

**B.A.LL.B. SEVENTH SEMESTER**

**SYLLABUS AND COURSE COMPONENT**

**SEVENTH SEMESTER: [COURSE CODE 109]**

PAPER 1091. :	ADMINISTRATIVE LAW
PAPER 1092. :	COMPANY LAW
PAPER 1093. :	PRINCIPLES OF TAXATION LAWS
PAPER 1094. :	PROPERTY LAWS
PAPER 1095. :	LAW OF CRIMES – I (INDIAN PENAL CODE – II)

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## **PAPER 1091:**

### **ADMINISTRATIVE LAW**

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts:

- |                          |   |           |
|--------------------------|---|-----------|
| (a) Written paper        | — | 70 marks  |
| (b) Internal examination | — | 30 marks  |
|                          |   | (15+10+5) |

Mid Semester Test: 15 marks

Project/Assignment: 10 marks

Presentation: 05 marks

The candidate must pass in part (a) and (b) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 25 marks out of 70 and 11 marks out of 30 marks.

- (1) The question paper shall be divided into two (02) Parts viz. Part – A and Part – B.
- (2) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of seven (07) questions. The Candidate is required to attempt any four (04) questions. All questions carry equal marks.
- (3) The prescribed syllabus includes latest amendments in the subject wherever applicable.

### **OBJECTIVES OF THE COURSE:**

This course will deal with the nature, scope and functions of Administrative Law, the nature and control of delegated legislative power, regulation of discretionary powers and general principles of Administrative adjudication. It further deals with the role played by courts in the development of Administrative Law. The rapid growth of this law in the 21<sup>st</sup> century is regarded as the most significant development in the field of law. It deals with legal framework governing public administration and the principles to control executive power to avoid arbitrariness and promote equity, justice and good conscience.

### **UNIT - I**

#### **Nature and Scope of Administrative Law:**

Meaning, Definition and Evolution of Administrative Law; Relationship between Administrative Law and Constitutional Law; **Basic Concepts of Administrative Law:** Rule of Law: Dicey's Principle of Rule of Law: Theory of Separation of Powers; Classification of Administrative Functions: Legislative, Administrative & Judicial; Delegated Legislation: Meaning, Nature, Scope, Forms and Its Growth; Necessity for Delegation of Legislative Power and Control; Parliamentary Control, Procedural Control, Sub-Delegation of Legislative Powers; Quasi-judicial, Administrative and Ministerial Functions;

### **UNIT - II**

#### **Judicial Control of Administrative Action:**

Grounds of Judicial Control; Principles of Natural Justice; Administrative Discretion and its Control; Writ Jurisdiction of High Court's and Supreme Court: Habeas Corpus, Mandamus, Certiorari, Prohibition and Quo-warranto Writs; Judicial Responses; Power of Judicial Review: Grounds and Scope; Jurisdictional Error/Ultra Vires, Abuse and Non-Exercise Jurisdiction, Error Apparent on the Face of the Record; Violation of Principles of Natural Justice: Rule Against Bias (*Nemo Judex In Causa Sua*); *Audi Alteram Partem* (or Audiatur Et Altera Pars) Right to Consult a Lawyer, Reasoned and Speaking Decision;

### **UNIT - III**

#### Judicial Redressal of Citizens Grievances:

Liability of the State in Torts, Contracts and Constitutional mandate; Doctrine of Promissory Estoppels; Government and Public Corporations; Administrative Adjudication: Reasons for Growth, Structure and Procedure of Administrative Bodies: Tribunals; Finality of the Tribunal's Decisions;

The Administrative Tribunals Act, 1985:(including the Amendment Act, 2006): Need, Importance, Objectives; Definitions, Concept, Key Features of the Act and Amendment; (Forty Second Constitutional Amendment Act 1976): Judicial Responses;

### **UNIT - IV**

Ombudsman: Meaning, Nature, Jurisdiction of Ombudsman in India; Role and Relevance of Ombudsman in Administration and Democracy; Objectives of the Institution of Ombudsman; Characteristics of Ombudsman; Banking Ombudsman Scheme 2006 as amended in 2017: Basic Concepts and Future Effects

The Lokpal and Lokayuktas Act, 2013 (including the Amendment Act, 2016): Need, Importance, Objectives; Definitions, Concept, Key Features of the Act and Amendment; Judicial Responses; Appointment of First Lokpal (Anti-Corruption) in India and Future Effects; Rajasthan Lokayukta Act, 1973: Need, Importance, Objectives; Definitions, Concept, Key Features of the Act; Judicial Responses; History, Appointment, Qualification, Term, Removal, Positions of Persons excluded from Jurisdiction of Lokayukt, Powers and Duties of Lokayukt;

### **UNIT - V**

The Central Vigilance Commission Act, 2003: Need, Importance, Objectives; Definitions, Concept, Key Features of the Act; Judicial Responses; Right to Information Act, 2005, including the Amendment Act, 2019: Need, Importance, Objectives; Definitions, Concept, Key Features of the Act and Amendment; Transparency and Right to Information: Constitutional Imperative; Right to Information and Obligations of Public Authorities, Central Information Commission, State Information Commission, Powers and Functions of the Information Commissions, Appeal and Penalties; Hurdles in the Implementation of the Act; Judicial Responses;

#### **LEADING CASES:**

1. A.K. Kripak v. Union of India, AIR 1970 SC 150
2. L. Chandra Kumar. v. U.O.I., AIR 1997 SC 1125

3. Parshottam Lal Dhingra v. Union of India, AIR 1958 SC 36
4. Ram Manohar Lohia v. State of Bihar, AIR 1966 SC 740
5. Rohtas Industries Pvt. Ltd. v. S.D. Agarwal, AIR 1969 SC 707
6. Rupa Ashok Hura v. Ashok Hura, (2002) 4 SCC 388
7. State of Bombay v. K.P. Krishnan, AIR 1960 SC 1223
8. State of Karnataka v. Union of India, AIR 1978 SC 68.
9. State of West Bengal v. Ashish Kumar Roy, AIR 2005 SC 254
10. Syed Yakoob v. Radha Krishna, AIR 1964 SC 477

**SUGGESTED READINGS:**

- i. C. K. Takwani, Administrative Law, Eastern Book Company, 2016
- ii. I.P. Massey, Administrative Law, Eastern Book Company, 2017
- iii. J.J. Ram Upadhyaya, Administrative Law, 12th Ed., Central Law Publication, 2020
- iv. M. P. Jain, Administrative Law, Lexis Nexis 2017
- v. S.P. Sathe, Administrative Law, Lexis Nexis 2010
- vi. V. D. Sebastian, An Introduction to Administrative Law, Asia Law House, 2016.

## **PAPER 1092:**

### **COMPANY LAW**

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts:

- |                          |   |           |
|--------------------------|---|-----------|
| (a) Written paper        | — | 70 marks  |
| (b) Internal examination | — | 30 marks  |
|                          |   | (15+10+5) |

Mid Semester Test: 15 marks

Project/Assignment: 10 marks

Presentation: 05 marks

The candidate must pass in part (a) and (b) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 25 marks out of 70 and 11 marks out of 30 marks.

- (1) The question paper shall be divided into two (02) Parts viz. Part – A and Part – B.
- (2) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of seven (07) questions. The Candidate is required to attempt any four (04) questions. All questions carry equal marks.
- (3) The prescribed syllabus includes latest amendments in the subject wherever applicable.

### **OBJECTIVES OF THE COURSE:**

The purpose of this course is to study the fundamental concepts central to Company Law while giving an overview of the History and Evolution. The purpose of this course is also to study the internal functioning of a company while exploring the basic power structure in a company, the law regulating appointment of directors, the directors' duties, matters governing board meetings, matters governing company meetings, the concept of majority rule and its exceptions, modes of winding up of company and distribution of assets in the event of winding up inter-alia.

### **UNIT - I**

#### ***Concept, Nature and Meaning of Company:***

Historical Origin of Company Law in India and Important Definitions under the Company Act, 2013; Characteristics of Company: Company as a Legal Person, Limited Liability; Doctrine of Corporate Veil; Difference between Company and other forms of Business Organizations;

***Registration and Incorporation of Company:*** Types of Company; Formation of Company; Certificate of Incorporation; Pre-incorporation Contracts; Commencement of Business; Memorandum of Association (MOA), Alteration of MOA and Doctrine of Ultra-vires; Articles of Association (AOA), Doctrine of Constructive Notice and Indoor Management;

### **UNIT - II**

#### ***Promoters, Securities (Shares), Debentures:***

Promoters: Fiduciary Relationship, Duties and Liabilities; Prospectus and Kinds of Prospectus; Shares: Meaning, Nature, Kinds; Securities (Shares): Allotment of Securities and Share Holdings; Issue of Shares; Certificate of Shares; Shareholders and Voting Rights; Transfer of Shares; Shareholders and Members; Share Capital and Kinds of Share Capital; Publication of Authorized, Subscribed and Paid Up Capital; Buy Back of shares; Dividends; Debentures: Meaning, Kinds and Characteristics; Appointment, Role and Qualification of Directors and Meetings of Boards: Role, Appointment and Types of Directors; Board of Directors; Independent Directors; Legal Position of Directors; Appointment of Directors and Managerial Staff; Powers and Duties of Directors; Civil and Criminal Liability of Directors; Inspection, Inquiry and Disqualification of a Director; Removal of a Director; Types of Meetings;

### **UNIT - III**

#### Compromise, Reconstruction, Amalgamation and Mergers:

Compromise, Arrangements and Amalgamations; Sanction, Duties and Powers of National Company Law Tribunal; Power to Compromise or Make Arrangements with Creditors and Members; Reconstruction and Amalgamation of Companies; Modes of Reconstruction; Declaration and Payments of Dividends in Above Cases; Fast Track Mergers; Amalgamation of Companies by Central Government in Public Interest; Accounts of Company: Books of Accounts, etc., System of Maintenance of Accounts in Company; Audit and Auditors; Protection of Minority Share Holders; Prevention of Oppression and Mismanagement; Removal of Names of Companies from Register of Companies; Revival and Rehabilitation;

### **UNIT - IV**

#### Winding up Process:

Meaning and Kinds of Winding Up; Procedures for Winding Up; Winding Up process by the Tribunal; Consequences of Winding up Order; Company Liquidators and their Appointments; Report of the Liquidator; Custody of Company's Property; Company Dissolution; Voluntary Winding Up; Declaration of Insolvency; Procedure for Voluntary Winding Up;

### **UNIT - V**

National Company Law Tribunal (NCLT), National Company Law Appellate Tribunal (NCLAT) and Special Courts: Constitution of National Company Law Tribunal; Appellate Tribunal; Selection of Members, Terms of Office, Salary; Removal of Members; Orders of Tribunal; Powers of Tribunal; Appeal from orders of Tribunal; Establishment of Special Courts; Offences-Trial by Special Courts; Mediation and Conciliation Panel; Corporate Social Responsibility; The Companies (Amendment) Act, 2020;

### **LEADING CASES:**

1. Foss v. Harbottle (1845) Ch 319.
2. Salomon v. Salomon & Co., Ltd. (1897) A.C. 22 (H.L.) (1895-95) All ER Rep. 33
3. Daimler Co., Ltd. v. Continental Tyre and Rubber Co. (Great Britain), Ltd., 1916 AC 307 (1916-17) All ER Rep. 191
4. Gilford Motor Co., Ltd. v. Horne (1933) 1 Ch. 935

5. Ashbury Railway Carriage and Iron Co. Ltd. v. Riche (1875) L.R.7 H.L. : (1874-80) All ER Rep. 2219 (HL)
6. Royal British Bank v. Turquand (1856) 119 ER 886 (1843-60) All ER Rep. 435
7. Shanti Prasad Jain v. Kalinga Tubes Ltd., AIR 1965 SC 1535
8. Seth Mohan Lal v. Grain Chambers Ltd., AIR 1968 SC 772
9. Hindustan Lever Employees' Union v. Hindustan Lever Ltd. AIR 1995 SC 470
10. Miheer H. Mafatlal v. Mafatlal Industrial Ltd. AIR 1997 SC 506

**SUGGESTED READINGS:**

- i. A. Ramaiya, Guide to the Companies Act, LexisNexis, Butterworths, Wadhawa, Nagpur.
- ii. Avtar Singh, Introduction to Company Law, 12th Ed Eastern Book Company, 2019.
- iii. C.R. Datta, Datta on the Company Law, LexisNexis, Wadhawa, Nagpur.
- iv. Company Law Ready Reckoner: A Comprehensive Guide to Companies Act, 2013, 8th Ed., by Taxmann Publications, 2020
- v. Kapoor G.K. and Dhamija Sanjay, Taxmann's Company Law & Practice, Taxmann, 2017.
- vi. Prachi Manekar Wazalwar, National Company Law Tribunal and National Company Law Appellate Tribunal, 6th ed., Bloomsbury India, 2019.
- vii. S.C. Tripathi Competition Law, 2nd Ed. Central law Publication, 2019

**PAPER 1093:**

**PRINCIPLES OF TAXATION LAWS**

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts:

- |                          |   |           |
|--------------------------|---|-----------|
| (a) Written paper        | — | 70 marks  |
| (b) Internal examination | — | 30 marks  |
|                          |   | (15+10+5) |

Mid Semester Test: 15 marks

Project/Assignment: 10 marks

Presentation: 05 marks

The candidate must pass in part (a) and (b) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 25 marks out of 70 and 11 marks out of 30 marks.

- (1) The question paper shall be divided into two (02) Parts viz. Part – A and Part – B.
- (2) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of seven (07) questions. The Candidate is required to attempt any four (04) questions. All questions carry equal marks.
- (3) The prescribed syllabus includes latest amendments in the subject wherever applicable.

**OBJECTIVES OF THE COURSE:**

This course primarily focuses on providing an overview on matters relating to Indian tax laws in a systematic manner. The course being divided into two parts i.e., direct and indirect taxes, help the students understand the significant aspects of tax laws. The main aim of this course is to impart knowledge to the students about basic principles as enunciated through legislative provisions and case laws. Through this course, students are equipped to apply the principles and provisions of tax laws and are guided to interpret and understand the taxation statutes and judgments including but not limited to The Income Tax Act, 1961, The Central Goods And Services Tax Act, 2017 and The Integrated Goods And Service Tax Act, 2017 as amended from time to time.

**UNIT - I**

Constitution (One Hundred And First Amendment) Act, 2016:

Income Tax Act, 1961 - I: Objectives; Definition, Concept, Key Features of the Act; Importance and Significance of Taxation; Constitutional Provisions Relating to Taxation (265-289); Types of Tax Laws: Direct and Indirect Taxes; Residential Status of Persons; Taxation of Natural and Legal Persons: An Overview: Individuals, Hindu Undivided Family, Companies and Firms, Association of Persons, Trust and Cooperative Societies, Charitable and Religious Institutions;

## **UNIT - II**

Income Tax Act, 1961 - II: Assessment and Appeal Procedures: Return of Income; Types of Assessment; Appellate Procedures; Authorities Under The Income Tax Act; Powers and Functions of Various Authorities: Tax Avoidance, Tax Evasion and Tax Planning - Meaning and Distinction Inspections, Search, Seizure, Penalties for Tax Evasion and Tax Avoidance; The Taxation Laws Amendment Act(s), 2019 and 2021: Need, Importance, Objectives;

## **UNIT - III**

The Central Goods and Services Tax Act, 2017:

Need, Importance, Objectives; Definition, Concept, Key Features for Enactment of the Act; Administration; Levy and Collection of Tax; Time and Value of Supply; Input Tax Credit; Registration; Tax Invoice, Credit and Debit Notes; Accounts And Records; Returns; Payment of Tax; Refunds; Assessment; Audit; Inspection, Search, Seizure and Arrest; Demands and Recovery; Liability To Pay in Certain Cases; Advance Ruling; Appeals and Revision; Offences and Penalties; Transitional Provisions; Miscellaneous; Judicial Responses;

## **UNIT - IV**

The Integrated Goods and Service Tax Act, 2017:

Need, Importance, Objectives; Definition, Concept, Key Features for Enactment of the Act; Judicial Responses; Administration; Levy and Collection of Tax; Determination of Nature of Supply; Place of Supply of Goods or Services or Both; Refund of Integrated Tax to International Tourist; Zero Rated Supply; Apportionment of Tax and Settlement of Funds; Miscellaneous;

## **UNIT - V**

Union Territory Goods and Services Tax Act, 2017; Need, Importance, Objectives; Definition, Concept, Key Features for Enactment of the Act; Judicial Responses; The Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020; Need, Importance, Objectives; Definition, Concept, Key Features for Enactment of the Act; Judicial Responses; The Direct Tax Vivad se Vishwas Act, 2020; Need, Importance, Objectives; Definition, Concept, Key Features for Enactment of the Act; Judicial Responses;

## **SUGGESTED READINGS:**

- i. Income Tax Act, 1961
- ii. The Integrated Goods And Service Tax Act, 2017
- iii. The Central Goods And Services Tax Act, 2017 (12 of 2017) as amended by the - The Central Goods And Services Tax (Extension To Jammu And Kashmir) Act, 2017 NO. 26 of 2017); The Finance Act, 2018 (NO. 13 OF 2018); The Central Goods And Services Tax (Amendment) Act, 2018 (NO. 31OF 2018); The Finance (NO. 2) Act, 2019 (NO. 23 OF 2019); The Finance Act, 2020 (NO. 12 OF 2020); available at - (Updated as on 30.09.2020) <https://cbic-gst.gov.in/pdf/CGST-Act-Updated-30092020.pdf>

- iv. Vinod K. Singhania / Monica Singhania: Taxmann's Corporate Tax Planning & Business Tax Procedures with Case Studies-Legal Position(s) Amended up to 20<sup>th</sup> August 2020 (24<sup>th</sup> Edition September 2020)
- v. Atal Kumar, Taxation Laws, 3<sup>rd</sup> Ed. (Rep.), Central Law Publication, 2020
- vi. The Constitution (One Hundred and First Amendment) Act, 2016:  
<https://cbic-gst.gov.in/hindi/constitution-amendment-act.html>
- vii. Union Territory Goods and Services Tax Act, 2017

## **PAPER 1094:**

### **PROPERTY LAWS**

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts:

- |                          |   |           |
|--------------------------|---|-----------|
| (a) Written paper        | — | 70 marks  |
| (b) Internal examination | — | 30 marks  |
|                          |   | (15+10+5) |

Mid Semester Test: 15 marks

Project/Assignment: 10 marks

Presentation: 05 marks

The candidate must pass in part (a) and (b) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 25 marks out of 70 and 11 marks out of 30 marks.

- (1) The question paper shall be divided into two (02) Parts viz. Part – A and Part – B.
- (2) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of seven (07) questions. The Candidate is required to attempt any four (04) questions. All questions carry equal marks.
- (3) The prescribed syllabus includes latest amendments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

The focus of this course is on the study of the concept of 'Property', the 'Nature of Property Rights' and the general principles governing the Transfer of Property. A detailed study of the substantive law relating to particular transfers, such as sale, mortgage, lease, exchange, gift and actionable claims will also be undertaken. The course is designed to enable the students to understand the basic philosophy of property law and its nuances. The course also includes an exposure to the concept of Easements and its practical application.

#### **UNIT - I**

Concepts, Meaning and Types of Properties:

(Sections 1 to 4 of the Transfer of Property Act, 1882): Meaning of Property; Kinds of Property; Role of Property Rights in Social and Economic Development; Doctrine of Notice; Transfer of Property by act of Parties (Sections 5 to 9): Meaning and Definition; Transfer of Property, Properties which may be Transferred; Essentials of a Valid Transfer of Property; Operation and Method of Transfer of Property; Procedural perspective for Transfer of Property; Effect of Non-Payment of Stamp Duty and Non-Registration; Judicial Responses

#### **UNIT - II**

General Principles Relating to Transfer of Property (Sections 10 to 37):

Conditions Restraining Alienation, Enjoyment, Defeating Insolvency or Assignability; Transfers to Unborn Persons; Rule Against Perpetuity and Accumulation of Income; Vested and Contingent Interests; Conditions Precedent and Subsequent, Conditional Transfers;

Doctrine of Election and Apportionment; Transfer of Immovable Property (Sections 38 to 53A); Doctrine of Holding Out; Feeding the Grant by Estoppel; Doctrine of Priority; Transfer *Lis Pendens*; Fraudulent Transfer; Doctrine of Part- Performance; Judicial Responses;

### **UNIT - III**

Sale and Exchange (Sections 54 to 57 and 118 to 121):

Meaning and Definition of Sale and Exchange; Distinction Between Sale and Exchange; Essentials of a Valid Sale, Distinction between Sale and Contract For Sale; Registration and Effect of Non-Registration; Rights and Liabilities of a Buyer and Seller; Discharge for Encumbrances on Sale; Exchange, Rights and Liabilities of Parties

Mortgages and Charges (Sections 58 to 104): Definition of Mortgage: Types of Mortgages; Essentials of a Valid Mortgage and Formalities; Distinction between Charge, Mortgage, Pledge, Hypothecation; Rights, Duties and Liabilities of a Mortgagor and Mortgagee; Charge of Immovable Property; Marshalling; Mortgagee's and Charge-Holder's Rights and Remedies under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002

### **UNIT - IV**

Lease (Sections 105 to 117):

Definition of Lease, Kinds of Leases, Premium and Rent; Essentials of a Valid Lease and Formalities; Rights Duties and Liabilities of the Lessee and Lessor; Term and Determination of Lease; Forfeiture and Relief Against Forfeiture; Leases for Agricultural Purposes;

Gift and Transfers of Actionable Claims (Sections 122 to 129 and 3, 130 to 137):

Definitions of Gift, Essentials of a Valid Gift, Revocation of Gifts; Distinction Between Property and Donatio Mortis Causa and Gifts under Mohammedan Law; Actionable Claims: Definition, Formalities, and Their Importance in Commercial Transactions; Notice; Rights and Liabilities of Transferor and Transferee

### **UNIT - V**

Law of Easements (Sections 1 to 51 of the Easement Act, 1882):

Definitions and Types of Easements; Essentials for Creation and Acquisition of Easements, Dominant and Servient Owners and Heritages, Grant, Custom, Necessity, Quasi-necessity, Prescription; Rights, Duties and Liabilities of Dominant and Servant Owners; Remedies for Disturbance of Easements; Extinction of Easements, Suspension and Revival of Easements;

Licenses (Sections 52 to 64 of the Easement Act, 1882): Definition of License, Essentials of a License, Kind and Formalities; Transfer of License, Transfer of Grantor's Interest; Death of Licensor or Licensee; Rights, Duties and Liabilities of Licensee, Revocable and Irrevocable License; Rights of Licensee on Revocation and Eviction; Distinction between Lease and License;

### **LEADING CASES:**

1. Apollo Zipper India Limited v. W. Newman & Company Limited 6 SCC 765 2018
2. Associated Hostels of India Ltd. v. R.N. Kapoor, AIR 1959 SC 1262
3. F.M. Devaru Ganapathi Bhat v. Prabhakar Ganapathi Bhat, (2004) 2 SCC 504

4. J.N. Rao v. V. G. Bassarayappa, AIR 1956 SC 727.
5. M. L. Abdul Jabbar v. H. Venkata Sastri and Sons, AIR 1969 SC 1147
6. Om Prakash & Another v. MishriLal (Dead) represented by his L.R. SavitriDevi AIR 2017 SC1597.
7. R. Kempraj v. M/S. Barton Son & Co. AIR 1970 SC 1872, 1970 SCR (2) 140
8. Rambhau Namdeo Gajre v. Narayan Bapuji Dhotra 2004 (8) SCC 614
9. Sridhar & Anr. v. N. Revanna & Ors. Civil Appeal No.1209 of 2020 (arising out of SLP (C) No. 7493 of 2014) SC 2020.
10. Suraj Lamp & Industries Pvt. Ltd. v. State of Haryana &Anr. Special Leave Petition (C) No.13917 of 2009.

**SUGGESTED READINGS:**

- i. Avtar Singh, Textbook on the Transfer of Property Act, Universal Law Publishing, 2016.
- ii. Darashaw Vakil Revised by Dr. H R Jhingta Commentaries on The Transfer of Property Act (Set of 2 Volumes), 5<sup>th</sup> Ed., Lexis Nexis, 2017.
- iii. Poonam Pradhan Saxena, Property Law, LexisNexis, 2017.
- iv. Shrinivas Gupta, A Text Book on Transfer of Property Law, Thomson Reuters, 2016.
- v. Mulla, The Transfer of Property Act, 13<sup>th</sup> Ed., Lexis Nexis, 2018.
- vi. Rajni Malhotra Dhingra, Transfer of Property Act, 1882 & Indian Easement Act, 1882, First Ed., Central Law Publications, 2017.
- vii. Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002
- viii. V. P. Sarathi's Law of Transfer of Property - Including Easements, Trusts and Wills, Malika Taly (ed.), Eastern Book Company, 2017.

**PAPER 1095:**

**LAW OF CRIMES – I**

**(Indian Penal Code – II)**

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts:

- |                          |   |           |
|--------------------------|---|-----------|
| (a) Written paper        | — | 70 marks  |
| (b) Internal examination | — | 30 marks  |
|                          |   | (15+10+5) |

Mid Semester Test: 15 marks

Project/Assignment: 10 marks

Presentation: 05 marks

The candidate must pass in part (a) and (b) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 25 marks out of 70 and 11 marks out of 30 marks.

- (1) The question paper shall be divided into two (02) Parts viz. Part – A and Part – B.
- (2) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of seven (07) questions. The Candidate is required to attempt any four (04) questions. All questions carry equal marks.
- (3) The prescribed syllabus includes latest amendments in the subject wherever applicable.

**OBJECTIVES OF THE COURSE:**

The primary objective of criminal law is to maintain law and order in the society and to protect the life and liberty of people. It is for this reason that the people place their ultimate reliance on this branch of law for protection against all injuries that human conduct can inflict on individuals and institutions. This paper has been so designed as to generate critical thinking among the students about the stated objectives of criminal law and enable them to scrutinize the recent developments and changes that have taken place in the field including the major amendments made to the Code in the years 2013 and 2018. Hence, to achieve the above, The Indian Penal Code, 1860 has been divided under two parts – Indian Penal Code –I and Indian Penal Code–II.

**UNIT-I**

Waging, or attempting to wage war or abetting waging of war, against the Govt. of India (Section 121) Conspiracy to commit offences punishable by Section 121 (Section 121-A) Sedition (Section 124-A) Giving False Evidence (Section 191) Fabricating false evidence (Section 192) Threatening any person to give false evidence (Section 195-A) Causing disappearance of evidence of offence, or giving false information to screen offender (Section 201) Disclosure of identity of the victim of certain offences, etc. (Section 228-A) Failure by person released on bail or bond to appear in court (Section 229-A) Definitions of Coin & Indian Coin (Section 230) Counterfeiting Coin and Indian Coin (Sections 231,232) Public

Nuisance (Section 268) Keeping lottery office (Section 294-A) Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs (Section 295-A);

### **UNIT-II**

Homicide (Section 299), Murder (Section 300), Difference between Culpable Homicide Not Amounting to Murder and Murder; Culpable Homicide by causing death of person other than person whose death was intended (Section 301), Punishment for Murder (Section 302), Punishment for Murder by Life Convict (Section 303), Constitutionality of Section 303, Punishment for Culpable Homicide Not Amounting to Murder (Section 304), Causing Death By Negligence (Section 304-A);

### **UNIT-III**

Dowry Death (Section 304-B) Husband or Relatives of Husband of a Woman Subjecting Her to Cruelty (Section 498-A) Assault or Criminal Force to Woman with intent to outrage her Modesty (Section 354); Word, Gesture or Act Intended to Insult the Modesty of a Woman (Section 509); Rape (Section 375) Punishment for Rape (Section 376) Intercourse by a Man With His Wife During Separation (Section 376-A) Intercourse By Public Servant With Woman In His Custody (Section 376-B) Intercourse by Superintendent of Jail, Remand Home etc. (Section 376-C) Intercourse by any member of the management or staff of a hospital with woman in that hospital (Section 376-D) Bigamy (Section 494) Adultery (Section 497);

### **UNIT-IV**

Thug (Section 310); Causing Miscarriage (Section 312); Hurt (Section 319); Grievous Hurt (Section 320); Wrongful Restraint (Section 339); Wrongful Confinement (Section 340); Force (Section 349); Criminal Force (Section 350); Assault (Section 351); Kidnapping from India (Section 360); Kidnapping from Lawful Guardianship (Section 361); Difference between Kidnapping From Lawful Guardianship and Abduction; Theft (Section 378); Extortion (Section 383); Difference between Theft and Extortion; Robbery (Section 383) Dacoity (Section 391); Difference between Robbery and Dacoity;

### **UNIT-V**

Dishonest Misappropriations of Property (Section 403) Difference between theft and dishonest misappropriation of property; Dishonest misappropriation of property possessed by deceased person at the time of his death (Section 404); Criminal Breach of Trust (Section 405); Difference between Criminal Misappropriation and Criminal Breach of Trust; Stolen Property (Section 410); Cheating (Section 415) Cheating by Personation (Section 416) Mischief (Section 425); Criminal Trespass (Section 441); House Trespass (Section 442); Lurking House Trespass (Section 443); Lurking House Trespass by Night (Section 444) House Breaking (Section 445) House Breaking by night (Section 446) Forgery (Section 463) Making a False Document (Section 464); Defamation (Section 499) Criminal Intimidation (Section 503); Difference between Criminal Intimidation and Extortion;

### **LEADING CASES:**

1. Bachan Singh v. State of Punjab AIR 1980 SC 898.
2. Independent Thought v. Union of India AIR 2017 SC 4904.
3. Joseph Shine v. Union of India AIR 2018 SC 4898.
4. K. M. Nanavati v. State Maharashtra AIR 1962 SC 605.
5. Laxmi v. Union of India & Ors. (2015) 2014 SCC 2 427.
6. Mahbub Shah v. Emperor AIR 1945 PC 115.
7. Navtej Singh Johar v. Union of India AIR 2018 SC 4321.
8. Reg. v. Govinda (1876) 1 Bom. 342.
9. State (N.C.T. of Delhi) v. Navjot Sandhu 2005 Cr.L.J. 3950 SC
10. Virsa Singh v. State of Punjab AIR 1958 SC 465.

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- x. Stephen, A History of Criminal Law of England, Vol. III (Last Chapter on Indian Penal Code), London, Macmillan, 1883
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