

UNIVERSITY COLLEGE OF LAW
KAKATIYA UNIVERSITY, WARANGAL, TELANGANA
LL.B. (3YDC) COURSE SYLLABUS (WITH EFFECT FROM 2024-2025)
LL.B (3YDC) III Year: Semester – V

PAPER-I:

CIVIL PROCEDURE CODE AND LIMITATION ACT

Theory

6 Hours/Per Week

Marks:100 (External-80; Internal-20)

Unit-I :

Codification of Civil Procedure and Introduction to CPC — Principal features of the Civil Procedure Code — Suits — Parties to Suit — Framing of Suit — Institution of Suits — Bars of Suit - Doctrines of *Sub Judice* and *Res Judicata* — Place of Suing — Transfer of suits — Territorial Jurisdiction — ‘Cause of Action’ and Jurisdictional Bars — Summons — Service of Foreign summons.

Unit-II :

Pleadings — Contents of pleadings — Forms of Pleading — Striking out / Amendment of Pleadings - Plaint— Essentials of Plaint - Return of Plaint—Rejection of Plaint—Production and marking of Documents— Written Statement — Counter claim — Set off — Framing of issues.

Unit-III :

Appearance and Examination of parties & Adjournments — *Ex-parte* Procedure — Summoning and Attendance of Witnesses — Examination — Admissions — Production, Impounding, Return of Documents — Hearing — Affidavit — Judgment and Decree — Concepts of Judgment, Decree, and Interim Orders and Stay — Injunctions — Appointment of Receivers and Commissions — Costs -- Execution — Concept of Execution — General Principles of Execution — Power of Execution — Power of Executing Courts — Procedure for Execution — Modes of Execution -- Arrest and detention — Attachment and Sale.

Unit-IV:

Suits in Particular Cases — Suits by or against Government — Suits relating to public matters;— Suits by or against minors, persons with unsound mind, - Suits by indigent persons -- Interpleader suits — Incidental and supplementary proceedings - Appeals, Reference, Review and Revision — Appeals from Original Decrees — Appeals from Appellate Decrees — Appeals from Orders — General Provisions Relating to Appeals.

Unit-V:

Law of Limitation — Concept of Limitation — Object of limitation - General Principles of Limitation — Extension — Condonation of delay — Sufficient Cause — Computation of limitation -- Acknowledgment and Part-payment — Legal Disability — Provisions of the Limitation Act, 1963.

Suggested Readings:

1. Mulla: *Code of Civil Procedure*: Tripathi (Abridged Edition), 11th Edn. (Student Edition) Edited by P.M. Bakshi, Bombay, 1985.
2. A.N. Saha: *Code of Civil Procedure*.
3. C.K. Takwani: *Civil Procedure*, Eastern Book Co., Lucknow, 1974.
4. B.B. Mitra: *Limitation Act*, Eastern Law House, Calcutta, 1974, Allahabad.

PAPER-II:

BHARATIYA NAGARIK SURAKSHA SANHITA AND LAW OF JUVENILE JUSTICE

Theory

6 Hours/Per Week

Marks:100 (External-80; Internal-20)

Unit-I :

Introduction to Criminal Procedure – Object, extent and scope of The Bharatiya Nagarik Suraksha Sanhita, 2023 – Nature of Criminal Procedure – Preliminary Considerations – Constitution of Criminal Courts, their Powers and Functionaries under the Sanhita – The Organization of Police, Prosecutor and Defence Counsel – Classification of Offences as Cognizable and Non-cognizable Offences, Warrant and Summons Cases – Pre-trial Proceedings – General Observations – The importance of fair trial – Constitutional Perspectives : Articles 14, 20, 21 and 22 – Pre-trial Proceedings – Steps to ensure presence of accused at trial under Sanhita – Summons to the accused and its service – Arrest with and without Warrant – Mode of execution of Warrant – proclamation for person Absconding – Rights of arrested persons under Sanhita and under the Constitution of India.

Unit-II:

Pre-trial Proceedings – 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 – Information to Police and their power to Investigate under Sanhita – Meaning and purpose of Investigation – Who can investigate? – When police can investigate? – Information to the police – F.I.R. and procedure after the recording of the F.I.R – Statements to Police and Evidentiary value of Statements made to the police – Power of Judicial Magistrate to record Confessions and Statements – Procedure when Investigation cannot be completed in 24 hours – Charge Sheet and its Contents – Investigation in the case of unnatural deaths and suicides, in police custody etc.

Unit-III :

Jurisdiction of Criminal Courts in Inquiries and Trials under Sanhita – Basic rule regarding place of Inquiry and Trial and exceptions – Cognizance of Offences by Magistrates – Limitation on the Power to take Cognizance – Commencement of Proceedings before Magistrates – Scrutiny of the Complaint and Dismissal of Complaint – Trial Procedure – Principal features of Fair Trial – Pleas of *Autrefois Acquit and Autrefois Convict* – Disposal of Criminal Cases without Full Trial – Criminal proceeding bared by Limitation of time – Bail – Object and Meaning – Bailable and Non-bailable Offences – Cancellation of Bails – Anticipatory Bail – General Principles concerning Bail Bond – Charge – Form and content of Charge – Basic rule regarding Charge and its trial – Exceptions to Basic rule.

Unit-IV:

Trial Procedures – Trial before a Court of Session – Trial of Warrant cases by Magistrate – Procedure for Trial in a Summons Case – Summary Trials – Plea Bargaining – Judgment – Form and content – Modes of Pronouncing Judgment – Order to pay Compensation – Victim Compensation Scheme – Post-conviction Orders in lieu of punishment – Probation of Offenders – Appeal – Object and Scope – Powers of Appellate Court – Abatement of Appeals – Revision – Object and Scope – Powers of Revisional Court – Reference – Execution, Suspension, Remission and Commutation of sentences under Sanhita.

Unit-V:

Maintenance of Wives, Children and Parents under Sanhita – Essential conditions for granting Maintenance – Alteration and Cancellation of the order of the Maintenance – Preventive and Precautionary measures under Sanhita – Security for Keeping the Peace and for Good Behaviour – Maintenance of Public Order and Tranquility – Dispersal of Unlawful Assemblies – Juvenile Justice (Care & Protection of Children) Act, 2015 – Recent Amendments - General Principles of Care and Protection of Children – Procedure in relation to Children in Conflict With Law – Procedure in relation to children in Need of Care and Protection – Rehabilitation and Social Re-Integration – Adoption of Children under the Act.

Note: Subject teacher shall make comparative analysis of BNSS, 2023 and Cr.P.C, 1973 wherever required.

Suggested Readings:

1. Concise Commentary on The Bharatiya Nagarik Suraksha Sanhita, 2023, Namit Saxena, Lexis Nexis, 2024.
2. Juvenile Justice-A Commentray, Kumar Askand Pandey, EBC.
3. Chandrasekharan Pillai (Ed), Kelkar Lectures on Criminal Procedure, Eastern Book Co. Lucknow.
4. Kelkar R.V: Criminal Procedure, Eastern Book Co, 2022.

PAPER- III:
LAW OF EVIDENCE

Theory

6 Hours/Per Week

Marks:100 (External-80; Internal-20)

Unit-I:

The Bharatiya Sakshya Adhiniyam, 2023 – Salient Features – Meaning and kinds of Evidence — Definitions under BSA — Fact, Fact in Issue – Relevancy of Facts - Documents – May Presume, Shall presume and Conclusive proof – Closely Connected Facts - The Doctrine of Res Gestae — Motive, Preparation and Conduct — Conspiracy — When Facts not otherwise relevant become relevant — Right and custom — Facts showing the state of mind etc.

Unit-II :

Admissions - General Principles concerning Admissions — Differences between "Admission" and "Confession" — Confessions obtained by inducement, threat or promise – Confessions to police officer - Statement made in the custody of a police officer leading to the discovery of incriminating material — Admissibility of Confessions made by one accused person against co-accused – Statements made under special circumstances - Dying Declarations and their evidentiary value — Other Statements by persons who cannot be called as Witnesses — Admissibility of evidence of witnesses in previous judicial proceedings in subsequent judicial proceedings.

Unit-III :

Relevancy of Judgments — Opinion of witnesses — Expert's opinion — Opinion on Relationship especially proof of marriage — Character when relevant - Facts which need not be proved — Oral Evidence - Documentary Evidence - General Principles concerning oral evidence and documentary evidence — Primary and Secondary evidence - Primary, electronic or digital record, special provision as to evidence relating to electronic record, admissibility of electronic records and Secondary evidence - Public Documents- Modes of proof of execution of documents — Presumptions as to documents — General Principles regarding Exclusion of Oral Evidence by Documentary Evidence - Relevance of social media in the law of evidence.

Unit-IV :

Burden of Proof – On whom burden of proof lies – Presumption as to certain offences - Birth during marriage - Presumption as to Dowry Death — Estoppel — Kinds of estoppel — Res Judicata, Waiver and Presumption - Competency to testify – Privileged communications Communication during marriage – Official Communications – Accomplice.

Unit-V :

Examination of Witnesses – Order of Examinations - Chief, Cross examination and Re-examination — Leading questions — Lawful questions in cross examination — Compulsion to answer questions put to witness — Hostile witness — Impeaching the credit of witness —

Refreshing memory — Questions of corroboration — Judge's power to put questions - Improper admission and rejection of evidence.

Note: *Subject teacher shall make comparative analysis of BSA, 2023 and Indian Evidence Act, 1872 wherever required.*

Suggested Readings:

1. The Bharatiya Sakshya Adhiniyam, 2023 Bare Act
2. BatukLal: *The Law of Evidence*, Central Law Agency, Allahabad.
3. M. Monir: *Principles and Digest of the Law of Evidence*, Universal Book Agency, Allahabad.
4. Vepa P. Saradhi: *Law of Evidence* Eastern Book Co., Lucknow.
5. Avatar Singh: *Principles of the Law of Evidence*, Central Law Publications

PAPER-IV:
PRINCIPLES OF TAXATION LAW

Theory

6 Hours/Per Week

Marks:100 (External-80; Internal-20)

Unit-I:

Constitutional basis of power of taxation – Direct and Indirect Taxes – Distinction between Tax, Fees and Cess - Income Tax Act, 1961 and basic Concepts -Income - Person - Assessee - Assessment year - Previous year - Capital and revenue incomes - Residential status - Incidence of tax - Heads of income - Tax rates - Surcharge - Agricultural income - Computation of income - Exempted income.

Unit-II:

Income from Salary - Elements of Salary – Salary and Allowances - Perquisites - Profits in lieu of Salary - Deductions from salary income -Income from House Property - Legal Owner - Deemed Ownership - Procedure for computation of income from house property.

Unit-III:

Income from Business or Profession - Depreciation - Incomes chargeable to tax under the head Profits and Gains of Business or Profession - Deductions in computing the Business Income - Computation of income from Capital Gains - Short term Capital Gain -Long term Capital Gain - Deemed to be Capital Assets - Self Generated Assets - Reverse Mortgage - Capital gains on Agricultural Lands - Income from other sources – Chargeability of interest on Securities - Treatments of Gifts - Winning from lotteries etc.

Unit-IV:

Aggregation of income - Set Off and Carry forward of losses - Deductions from gross total income -Filing of returns - P.A.N - Tax deduction at source(TDS) - Double tax relief -Income Tax Authorities - Powers and functions of CBDT - Powers and functions of Commissioner of Income Tax - Procedure for Assessment, Penalties, Prosecution, Appeals and Grievances.

Unit-V:

Goods and Service Tax Act, 2017 - Kinds of GST - CGST, SGST & IGST - Constitutional Provisions of GST Councils – Framework of GST - Value of supply - Time of supply - Exemptions -Reverse charge - Composition scheme - Input Tax Credit - Payment of tax - Registration - Tax Invoice - E-Way Bill - GST Returns.

Suggested Readings :

1. Dr. Vinod K.Singhania: *Student Guide to Income Tax*, Taxman, Allied Service Pvt. Limited.
2. Dr. Vinod K.Singhania: *Direct Taxes Law & Practice*, Taxman Allied Service Pvt. Limited.
3. Myneni S.R.: *Law of Taxation*, Allahabad Law Series.
4. Kailash Rai: *Taxation Laws*, Allahabad Law Agency.
5. Dr. Gurish Ahuja: *Systematic Approach to Income Tax*, Bharat Law House Pvt. Limited.
6. V.S.Datey: *Law and Practice Central Sales Tax Act, 2003*, Taxman Publications.
7. Nani Palkivala: *Income Tax*, Butterworths Publications.

PAPER - V
LAW OF INSURANCE

Theory

6 Hours/Per Week

Marks:100 (External-80; Internal-20)

Unit-I

Growth of Insurance Business in India – Institution of Insurance and Economic Development – Definition of Insurance – Differences between Contract of Indemnity , Contingent, Wager and insurance – Principle of utmost good faith.

Unit - II

Kinds of Insurance – Insurable interest – Premium – Risk – Certificate of Insurance – Doctrine of Subrogation and Contribution – Rights and Liabilities of Insurer and Insured person – Life Insurance Contract – Personal Accident Insurance – Establishment and Functioning of LIC.

Unit - III

Nature and scope of Marine Insurance – Classification of marine insurance – Kinds of marine policies – Voyage – Loss – the perils of the Sea – Implied warranties in marine insurance contract – Assignment of Marine Policy.

Unit – IV

Nature of Fire Insurance Contract – Meaning of the word ‘fire’ – Scope of Fire Policy, convener note – Right to contribution and right to average – Principle of Reinstatement – Double insurance and reinsurance – Doctrine of Approximation – Burglary Insurance.

Unit – V

Social control on Insurance Business – Purpose of compulsory insurance – Rights of Third Parties – Public Liability Insurance – Adjudicating Authorities of Insurance Claims – Powers and Functions of the Insurance Regulatory and Development Authority.

Suggested Readings:

1. K.S.N. Murthy and KVS Sharma : Modern Law of Insurance India, Tripathi Pvt. Ltd. Bombay, 1995.
2. Ravi Pulirani and Mahesh Pulirani: Manual of Insurance Law, Bharat Law House Ltd., New Delhi, 2001.
3. Brij Nandan Singh: Insurance Law, University Book Agency, Allahabad.
4. Michael Parkington : Insurance Law, Sweet and Maxwell, London, 1995.
5. M.N. Srinivasan : Law of Insurance
6. Bhattacharya : Law of Insurance
7. Dr. M. N. Mishra : Law of Insurance
8. Haring and Eevenly: General Principles of Insurance
9. Benerji: Law of Insurance, Asia Law House
10. Avatar Singh: Law of Insurance, Eastern Book Company, Lucknow.
11. B.C. Mithra: The Law relating to Marine Insurance, The University Book Agency, Allahabad.
12. Gyanendra Kumar, Hand Book on Insurance Law, Delhi Law House.