Equity must do Equity
- He who comes to Equity must come with clean hands.
- Delay defeats equities
- Equality is Equity
- Equity looks to the Intent rather to the Form
- Equity looks on that as done which ought to have been done
- Equity imputes an intention to fulfil an obligation
- Equity acts in personam
- Where the Equities are equal, the first in time shall prevail
- Where there is equal Equity, the Law shall prevail

Unit II

General View of Trust

- Introduction, Origin, Development and definition of Trust.
- Creation of Trust
- Rights and Power, duties and Liability of Trustees
- Disabilities of the Trustees
- Rights and Liabilities of the beneficiary

Religious Endowments

- Definition and nature of religious endowments

Essentials of Valid Endowments

Object and Scope of Religious Endowment

Maths

- Shebaitship,
- Power and duties of shebait.

Wakf

- Definition
- Object of Wakf
- Essentials of Wakf

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Suggested Readings :

Equity by Hanbury
Trust and Trustees : Cases and Materials, R.H.Maudsley and E.H.Burn
Aqil Ahmad , Equity Trust and Fiduciary Relations
The Indian Trust Act, 1982
The Religious Endowments Act, 1863
The Wakf Act, 1995


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Paper III (c) : Forensic Science and Law

Unit-I

Definition, Objects and Scope of Forensic Science

Principles of Forensic Science

Relationship between Law and Forensic Science

Role of Forensic Science in Administration of justice

Forensic Science set up in India

- Forensic Science Laboratories
- National Institute of Criminology and Forensic Science
- Central Detective Training School
- Finger Print Bureau
- National Crime Records Bureau

Crime Scene and Forensic Lab Investigation

Types of Forensic Evidence

- Physical Evidence
- Chemical Evidence
- Biological Evidence

Meaning of Expert Evidence

Evidentiary Value of Forensic Expert Evidence

Unit-II

History and Evolution of Techniques of Investigation in Forensic Science

- Finger Printing
- Brain Mapping
- Lie detector/ Poly graph
- Voice Identification
- Narco analysis

- DNA Profiling

Constitutional Validity and Evidentiary Values of Forensic Techniques of Investigation

Role of Cyber Forensics in Investigation of Crimes

Cyber Crimes: Computer Fraud, Software Piracy, Hacking, Cyber Stalking

Offences and Penalties under Information Technology Act, 2000

Forensic Use of Biometrics for Identification

Suggested Readings

Modi's Medical Jurisprudence & Toxicology

Parekh's Medical Jurisprudence & Toxicology

Nanda, B.B. & Tewari R.K. : Forensic Science in India : A Vision for the
Twenty first Century

Sharma, B.R. : Forensic Science in Criminal Investigation and
Trials

Anil K. Jain : Biometrics Personal Identification in Neworked
Society

Nickolas : Scientific Criminal Investigation

James, S.H. ad Norby JJ : Forensic Science : An Introduction to Scientific

Option: Any one of the following:

Paper IV Option (a) : Interpretation of Statutes

Unit-I

Meaning of Statute
Commencement of Statute
Operation of Statute
Repeal of Statute and its effect
Revival of Statute
Consolidating, Codifying and Amending Statutes
Primary or literal rule of interpretation
Mischief rule of interpretation
Golden rule of interpretation
Restrictive rule of interpretation
Beneficial rule of interpretation
Harmonious rule of interpretation

Unit-II

Internal aids of construction
External aids of construction
Contemporanea expositio
Expressio unius exclusio alterius
Ejusdem generis rule
Pari Materia
Mens rea
Bonam Partem
Stare decisis

Suggested Readings

1. Maxwell : Interpretation of Statutes
2. V.P. Sarathi : Interpretation of Statutes
3. G.P. Singh : Principles of Statutory Interpretation
4. Jagdish Swarup : Legislation and Interpretation

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Paper IV - Option (b) - Competition Law

Unit - I

Historical Development :

Evolution of Doctrine of Restraint of Trade : Vedic Era

Restraint of Trade under Indian Contract Act.

Aim Objective and Salient Feature of Monopolies and Restrictive Trade Practices Act, 1969

Enforcement Machinery

MRTPC- Powers and Functions

Registrar of Restrictive Trade Agreement

Director General of Investigation - Powers and Functions.

Complaint or Reference to the Commission

Appellate Jurisdiction

Restrictive Trade Practices and Role of Commission

Territorial Restriction

Tie-up Arrangement and Full time forcing

Exclusive Dealings

Restriction on Dealing

Restriction of Manufacturing classes of Technical Know how

Predatory Pricing

Price Discrimination

Price Fixing in Concert

Collective Boycott

Collusive Tendering and Bidding

Resale Price Maintenance

Monopolistic Trade Practices and Role of Commission

Unit - II

Definitions

Anti-competitive Agreement

Abuse of Dominant Position

Combination

Composition of Competition Commission of India

Aims, Objects and Salient feature of C.C.I.

Duties

Functions and Procedure for Investigation

Inquiry into certain agreement and dominant position

Inquiry into combination

Reference by commission

Acts taking Place outside India but having an effect on competition in India.

Powers to pass nature of order

Powers to Issue Interim orders

To impose Penalty and award compensation.

Appointment of Director General etc. : its Duties, powers and Functions.

Constitution of National Company Law Appellate Tribunal

Qualifications of Chairperson and Members of Appellate Tribunal

Award Compensation

Procedure and Powers for Appellate Tribunal

Power to Punish for Contempt

Execution of Orders

Powers of Central Government : to Issue Directions

To Supersede Commission, Removal and Suspension, Power to Exempt

Appeal to the Supreme Court

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Suggested Reading :

1. Report of the Monopolies Inquiries Commission, Government of India, 1965 (known Dr. Hazari Report)
2. Sachar Committee Report, High Powered Committee Report on MRTP & Company, 1980
3. High Level Committee on competition Policy and Law Government of India 2002.
4. Dr. R.K.Singh, Restrictive Trade Practice and Public Interest Mittal Publication, New Delhi, 1989.
5. Bare Acts with Shorts Notes
6. S.M. Dugar's MRTP Law, Competition Law and Consumer Protection 4th ed 2009
2 Vols.

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Paper IV Option (c) - White Collar Crimes

Unit-I


Emergence of White-Collar Crimes
 Concept and Nature of White-Collar Crimes
 Sutherland's view on white-collar crimes and its analysis.
 Causes of White-Collar Crimes
 Distinguish between White-Collar Crimes and Blue-Collar Crimes
 Implications of White-Collar Crimes
 Courts and White Collar Crime in India.

Unit-II

White Collar Crimes in India
 Hoarding, Black Marketing and Adulteration;
 White Collar Crimes in certain Professions - Medical Profession, Legal profession, Educational Institutions, Engineering.
 White Collar Crimes in business deals.
 Fake Employment Placement Agencies
 Remedial Measures.
 Prevention of Corruption Act, 1988 -
 Objects and Reasons of the Act,
 Definitions - Public duty, Public Servant
 Power to appoint special judges, cases triable by special judges, Procedure and Powers of special judges.
 Offences and Penalties - Public Servant taking gratification other than legal remuneration in respect of an official Act, Criminal misconduct by a Public Servant.

Suggested Readings :

Mahesh Chandra : Socio- Economic Crimes
 Marshall B. Clinard : Crime in Developing Countries
 N.V. Pranjape : Criminology and Penology
 Prevention of Corruption Act, 1988
 47th Report of Law Commission of India
 Trial and Punishment of Socio-Economic Offences.
 Annual Report Criminal Law Review.


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Option: Any one of the following:

Paper V (a) : Local Self Government and Panchyat Administration

Unit-I

Evolution of Panchyat Raj System in India- A Historical Perspective, Nature, Scope and Spirit of Art 40 of the Constitution, Salient Features of the 73rd Amendment (Act 1976), Aim and Objects of the Grass Root Level Democracy, Structure of Panchyat Raj Institutions including Gram Sabhs and Gram Panchyat at various Bodies.

Powers, Functions and Duties of the various Panchyat Raj Institution, Tax Collection, Welfare Activities, Judicial Functions of Gram Panchyat, Property, Finance and Accounts of Gram Panchyats, Government and Judicial Control over Panchyat Raj Institution, Role of Gram Panchyat in strengthening the poor and women welfare system.

Unit-II

Objects and implications of the 74th amendment of the constitution, Punjab Municipal Act, 1911- Definition, Constitution of Committee, Election of President, Vice-President, Meetings of various bodies, Privileges and Liabilities

Powers Functions and duties of Municipalities, Municipal Funds and Property, By-Laws, Power of Entry and Inspection, Notice and Consequences of non-compliance, Appeals from orders, Offences and Prsecution, Role of Judiciary.

Suggested Readings

- The Bare Act of the Punjab Panchayati Raj Act, 1994
- The Bare Act of the Punjab Municipal Act, 1911
- The Constitution (Seventy-third Amendment) Act, 1992
- The Constitution (Seventy-fourth Amendment) Act, 1992
- Report of Balwant Raj Mehta Committee
- Report of Ashok Mehta Committee
- Report Law Commission of India One Hundred Fourteenth

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Paper V - Option (b) - Co-operative Law and Agriculture Insurance**Unit - I**


Cooperative Movement in India
The Punjab Co-operative Societies Act, 1961
Preliminary (Ss. 1-2)
Registration of Co-operative Societies (Ss. 3-14)
Member of Co-operative Societies and their Rights and Liabilities (Ss. 15-22)
Management of Co-operative Societies (Ss. 23-29)
Privileges of Co-operative Societies (Ss. 30-40)
Properties and Funds of Co-operative Societies (Ss. 41-47)

Unit - II

Audit, Inquiry, Inspections and Surcharge (Ss. 48-54)
Settlement of Dispute (Ss. 55-56)
Winding up of Co-operative Societies (Ss. 57-61)
Appeal and Revisions (Ss. 68-70)
Co-operative Banks (Ss. 70-A)
Offences and Penalties (Ss. 71-86)
Aim, Objectives and Salient features of Agricultural Insurance Schemes.

Suggested Readings :

1. The Punjab Cooperative Societies Act, 1961
2. Jagdish Arora : The Punjab Cooperative Societies Act, 1961 with rule
Ministry of Information : India Year Book & Broadcasting, India.


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Paper-V - Option (c) - Direct Taxation

Unit-I

Definitions - Income, Total income, Assessee, Person, Assessment year, Previous year, Capital Asset.
 Charge of Income Tax (Section 4)
 Incidence of Tax (Section 5)
 Residential Status of an Assessee (Section 6)
 Incomes received or deemed to be received in India (Section 7)
 Income deemed to accrue or arise in India
 Agricultural income and its tax treatment.
 Heads of Income (Section 14)
 Income under the Head "Salaries" (Section 15-17)
 Income under the Head "Income from House Property" (Section 22-27)
 Income under the Head "Capital Gains" (Sections 45(1), 54 54B, 54D, 54EC, 54 ED, 54F, 54G, 54GA)
 Income under the Head "Income from other sources" (Section 56-59)
 Deductions to be made in computing total income (Section 80A-80GGC)
 Rebates and Reliefs of Income Tax (Section 87-89)
 Penalties and Prosecutions (Section 270-280)

Unit-II

Income of other Persons included in Assessee's Total income (Section 60-65)
 Set off and Carry forward and set off of Losses (Section 70-80)
 Income Tax Authorities and their powers (Sections 116, 131-36)
 Return of Income (Section 139(1) & Section 140), Return of Loss (Section 139(3)), Belated Return (Section 139(4)), Revised Return (Section 139(5))
 Permanent Account Number (Section 139(A))
 Self Assessment (Section 140A)
 Inquiry before Assessment (Section 142)
 Summary Assessment (Section 143)
 Best Judgement Assessment (Section 144-145)
 Income Escaping Assessment (Section 147-148)
 Advance Payment of Tax (Section 207-11, 217 & 219)
 Refunds (Section 237-241)
 Salient features of Central Goods and Services Tax Act, 2017

Suggested Books :

1. Vinod K. Singhania : Direct Tax Law and Practice
2. V.P. Gour and D.B. Narang : Income Tax Law and Practice
3. Mahesh Chandra and S.P. Goyal : Income Tax Law and Practice
4. Narula : Taxation Law
5. The Central Goods and Services Tax Act, 2017

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