EIGHTH SEMESTER BA.LL.B. (HONS) 5 YRS COURSE

Course Code 8.1

BANKING AND NEGOTIABLE INSTRUMENTS ACT

Unit I: Banking Regulation Act, 1949
Concept of Bank and Banker, Functions of Banks, Classification of Banks, Relationship between Bank and Customer, Control by government and its agencies, Management of Banking companies, account and audit, Reconstruction and reorganization of banking companies, Suspension and winding up of business of banking companies, Social control over banking, Banking Ombudsman, Recent Trends in Banking: Automatic Teller Machine and Internet Banking, Smart Credit Cards, Banking Frauds.

Unit II: Reserve Bank of India Act, 1934
Incorporation, Capital, Management and Business of Banking Company, Central Banking function of Reserve Bank of India, Collection and furnishing of Credit Information, Control of Reserve Bank of India over Non-banking Institutions and Financial Institutions, Credit Control by Reserve Bank of India, General provisions and penalties.

Unit III: Negotiable Instrument Act, 1881
Definition and characteristic of Negotiable Instruments, Types of Negotiable Instruments, Definition and Essentials of Promissory Note, Bill of Exchange and Cheque, Liabilities and Capacity of Parties of Negotiable Instrument, Holder and Holder in due course, Transfer and Negotiation of Negotiable Instrument.

Unit IV:

UNIT -V
Law relating to Negotiable Instruments, 1881 Act (Read with the amended Act of 2002) -

**Prescribed Books:**
8. L. C. Goyle- The Law of Banking and Bankers.
9. Relevant provisions of Information Technology Act, 2000

Case Study :-

1) Delhi Cloth & General Mills Ltd Vs. Harnam Singh AIR 1955 SC 505
2) Vimal Chandra Grover Vs. Bank of India A IR 2000 SC 2181
3) Sajjan Bank (P) Ltd Vs. Reserve Bank of India AIR 1961 Mad 8
4) Savoy & Co. Vs Lloyds Banks Ltd 1932 TLR 344
5) Central Bank of India Ltd Vs V. Gopinathan Nair AIR 1970 Ker 74
6) Shanti Prasad Jain Vs Director of Enforcement AIR 1970 Ker 74
7) Rikhabchand Mohanlal Surana Vs. The Sholapur Spinning and Weaving Co. Ltd. ,76, Bombay Law Reporter 748
8) M/s Hyderabad Commercial Bank Vs. India Bank AIR 1991 SC 247
9) Devayns Vs. Noble ,(1816) 1 Mer.529.
10) Other Leading Cases
Course Code 8.2

Law of Taxation, Tax policies & Planning

Pattern of Question Paper

- The question paper shall consist of **80 marks**.
- It consists of **TWELVE QUESTIONS**, students have to attempt **EIGHT questions** in all, out of which required to answer **SIX Questions From Section A (Unit I to IV) & TWO questions from Section B (Unit V to VII)**
- Question No. 1 is compulsory.
- All Questions carry Equal Marks.

Unit-I: Constitutional basis of power of taxation — Article 265 of Constitution of India — History of Income Tax — Outlines of Income Tax Law -- Definitions - Residential Status of an Assessee

Unit-II: Incomes which do not form part of Total Income; Heads of Income and Computation — Income from Salary, Income from House Property- Profits and Gains of Business or Profession-Capital Gains and Income from other sources.

UNIT-III: Clubbing of Income; Set off and Carry Forward of Losses; Deductions to be made in computing Total Income


Unit-VI: Sales Tax (CST & BST) - Value Added Tax — Relevant important provisions of Maharashtra Value Added Tax Act-2002 - Assessment — Procedure -Practice of Sales Tax and VAT – Authorities - Powers and Jurisdiction. - Service Tax

Unit –VII Tax Planning- Tax Avoidance- Tax Evasion- Black Money

Suggested Readings:


**Course Code 8.3**
Insurance Law

UNIT – I

UNIT – II

UNIT – III

UNIT – IV

UNIT – V

Prescribed Books:
3. E. R.Hardy Ivamy - General Principles of Insurance Law, relevant Chapters.

Case study
1 LIC bs vishwanathan verma 1995 sc 189
2 New India assurance ltd vs kesavan Ramamurthy AIR 1977 (2) A.P APDH 440
3 k.s. usha vs lic of india 2006 (3) ABR NOC 561
4 RBI peerless finance and investment co. AIR 1967 sc 1023
5 State of Orissa vs UOI insurance co. ltd 1997 (5) scc 512
6 In general assurance society ltd vs chanamul jain AIR 1966 sc 1644
7 Other Leading Cases

Course Code 8.4
CRIMINAL PROCEDURE CODE, JUVENILE JUSTICE ACT AND
PROBATION OF OFFENDERS ACT


UNIT II: Search and Seizure — Search with and without warrant — Police search during investigation — General Principles of Search — Seizure — Constitutional aspects of validity of Search and Seizure proceedings.


UNIT -IV: Judgment: Form and content -- Summary trial — Post-conviction orders in lieu of punishment — Modes of providing judgment copy — appeals, review and revisions-Reforms in Criminal Procedure Code


Suggested Readings:-


Case laws

1) Rasiklal vs khanchand wadhwani
   AIR 2009 cr.1j 1187

2) Savitri Agrawal & others vs state of Maharashtra & others
   AIR 2009 sc 3173 2009 (9) cr.1j 4290 AIR scw 5092

3) Savitaben somabhai bhatiya vs state of gujrat
   2005 cr.1j 2141 sc 2005 AIR scw 1601 2005 (2) crimes 1

4) Sahebrao vs state of Maharashtra
   AIR 2006 sc 2002, 2006 cr.1j 2881 (sc) 2006 (9) scc 794

5) Mustak ahmed mohammed isak and others vs state of Maharashtra
   2009 cr.1j 3952 2009 (7) scc 480

6) Dilwarsingh vs state of Delhi
   2007 cr.1j 4709(sc) AIR 2007 sc 3234 2007(3) crimes 388

7) Other Leading Cases

Course Code 8.5
Clinical Paper -II

Project Work

This is a Practical Paper which contains preparation and submission of Socio-Legal Project on a given topic and viva-voce examination.

The Students are expected to be familiar with social science research methods and techniques and the basic research skills for conducting empirical research and preparation of research designs. The students will be required to process and interpret the research data based upon such empirical research surveys in select areas of law as might be assigned to them by the Supervisor in consultation with the Head of the Department. Students are expected to write a project report incorporating the data gathered on the basis of field studies and interviews. Students will be examined at viva-voce on the basis of written material or project report by external examiner in consultation with the Head of the Deptt. and/or Internal Examiner. The Marks Distribution is as follows:

<table>
<thead>
<tr>
<th>Project Work (Internal &amp; External Examiner)</th>
<th>80 Marks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Viva –Voce (External Examiner)</td>
<td>20 Marks</td>
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</table>

Total = 100 Marks

The scope of the paper on Legal Education and Research Methodology is indicated as follows:

**GUIDELINES FOR SOCIO-LEGAL RESEARCH**

A student will be required to submit two copies of the research project to the Head of the Department.

**A. Research scholars are required to follow the steps given below for preparation of Socio-Legal Research**

**Research Methodology:**

Title of the Study
Problem of the study
Rationale of the study
Objectives of the study
Hypothesis
Review of Literature
Operational concepts & Variables of the study
Research Design
Nature/ Type of the study
Universe
  * Population
  * Sample and Sample size.
  * Sampling Method
Method of Data Collection
Sources of Data Collection
Tools of Data collection
Limitations of Study
Time Schedule
Possible contribution of the study
Chapterisation

B. Socio-Legal Research shall have the following structure:

  Cover
  Cover page
  Certificate
  Acknowledgement
  List of Case Laws.
  List of Tables
  List of Maps
  Abbreviations
  Contents

Chapter I Theoretical Background
Chapter II Research Methodology (As given in A)
Chapter III Analysis and Interpretation of Data
Chapter IV Major Findings, Conclusions and Suggestion.

Bibliography
Annexures:
  Interview Schedules / Questionnaires, Master Charts, Acts, Bills, Maps, etc.
Course Code 8.6

Public International Law

UNIT-I
Nature, definition, origin and basis of International Law; Sources of International Law; Relationship between Municipal and International Law; Subjects of International Law.

UNIT-II
States as subjects of International Law: States in general; Recognition; State territorial sovereignty.

UNIT-III
State Succession — Responsibility of States for International delinquencies — State Territory — Modes of acquiring State Territory

UNIT – IV
State and Individual - Extradition, Asylum -Nationality-diplomatic envoys, consuls and other representatives; the law and practice as to treaties- Formation of Treaties - Modes of Consent, Reservation and termination.

UNIT – V
The United Nations Organisation - Principal organs and their functions; World Trade Organisation- Main features; International Labour Organisation.

UNIT -VI:

Prescribed Books:
1 J. G. Starke- An Introduction to International Law.
2 P.W. Bowett- International Institutions.
4 D. H. Harris - International Law (Cases and Materials).
5 Oppenheim - International Law( Volume I, Peace)
6 S. K. Kapoor - International Law and Human Rights.
7 Bhagirathlal Das – World Trade Organization.
9 Starke J G, An Introduction to International Law, Aditya Book, Butterworths.

**CASE STUDY:**

1. North Sea Continental Shelf Case, ICJ Reports, 1968, P.3 2

2. Kutch ward, Foreign Affairs Reports, Vol. XXVII (27) 68 3

3. Right to Passage over Indian Territory, ICJ Reports, 1950 P.6 2

4. South West Africa case, 1966 ICJ Reports, P.6

5. United Kingdom v. Norway (Anglo Norwegian Fisheries Cases) ICJ Reports, 1951, P. 116

6. The Corfu Channel Cases (Preliminary Objections) ICJ Report, 1948 P. 15 2


9. Other Leading Cases