

**Maharshi Dayanand University
Rohtak**



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**Ordinances, Syllabus and Courses of
Reading for
LL.B. Part-V
Examination**

Session—2002-2003

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**ORDINANCE : BACHELOR OF LAWS (LL.B. 5-YEAR COURSE)
(ANNUAL SYSTEM)**

1. The duration of the course leading to the degree of the Bachelor of Laws (LL.B.) shall be five academic years and the examinations shall be held in five parts viz. part-I at the end of the course of 1st year, part-II at the end of the course of 2nd year, part-III at the end of the third year, part-IV at the end of the course of 4th year and part-V at the end of the course of 5th year. The examinations shall ordinarily be held in the month of April/May or on such dates as may be fixed by the Vice-Chancellor.

A supplementary examinations shall be held in December on dates fixed by the Vice-Chancellor for these LL.B. (Final Year) candidates who have passed all the papers of LL.B. Part-I, II, III and IV (5 year course)/LL.B. Part-I and Part-II (3 years course) examination and have been permitted to reappear or have failed in paper(s) of part-III/V examination, as the case may be. However, total number of chances will not exceed as given in the Ordinance.

The students who have to appear in the Supplementary examination (September/December) immediately after annual examination will be governed by the old syllabus.

2. The schedule of dates fixed in accordance with Clause-I shall be notified by the Controller of Examinations to the Head of the Deptt. of Law.
3. The last date for the receipt of examination form and fee without late fee as fixed by the Vice-Chancellor, shall be notified to the Head of the Department of Law.
4. A candidate's examination form and fee may be accepted after the last date on payment of Rs. 105/- upto the date notified by the University.
- 5.1 A candidate who fulfils the following conditions shall be eligible to seek admission in the 1st year of LL.B.(5 year) course :-
 - i) has passed pre-medical/pre-Engineering examination with 40% marks in aggregate of this University or of any other University recognised as equivalent thereto; or

- ii) has passed B.A./B.Sc./B.Com. part-I examination (old scheme) of this University or of any other University recognised as equivalent thereto with 40% marks in aggregate or
- iii) has passed an examination in 10+2 course of schooling recognised by the educational authority of Central or State Govt. with 40% marks in aggregate; or
- iv) possesses any other equivalent academic qualifications recognised by this University.

Those who have done graduation or post-graduation or have appeared in the final year of graduation or are placed in compartment in the qualifying examination shall not be allowed admission to 1st year of five year law course.

5.2 A candidate who has passed graduation in any discipline or a higher degree from this University or any other University recognised by this University with 40% marks in aggregate shall be eligible for direct admission to 3rd year of 5 years LL.B. course. Such students shall however have to study and pass additional papers of history of courts and History of Legislature of 2nd year. However, those placed in compartment in the qualifying examination shall not be eligible for admission.

5.3 No migration shall be allowed to five years course or to three year course.

6. A person who has passed 1st or 2nd or 3rd or 4th year shall be eligible to join the 2nd or 3rd or 4th or 5th year respectively of the LL.B. Course. This is, however, subject to clauses 13, 14.1 and 14.2 below.

7. The examination of part-I/II/III/IV/V shall be open to a student who :-

- i) has passed requisite examination as laid down above in clause 5 & 6, as the case may be or is covered under clause 13 below; and
- ii) has his name submitted to the Controller of Examinations by the Head of the Department of Law

(iii)

and produced the following certificates signed by him :-

- a) of having good character ;
 - b) of having remained on the rolls of the Dept. for the year preceding the examination;
 - c) of having satisfactorily performed the work of his class of having attended not less than 75% of the lectures in each year as also in practical training prescribed in the syllabus to be counted upto to the last day when the classes break up for the preparatory holidays.
8. A candidate on the rolls of the Department of Law or an ex-student shall submit his application for admission to an examination on the prescribed form with the requisite certificates duly countersigned by the head of the Department or a Senior member of the teaching staff authorised by him.
9. The amount of examination fee to be paid by a candidate for each examination shall be as under :-
- | | |
|---------------------|-----------|
| i) Regular Students | Rs. 90/- |
| ii) Ex-Student | Rs. 100/- |
10. The medium of instructions shall be Hindi in case of Hindi and English in case of other subjects. The medium of Examination shall be English/Hindi.
11. Candidate shall be examined according to the scheme of examination and syllabus approved by the Academic Council from time to time.
12. The minimum number of marks required to pass in each paper of LL.B. Part-I & II shall be 36% and it shall be 45% in each paper of LL.B. Part-III, IV and V examination.
13. A candidate who has failed in an examination or having been eligible fails to appear therein, may be allowed on the recommendation of the Head of the Department of Law to appear-reappear in the examination/paper(s), as the case may be in accordance with clause-I. Such a

(iv)

candidate may be exempted from appearing in the paper(s) in which he obtains at least 45% marks in LL.B. 3rd, 4th & 5th year and 36% marks in LL.B. 1st, 2nd year. Provided that a candidate for the LL.B. Degree must pass the whole examination part-I, II, III, IV & V within seven years of his admission to the LL.B. First Year class failing which he will be deemed to be unfit for the course and shall not be allowed to appear in the same either by attending classes again as a regular student or as an ex-student.

Note The candidate admitted to LL.B. course shall not be allowed to switch over to any other course otherwise his candidature for LL.B. course shall be cancelled forthwith.

14.1 A candidate who has appeared and failed in an examination shall be promoted from Part-I to II, Part-II to III, Part-III to IV and Part IV to V subject to the Provision of clause 14.2.

14.2 A candidate who has failed in Part-I and II or II & III or III and IV shall be promoted to Part-IInd, IIIrd, IVth and Vth as the case may be only if he has got exemption in the papers as mentioned below :-

From part-I to part-II If he has passed atleast three papers of part-I

From part-II to part-III If he has passed seven papers of part-I and II including atleast three papers of part-I and three papers of part-II.

From part III to part-IV If he has passed all the papers of part-I and seven papers of part-II and III with atleast three papers of part-II and three papers of part-III.

From part-IV to part-V If he has passed all the papers of part-I and II and seven papers of part-III and IV with atleast three papers of part-III and three papers of IV.

Every student of part-I, II, III and IV who is entitled to be promoted to LL.B. part-II, III, IV and V respectively shall submit an application form on the prescribed form for admission to the part-II, III, IV and V. Any such admission may be refused by the Head, Deptt. of Law on reasonable grounds.

15. The details of the practical training (Legal Method, Moot Court etc.) to be imparted as per syllabus and the dates will be notified by the Head of the Deptt. of Law from time to time.

16. Four weeks after the termination of the examination, or as thereafter as is possible, the Controller of Examinations shall publish the result and issue Detailed Marks Card.

17.1 The successful candidate after passing Part-I, II and III examinations of 5 years LL.B. course will be awarded as graduate degree of B.A. (Law). Such candidates will not be entitled to practice. Classification of division for the successful candidates of B.A. Law shall be arranged as under on the aggregate marks of part-I, II and III examinations :-

- | | |
|---|--------------|
| a) Those who obtain 60% marks | 1st division |
| or more | |
| b) Those who obtain 50% or more marks | 2nd division |
| but less than 60% marks | |
| c) Those who obtain less than 50% marks | 3rd division |

17.2 Three candidates who successfully complete the five years or three years in case of those who seek direct admission to 3rd year LL.B. Course will be awarded LL.B. Degree. A list of successful candidates shall be prepared in the aggregate marks obtained in part-III, IV and examinations and shall be arranged in divisions as under :-

- | | |
|---------------------------------------|--------------|
| a) Those who obtain 60% or more marks | 1st division |
| b) Those who obtain 45% or more marks | 2nd division |
| but less than 60% marks. | |

8. The candidates who have passed the B.A. (law) exam. in the second or third division may be allowed to re-appear in one or more theory paper(s) of the part-I and/or part-II examinations for improvement of division III to II, II to I or for improvement of 45%. However, for improvement of division from III and II to I as well as improvement of score of marks upto 45% only one chance for each part shall be allowed. Such a candidate shall appear for improvement in the paper(s) within a period of two years of his passing B.A. Law exam. a candidate appearing in one or more paper(s) for the purpose of improvement of division shall pay fee as for the whole examination. The higher score in the paper(s) for the purpose of improvement of division shall pay fee as for the whole examination. The higher score in the paper(s) in which the candidates re-appears for improvement will be taken into account towards the final result and the marks already obtained by the candidate in the paper(s) in which he has not opted to improve his result shall be carried forward. In case the candidate does not improve the division, his result shall be declared as previous result stand.

The students who are appearing for improvement of marks under this clause will be required to appear according to current syllabus. No separate paper under old syllabi will be set for such students.

19. Notwithstanding the integrated nature of this course, which is spread over more than one academic year, the ordinance in force at the time a student joins the course shall hold good only for the examination held during or at the academic year and nothing in this ordinance shall be deemed to debar the University from amending the Ordinance and the amending ordinance, if any, shall unless specified otherwise, apply to all students whether old or new.

SCHEME OF EXAMINATION
For LL.B. Vth Year 2002-2003

	Max. Marks	Time
Paper-I Civil Procedure Code and the Limitation Act, 1963	100	3 hours
Paper-II Law of Evidence (The Indian Evidence Act, 1872)	100	3 hours
Paper-III Law relating to Transfer of Property and Easements	100	3 hours
Paper-IV Land Laws Including Ceiling and other Local Laws		
Paper-V Arbitration, Conciliation and Alternative Dispute Resolution Systems	100	3 hours
Paper-VI Interpretation of Statutes	100	3 hours
Paper VII Practical Training : Moot Courts, Pre-Trial Preparations and Participation in Trial Proceedings	100	3 hours
Paper VIII Drafting, Pleading and Conveyancing	100	3 hours

One optional paper from the following :-

Paper IX (A ¹) Taxation Laws	100	3 hours
Paper IX (A ²) Trusts, Equity and Fiduciary Relations	100	3 hours
Paper IX (A ³) Intellectual Property Law	100	3 hours

Paper-I Civil Procedure Code and and Limitation Act, 1963.

Max. Marks : 100

Time : 3 Hours

Note : Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks. The paper setter will give Hindi translation of the paper also.

- Unit I
- i) Definition (S-2)
 - ii) Jurisdiction of Courts and Res-Sub-Judicate (Res.-Judicate (S 9-11).
 - iii) Place of Sung and Institution of Suits (S-15-21).
 - iv) Summons and discovery, judgment and Decree, Interest and Costs (S-27-35).
 - v) Gulab Chand Chhotalal Parikh Vs. State of Gujarat, AIR 1965 S.C. 1153.
- Unit II
- i) Execution (S 36-74)
 - ii) Incidental Proceedings-Commissions O XXVI. Suits in particular Cases (S 75-82)
 - iii) Appeals (S 96-109) & orders 41, 42, 45.
 - iv) Reference, Review, Revision (S 113-115 including orders 46-47).
- Unit III
- i) Miscellaneous (S 144, 148, 148 A, 149, 151, 152).
 - ii) Orders 1-7.
 - iii) Hira Lal Patni Vs. Sri Kali Nath, AIR 1962 S.C. 199.
 - iv) Bhavan Vaja Vs. Solanki Haniji, AIR 1972 S.C. 1371.
- Unit IV
- i) Orders 8, 9, 10, 14 to 20.
 - ii) State of Punjab Vs. Nathu Ram AIR 1962 S.C. 89.
 - iii) Chajju Ram Vs. Neki, 49 Indian Appeals 144, 1922 P.C. 112, 72 Indian cases 566.
- Unit V
- Limitation Act, 1963 (SS 4, 5, 6, 9, 12, 14, 17, 18, 19, 20, 25 & 27).

Note : Not more than one question will be set directly from the leading cases.

Books Recommended :

1. Takwani, C.K. : Civil Procedure
2. Mulla, D.F. : The Code of Civil Procedure, 1908.

3. Sarkar : The Law of Civil Procedure
4. Tondon : The Code of Civil Procedure.

Paper-II Law of Evidence (The Indian Evidence Act, 1872)

Max. Marks : 100

Time : 3 Hours

Note : Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks. The paper setter will give Hindi translation of the paper also.

Unit I Section 1-31.

- ii) Leading Case : Paivinder Kaur Vs. State of Punjab, AIR 1952 S.C. 354.

Unit II i) Section 32-60.

- ii) Leading Case : Pkala Narayan Swami Vs. The King-Emperor (1939) 66 IA 66, LXVI LR 66, AIR 1939 S.C. 47.

Unit III i) Sections 61-90.

- ii) Leading case : K. Sundarse Vs. State AIR 1950 Mad 657.

Unit IV i) Sections 91-117.

- ii) Leading case : Bai Hira Davi Vs. Official Assignee Bombay, AIR 1958 SC 448 (1958) SCC 1384.

Unit V i) Sections 118-167.

- ii) Leading case : Bhubani Sahu Vs. The King, (1949) 761 A 147, AIR 1949 PC 257.

Note : Not more than one question will be set directly from the leading cases.

Books Recommended :

1. Avtar Singh : The Principles of Law of Evidence.
2. Batuk Lal : The Law of Evidence.
3. C.D. Field : Law of Evidence, Fields Law of Evidence.

4. G.S. Pande The Law of Evidence.
5. Ratan Lal, Bhiraj Lal The Law of Evidence.
6. Woodesoffee and Law of Evidence (11th (ed.)
Ameer Ali.

Paper-III Law Relating to Transfer of Property and Easements

Max. Marks : 100

Time : 3 Hours

Note : Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks. The paper setter will give Hindi translation of the paper also.

Unit I i) T.A.P. 1882 (Sections 1-35)

Unit II T.P.A. 1882 (Sections 36-53 A)

Leading Case : Ram Parsad V. Ram Mohit Hazara
& others AIR 1967 SC 744.

Unit III T.P.A. 1882 (Sections 54-57, 58-82)

Leading Cases :

- 1) Seth Ganga Dhar Vs. Shanker Lal & others AIR 1958, SC 770.
- 2) Juma Masjid Vs. Kodimaniandra Devish & Others AIR 1962 SC 847.

Unit IV T.P.A. 1882 (Sections 100-101, 105-129)

Leading Cases :

- 1) Shanta Bai Vs. State of Bombay, AIR 1958 SC 532.
- 2) Mathura Lal Vs. Kishar Bai, AIR 1971 SC 310.

Unit V Nature, extent and kinds of Easement (Sec. 1-7 of I.E. Act) : imposition and acquisition of Easements (Section 8, 9, 12, 15, 17, 18, 19); Definition of License (Section 52) Difference between Lease and License.

Note : Not more than one question will be set directly from the leading cases.

Books Recommended :

1. D.F. Mulla : Transfer of Property Act.
2. Shah S.M. : Lecturers of Transfer of Property.
3. Shukla S.N. : Transfer of Property
4. Lahri S.M. : Transfer of Property Act.
5. Desai : The Indian Easement Act, 1989.

**Paper-IV Panchayat Laws (Land Laws Including Ceiling And)
Other Local Laws**

Max. Marks : 100

Time : 3 Hours

Note : Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks. The paper setter will give Hindi translation of the paper also.

Unit I The Haryana Panchyat Raj Act, 1994 (Sec. 1-54).

- i) Meaning of certain words under the Act.
- ii) Provisions relating to Panchyat, Panchyat Samiti & Zila Parishad.
- iii) Concept of Sabha Area - Establishment & Constitution of Gram Sabha & Gram Panchayat.
- iv) Gram Panchayat - Conduct of Business, Duties, Functions & Powers.
- v) Finance and Taxation under Gram Panchayat Act.
- vi) Control of Gram Panchayat under the Act.
- vii) Gurmel Singh Vs. Prehi Kumar PLR 1970 P. 365.

Unit II The Haryana Panchyat Raj Act, 1994 (S 55-116)

- i) Concept of Panchyat Samiti Under the Act.
- ii) Conduct of Business of Panchayat Samiti.
- iii) Executive Authority and servants of Panchayat Samiti.
- iv) Duties and Powers of Panchayat Samiti.
- v) Finance and Taxation regarding Panchayat Samiti.

- vi) Supervision of Panchayat Samiti under the Act.
- vii) Leading case-Hari Ram & Others Vs. Sant Ram & Others PLR-1954.

Unit III The Punjab Land Revenue Act, 1887-Chapters II, IV, V, VI & IX.

- i) Class. of Revenue Officers, their powers and functions.
- ii) Record of Rights-under the Punjab Land Revenue Act, 1887.
- iii) Assessment of Land Revenue under the Act.
- iv) Collection of arrears of Land Revenue under the Act.
- v) Concept of Partition under Punjab Land Revenue Act 1887.
- vi) Leading case : Chhote Khan & Others Vs. Malkhan & Others AIR 1954 SC 575.

Unit IV Haryana Ceiling on Land Holding Act, 1972 - (SS 1-18)

- i) Highlights on certain words under the Act.
- ii) Concept of Ceiling on land and acquisition and disposal of surplus Area or Main features of the Act.
- iii) Appeal, Review and Revision of the Act.
- iv) Leading case-Sardarat Singh & Others Vs. Hukam Singh & Ors. PLR 1971, P-441.

Unit V Punjab Tenancy Act, 1887 :

- i) Rights of Occupancy/Ownership of a tenant.
- ii) Concept of Rent under the Act.
- iii) Grounds of Ejectment of Tenant under the Act.
- iv) Leading Case : Jaipal singh Vs. Smt, Kapoor Kaur PLR 1967 P. 52.

Note : Not more than one question will be set directly from the leading cases.

Books Recommended :

1. Dr. Badruddin's Land Revenue Law (cases & comments).
2. Jain - Haryana Ceiling on Land Holding Act, 1972.
3. Dobia's Haryana Local Acts.
4. Dr. Badruddin's Commentary on land Laws and Panchayat laws
Dr. BADRUDDIN - Bhoomi and Panchayati Sambandh
Kanoon.

Paper-V Arbitration, Conciliation and Alternative Dispute Resolution system

Max. Marks : 100

Time : 3 Hours

Note : Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks. The paper setter will give Hindi translation of the paper also.

- Unit I** Introduction to Dispute Resolution : Limits of Litigation; Evolution of Alternative Dispute resolution (ADR); ADR in India; Advantages and Disadvantages of ADR; ADR processes, Avoidance, Negotiation, Pre-trial, mediation Arbitration (Med. Arb.) Arb. med.; Factors in choosing the dispute Resolution Process; Difference Amongst Negotiation, mediation, Arbitration and Litigation; Negotiation in family disputes; Negotiation in Labour Disputes (Collective Bargaining); Advantages of Negotiation; Role of Law in negotiation.
- Unit II** Mediation/conciliation, nature and concept, advantages of conciliation, conciliation in Labour Disputes, conciliation in Family Disputes, conciliation under civil procedure code 1908, conciliation under Arbitration and conciliation Act, 1996 [Secs 61-81], Role of conciliator, Confidentiality in conciliation.
- Unit III** Concept, Meaning and Growth of Lok-Adalats, position of Lok adalats under Legal Services Authorities Act, 1987; Organisation of Lok Adalats, Cognizance of Cases by Lok Adalats, Award of Lok Adalats, Powers of Lok Adalats Evaluation of Lok Adalats, Dispute

Resolution through Legal Aid Clinics, Nyaya Panchayats-Historical perspective, Advantages of Nyaya - Panchayats, Composition of Nyaya-Panchayats, jurisdiction of Nyaya-Panchayats.

Unit IV Arbitration and Conciliation Act, 1996 (Sec - 1-43); Definition of Arbitration, International Commercial Arbitration; Objectives of the Act, Arbitration Agreement, Composition and jurisdiction of Arbitral Tribunal, conduct of Arbitral Proceedings, Making of Arbitral Awards and Termination of Proceedings, Recourse Against Arbitral Award, Finality and Enforcement of arbitral Award, Appealable orders, Lien on Arbitral Awards and Deposits as to costs, Effect on Arbitration Agreement of Death and of parties humiliation.

Leading Case : **Food Corporation of India Vs Joginder Pal Mohinder Pal AIR 1989 S.C. 1263.**

Unit V Foreign Awards - Definition, Arbitration & Conciliation Act, 1996 (Secs 44-60), Enforcement of Certain Foreign Awards, New York Convention Awards (Secs 44-52), Geneva Convention Awards (Sec 53-60), Convention on recognition and Enforcement of Foreign Arbitral Awards (Schedule I), Protocol on Arbitration Clauses (Schedule II), Convention on execution of Foreign Arbitral Awards (Schedule III).

Leading Case : **Renusagar & Co. Vs. G.E.C. AIR 1994 S.C. 860.**

Note : Not more than one question will be set directly from the leading cases.

Books Recommended :

1. P.C. Juneja Equal Access to Justice BLH Rohtak 1993.
2. P.C. Rao Alternative Dispute Resolution- Universal Delhi, 1997.
3. Simon Roherts Mediation in Family Disputes modern Law Rev. 1983 P. 537.

4. David A. Newton Alternative Dispute Resolution and the Lawyer Australian Law Journal, 1987.
5. Jack Efferon Alternatives to Litigation - Factors in Chosing 52 Modern Law Review 1989.
6. Mnookim & Koru Bargaining in the Shadow of Law 88
Houser Yale Law Journal 1979.
7. M.C. Chitkara Lok Adalats & the Poor Legal Services Authorities Act, 1987 Arbitration and Conciliation Act, 1996.

Paper-VI Interpretation of Statutes

Max. Marks : 100

Time : 3 Hours

Note : Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks. The paper setter will give Hindi translation of the paper also.

Unit 1 Interpretation : Its meaning , object, purpose/scope, definition and kinds; Basic principles of Interpretation; Literal Rule, Golden rule, Mischief Rule.

Unit 2 Internal Aids, External Aids; Interpretation of Mandatory Provisions, Directory Provisions, Amending, Consolidating and Codifying Status.

Unit 3 Construction of Penal and taxing Statutes : Interpretation/construction of expiry and repeal of Statutes and its consequences.

Unit 4 Constitutional Interpretation, Retrospective operation of Statutes.

Unit 5 Interpretation : Rules of Egusdem Goneris, In par Materia, Mens Peg, Stare Deasis, Noscitur and a societis.

Books Recommended :

1. Singh, G.P. Principles of Statutory Interpretation
2. Sarathi Vepa, P. Interpretation of Statutes
3. Sarup, Jagdish Legislation and Interpretation
4. Maxwell On the Interpretation of Statutes
5. Cross Statutory Interpretation
6. Craies Statute Law

Paper-VII Practical Training :**Moot Court, Pre Trial preparations And Participation In Trial Proceedings**

Max. Marks : 100

Note : The subject is of practical nature. The performance of a student shall be evaluated by a committee consisting of three teachers of the Department of Law appointed by the Board of Studies in Law every year. The students shall maintain the diary of the work done under the directions of the teacher(s) incharge of the class.

This paper will have three components of 30 marks each and a viva voce for 10 marks.

- (a) Moot Court 30 marks
- Every student will do atleast three moot courts in a year with 10 marks for each. The moot court work will be on assigned problems and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.
- (b) Observance of Trial in two cases : one civil and one criminal 30 marks
- Students will attend two trails in the course of the last 2 or 3 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 : 30 marks
- Each student will observe two interviewing sessions

of clients at the Lawyers office/Legal Aid Office and record the proceeding 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 filling of the suit/petition. This will be recorded in the diary which will carry 15 marks

- (d) the forth component of this paper will be Viva-voce examination on all the above three aspects. This will carry 10 marks.

Paper-VIII Drafting, Pleadings And Conveyancing

Max. Marks : 100

Time : 3 Hours

Note : Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks. The paper setter will give Hindi translation of the paper also.

Unit I i) General Principles of Drafting

ii) Fundamental Rules of Pleadings (Civil)

iii) Plaint

iv) Written Statement

v) Interlocutory application

Unit II i) Amendment of pleadings

ii) Affidavit

iii) Execution petition

iv) Memorandum of Appeal (Civil)

v) Revision (Civil)

vi) writ Petition

Unit III i) Petition under Hindu Marriage Act, 1955.

ii) Complaint (Criminal)

iii) Claim petition under Motor Vehicle Act, 1988.

iv) Bail Application

v) Anticipatory Bail application.

vi) Revision (Criminal)

Unit IV i) Sale Deed

ii) Mortgage Deed

iii) Lease Deed

iv) Gift Deed

v) Promissory Note

vi) Power of Attorney (G.P.A. & S.P.A.)

vii) Will

Unit V i) Notice

ii) Adoption Deed

iii) Partnership Deed

iv) Exchange Deed

v) Agreement of sale

vi) Leave and Licence

Books recommended

1. Mulla, D.F. : The Code of Civil Procedure, 1908.
2. Sarkar : The Law of Civil Procedure.
3. Moga, P.C. : The Law of Pleadings in India.
4. Chaturvedi, A.N. : Pleadings, Conveyancing and Drafting and Legal Professional Ethics.
5. B.P. Singh : Pleadings, Conveyancing and Drafting
6. Takwani, C.K. : Civil Procedure.

Paper-IX(A¹) Taxation Laws

Max. Marks : 100

Time : 3 Hours

Note : Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all, selecting one question from each

unit. All questions shall carry equal marks. The paper setter will give Hindi translation of the paper also.

Unit I The Income Tax Act. 1961 :

- i) Definitions : Income-meaning, concept, application and diversion of income; Agricultural income; assessee; dividend; Assessment and Previous year.
- ii) Capital and Revenue : Distinction between capital receipt and revenue receipt; capital expenditure and revenue expenditure and capital loss and revenue loss
- iii) Residential status and tax liability of the assessee; determination of residential status of individual; Hindu undivided family, company, firm and the incident of tax.

Leading cases : 1. C.I.T. Vs. Raja Benoy Kumar Saha Ray (1957) 32 I.T.R. 466 (S.C.)

2. Bacha F. Guzdar Vs. C.I.T. (1955) 27 I.T.R. S.C.

Unit II i) Head of Income : Income from

- a) Salary-meaning, scope and deductions allowed.
 - b) House property-Assessary condition, annual value deductions.
 - c) Profit and gains of business of profession
 - d) Capital gains and
 - e) Income from other sources.
- ii) Income of other persons included in the assessee's total income.
 - iii) Set off and carry forward of losses

Leading case : C.I.T. Vs. L.W. Russel (1964) 58 I.T.R. 91 (S.C.)

Unit III. i) Deductions to be made in computing total income.

- ii) Assessment : Return of income, permanent account number, types of assessment, reassessment, time limit of assessment, Rectification of mistake.

iii) Collection, recovery and refund of income tax.

iv) Appeal, Reference and Revision

Leading Case : Vijay Pat Singhania Vs. C.I.T. (1992) 193 I.T.R. 255 (S.C.)

Chettinad Corporation Pvt. Ltd. Vs. C.I.T. (1993) 2000 I.T.R. 320 (S.C.)

Unit IV i) Penalties, offences and prosecution

ii) Income Tax Authorities

The Wealth Tax Act 1957

iii) Definitions-Assets, net wealth, valuation date.

iv) Charge of wealth tax, assessable units and valuation of assessments.

v) Assessment-meaning, kinds of returns, kinds of assessments

Leading Cases : Smt. Mohini Thappar Vs. C.I.T. (1972). 83 I.T.R. 208 (S.C.)

Laxmi Devi Jain Vs. W.T.O. (1992) 193 I.T.R. 154 (All)

Unit V i) Liability to Assessment in special cases.

ii) Penalties , offences and prosecution

iii) Appeal, Reference and Revision

The Central Sale Tax Act, 1956 :

iv) Definitions-Appropriate State, dealer Registered dealer, ascertained goods.

v) Inter State sale, export and import-meaning and necessary conditions.

vi) Registration of dealers-optional and compulsory registration, advantages of registration, procedure of registration.

Leading case : Culley (India) Ltd. Vs. C.I.T. (1952) I.T.R. 268 (Bom.)

Note : Not more than one question will be set directly from the leading cases.

Books Recommended :

1. Dr. Kailash Rai : Taxation Law
2. Dr. V.K. Singhania : Students Guide to the Income Tax.
3. Dr. S.Bhattacharjee : The Law of Income Tax
4. Dr. Kailash Rai : Income Tax Law
5. Dr. Kailash Rai : Wealth Tax Act.
6. Kanga & Palkiwala : The Law of Income Tax
7. Taxman's : Three Direct Taxes.

Paper-IX(A²) Trusts, Equity and Feduciary Relations

Max. Marks : 100

Time : 3 Hours

Note : Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks. The paper setter will give Hindi translation of the paper also.

Unit I Concept of Equity, origin, history and development of 'equity in England including the judicature Acts, 1873-75.

Unit II Maxims and Principles of Equity :

- i) Equity will not suffer a wrong to be without a remedy
- ii) Equity follows the law
- iii) He who seeks equity must do equity
- iv) He who comes to equity must come with clean hands
- v) Delay defeats equity
- vi) Equality is equity
- vii) Equity looks to the intent rather than to the form
- viii) Equity looks on that as done which ought to have been done.

- ix) Equity imputes an intention to fulfil an obligation
- x) Equity acts in personam
- xi) Where the equities are equal the first in the time shall prevail

Unit III Trusts : Indian Trust Act, 1882

- i) Concepts, classification and kinds of trusts
- ii) Creating of trusts
- iii) Appointment, removal, and retirement of trustees
- iv) Duties and liabilities of trustees
- v) Rights and Powers of trustees

Unit IV i) Rights and liabilities of beneficiaries

- ii) Extinction of Trusts
- iii) Official Trustee, W.B. & Others Vs. Sachindra Nath Chatterjee & Others (1969) 3 SCR 92.
- iv) Saraswati Ammal Vs. Rajagopal Ammal, AIR 1953 S.C. 491.
- v) Allahabad Bank Ltd., Vs. The Commissioner of Income Tax, W.B. All 1953 S.C. 476.

Unit V i) Concept, of equity and its relevance under the Indian Legal System.

- ii) Obligations in the nature of Trust, under the Indian Trust Act, 1882.
- iii) Feduciary Relations : Bamker, benamidar, Guardians, Receiver, Directors of Company, Joint Family Manager, Insurance Company, Executor, Trustee desontort, agent, co-owner, Co-heir.

Note : Not more than one question will be set directly from the leading cases.

Books Recommended :

1. Ahmed, Aquil : Equity, Trusts and specific Relief.
2. G.P. Singh : Principles of equity
3. Desai, S.T. : Equity, Trusts and Sp. Relief.
4. Snell : Principles of equity.

5. Subb Rao, G.C.V. : Equity, trusts Feduciary Relations.
6. Tondon, M.P. : Principles of Equity with Trusts
7. Hansburg & Mondrley : Modern Equity
8. Jhabwala N.H. : Elements of Equity, Trusts & Spl. relief.

Paper-IX(A³) Intellectual Property Law

Max. Marks : 100

Time : 3 Hours

Note : Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks. The paper setter will give Hindi translation of the paper also.

Unit 1 The Trade and Merchandise Marks Act, 1958.

- i) Preliminary
- ii) The Register and conditions of Registration
- iii) Procedure for the Duration of Registration
- iv) Effect of Registration
- v) Leading case - Sumat Parsad Vs. SheoJanam Prasad, AIR 1972 S.C. 2488.

Unit 2 i) Assignment and Transmission under the trade and Merchandise Marks Act, 1958.

- ii) Use of Trade Marks and Registered Users.
- iii) Rectification and Correction of the Register.
- iv) Certification Trade Marks.
- v) Leading case - Amrit Dhara Pharmacy vs. Satya Dev. Air 1963 S.c. 449.

Unit 3 The Copy Right Act, 1957 including all Amendments :

- i) Chapter-I Preliminary
- ii) Chapter-II Copy Right Office and Copy Right Board.
- iii) Chapter-III Copy Right General

- iv) Chapter-IV Ownership of Copyright and the Rights of the owner.
- v) Leading cases : Fortune Film Vs. Dev. Anand, AIR 1979 Bom. 17.
Jagdish Prasad Vs. Permeshwer Prasad, AIR 1966 Pat. 33.

Unit 4 The Copy Right Act, 1957 (Continued)

- i) Chapter-VII Performing Rights Societies
- ii) Chapter-VIII Rights of Broadcasting Authorities
- iii) Chapter-IX International Copyright
- iv) Chapter-X Registration of Copyright
- v) Chapter-XI Infringment of Copyright
- vi) Chapter-XII Civil Remedies
- vii) Chapter-XIV Appeals
- viii) Leading case-Khem Raj Vs. Garg & Co., AIR 1075 Del. 130

Unit 5 The Patents Act, 1970.

- i) The Patents Act, 1970 (excluding Chapters XX, XXI, XXII and XXIII only)
- ii) Leading case-Biochem Pharmaceutical Industries Vs. Biochem Synergy Ltd. (1997) Vol. 99 (2) Bom-L.R.

Note : Not more than one question will be set directly from the leading cases.

Books Recommended :

1. P. Narayanan : Intellectual Property Law
2. P. Narayanan : Narayanan on trade Marks & Passing off.
3. P. Narayanan : Patent Law.
4. Dr. Faizan mustafa : Copyright Law A Comparative Study (1999).
5. Dr. K.K. Puri : Law of Patent System in India.
6. Lyengar : Copy Right Act.