

Swami Ramanand Teerth Marathwada University, Nanded-431 606

(Structure and Syllabus of LL.B. III YEAR AND B.A. LL.B. V YEAR)



UNDER THE FACULTY OF HUMANITIES

Effective from Academic Year -2024-2025



Swami Ramanand Teerth Marathwada University, Nanded
Faculty of Humanities
LLB III Year, BALLB V Year Semester-V
Teaching Scheme

| Course Name | Credits Assigned | | | Teaching Scheme (Hrs./week) | | Marking Scheme | | |
|--------------------------|------------------|--------|-------|-----------------------------|-----------|----------------|--------|-------|
| | ES E | C A | Total | Theory | Practical | ES E | C A | Total |
| CPC | 03 | 01 | 04 | 06 | --- | 75 | 25 | 100 |
| Law of Evidence | 03 | 01 | 04 | 06 | --- | 75 | 25 | 100 |
| Environmental Law | 03 | 01 | 04 | 06 | --- | 75 | 25 | 100 |
| Public International Law | 03 | 01 | 04 | 06 | --- | 75 | 25 | 100 |
| Land Laws | 03 | 01 | 04 | 06 | --- | 75 | 25 | 100 |



Swami Ramanand Teerth Marathwada University, Nanded
Faculty of Humanities
LLB III Year, BALLB V Year Semester-VI
Teaching Scheme

| Course Name | Credits Assigned | | | Teaching Scheme (Hrs./week) | | Marking Scheme | | |
|----------------------------|------------------|----|-------|-----------------------------|-----------|----------------|-----|-------|
| | ESE | CA | Total | Theory | Practical | ESE | CA | Total |
| Law of Crime II | 03 | 01 | 04 | 06 | --- | 75 | 25 | 100 |
| Administrative Law | 03 | 01 | 04 | 06 | --- | 75 | 25 | 100 |
| International Human Rights | 03 | 01 | 04 | 06 | --- | 75 | 25 | 100 |
| Principles of Income Tax | 03 | 01 | 04 | 06 | --- | 75 | 25 | 100 |
| Interpretation of Statutes | 03 | 01 | 04 | 06 | --- | 75 | 25 | 100 |
| D.P.C. | -- | -- | 04 | 06 | --- | --- | --- | 100 |
| Moot Court | -- | -- | 04 | 06 | --- | --- | --- | 100 |



SWAMI RAMANAND TEERTH MARATHWADA UNIVERSITY, NANED

Faculty of Humanity (Law)

LL. B. III Year & BALLB V Year Revised Syllabus (Semester-VI)

w.e.f 2024-25(This paper comprises of 84 units of one-hour duration)

Paper Title- Law of Crimes II

(THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 INCLUDING PROBATION OF OFFENDERS ACT, 1958 & JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015)

[CBCS 75:25 Pattern]

Course Objectives

The objectives of teaching the BHARATIYA NAGARIK SURAKSHA SANHITA - 2023 to the students are:

1. To understand the fundamental principles and provisions of the Criminal laws.
2. To comprehend the procedures for investigation, arrest, bail, and trial.
3. To analyse the roles and powers of police, courts, and other authorities.
4. To examine the rights and duties of accused persons, victims, and witnesses.
5. To prepare students for legal practice, particularly in criminal law.
6. To foster an understanding of the social and political context of criminal justice administration.
7. To analyse the relationship between BNSS and other laws, such as BNS and BSA

Course Outcomes:

1. Identify the stages in investigation and procedure of trial in criminal cases.
2. Explain the powers, functions, and duties of police and criminal courts.
3. Critically analyse the recent amendments in the BNSS.
4. Employ and promote adoption of humane and just practices in administration of criminal justice.

| Sr. No. | Topic/Subject | No of Hours/Period |
|----------------|--|---------------------------|
| 1 | 1. Introductory 1.1. Need to amend the Criminal Procedure Code, 1973. 1.2. The rationale of Criminal Procedure and Fair Trial. 1.3 Classes of Criminal Courts & their Power. | 04-Units |
| 2 | 2. Definitions 2.1. "Audio-video electronic" 2.2. "Bailable & non-bailable offence" 2.3. "Charge" 2.4. "Cognizable & non-cognizable offence" 2.5. "Complaint" 2.6. "Electronic communication" 2.7. "Investigation, Inquiry & Trial." 2.8. "Summons Case & Warrant Case" | 05-Units |
| 3 | 3. Arrest of Person (Sec 35 to Sec 62) 3.1. When police may arrest without warrant. (S.35) 3.2 Procedure of arrest and duties of officer making arrest. (S. 36) | 08-Units |

| | | |
|----|---|-----------------|
| | 3.3 General Provision of Arrest (S. 37 to 62) 3.4 Rights of Arrested person. | |
| 4 | 4. Processes to Compel Appearance (Sec 63 to Sec 89) 4.1 Processes to Compel Appearance of Person (S. 63 to S. 21 and S. 25) 4.1.1. Summons (S. 63 to S. 71) 4.1.2. Warrant (S. 71 to S. 83) 4.1.3. Proclamation (S. 84) 4.1.4. Attachment of property of person absconding. (S. 85 to 89) 4.2. Processes to Compel Production of things | 07-Units |
| 5 | 5. Order for maintenance of wives, children and parents (S. 144 to 147) 5.1. Order for maintenance of wives, children and parents. (S. 144) 5.2. Procedure for awarding maintenance. (S. 145) 5.3. Alteration in allowance. (S. 146) 5.4. Enforcement of order of maintenance. (S. 147) | 07-Units |
| 6 | 6. Information to the police and their powers to investigate (S. 173 to S. 193) 6.1. Information in cognizable cases. (FIR) (S. 173) 6.2. Information as to non- cognizable cases and investigation of such cases. (S. 174) 6.3. General Provisions relating to Investigation (S. 175 to 182) 6.4. Recording of Confessions and statement. (S. 183) 6.5. Medical examination of the victim of rape. (S. 184) 6.6. Search by police officer. (S. 185 & 186) 6.7. Procedure when investigation cannot be completed in twenty-four hours. (PCR) (S. 187) 6.8. Miscellaneous (S. 188 to 192) 6.9. Report of police officer on completion of investigation. (S. 193) | 07-Units |
| 7 | 7. Jurisdiction of the Criminal Courts in Inquiries and Trials (S. 197 to 209) 7.1. Ordinary place of inquiry and trial. (S. 197 & 198) 7.2 Offence triable where act is done or consequence ensues. (S. 199) 7.3 Place of trial where act is an offence by reason of relation to other offence. (S. 200) 7.4 Place of trial in case of certain cases (S. 201 to 209) | 05-Units |
| 8 | 8. Complaints to Magistrates (S. 223 to S. 226) | 04-Units |
| 9 | 9. The Charge (S.234 to S.247) 9.1. Form and Contents of charges (S. 234 to S. 237) 9.2 Effect of errors. (S. 238) 9.3 Alteration of Charge (S. 239 & S. 240) 9.4 Joinder of Charge (S. 241 to S. 247) | 07-Units |
| 10 | 10. Trials (S. 248 to S. 288) 10.1 Trial before a Court of Session (S. 248 to S. 260) 10.2 Trial of warrant-cases by Magistrates (S. 261 to S. 273) 10.3 Trial of summons-cases by Magistrates (S. 274 to S. 282) 10.4 Summary trials (S. 283 to S. 288) | 07-Units |
| 11 | 11. Appeal, Reference & Revision (S. 413 to S. 446) 11.1. Appeal (S. 413 to 435) 11.2. Reference and Revision (436 to 446) | 04 nits |
| 12 | 12. Provisions as to Bail and Bonds (S.479- S.498) 12.1. Bail and bond. (S. 479) 12.2. In what cases bail to be taken. (S. 480) 12.3. Maximum period for which undertrial prisoner can be detained. (S. 481) | 07 nits |

| | | |
|----|--|-----------------|
| | <p>12.4. When bail may be taken in case of non-bailable offence. (S. 482)</p> <p>12.5. Bail to require accused to appear before next Appellate Court. (S. 483)</p> <p>12.6. Direction for grant of bail to person apprehending arrest. (S. 484)</p> <p>12.7. Special powers of High Court or Court of Session regarding bail. (S. 485)</p> <p>12.8. Provisions relating to Bond (S. 486 to 498)</p> | |
| 13 | <p>13. Miscellaneous.</p> <p>13.1 Limitation for taking cognizance of certain offences (S. 515 to 521)</p> <p>13.2 Compounding of Offences</p> <p>13.3 Autrefois Convict and Autrefois Acquit</p> | 04 nits |
| 14 | <p>14. Probation of Offenders Act, 1958</p> <p>14. 1. Concept of Probation system-Origin and Development in India</p> <p>14. 2. Release of Offender on Probation after due admonition.</p> <p>14. 3. Release of offenders on Probation of good conduct.</p> <p>14. 4. Probation Officer.</p> | 04 nits |
| 15 | <p>15. Juvenile Justice (Care and Protection of Children) Act, 2015.</p> <p>15. 1. Salient Features of JJ Act.</p> <p>15. 2. Definition of Juvenile in Conflict with law and Child in need of care and protection.</p> <p>15. 3. Composition, Power, functions of JJ Board and procedure to be followed by the Juvenile Justice Board.</p> <p>15. 4. Child Welfare Committee.</p> <p>15. 5. Order that may or may not be passed regarding or against juvenile.</p> <p>15. 5. Homes under JJ Act.</p> <p>a) Observation Home</p> <p>b) Special Home</p> <p>c) Children Home</p> <p>d) Shelter Home</p> | 04 Units |

SUGGESTED READINGS

1. Rattan Lal & Dhirajlal--- Code of Criminal Procedure
2. R.V. Kelkar --- Code of Criminal Procedure
3. Chandrasekharan Pillai, Kelkar--- Lecturer on Criminal Procedure, 1998 Eastern BookCo.
4. Woodroffe--- Commentaries on Criminal Procedure Code, 2000 Universal
5. Sarkar--- On Criminal Procedure Code
6. N.K. Chakrabarti- Probation System in the Administration of Criminal Justice
7. Ved Kumari- Juvenile Justice System.
8. S.N. Mishra--- Code of Criminal Procedure.
9. Ganguly--- Criminal Court, Practice and Procedure
10. K.L.Bhatia – Criminal Procedure Code (A detailed Commentary)
11. S.K.Sharma – Criminal Procedure Code, 1973
12. Takwani on Criminal Procedure Code

Examination Rules for Theory and Internal Evaluation

- Assessment shall consist of continuous assessment (CA) and end of semester examination (ESE)
- Weightage: 75% for ESE and 25% for CA
- The CA towards 25 marks will be a continuous activity and at least two written tests must be conducted for a full paper of 4/6 credits.
 - Open book test/ Assignments/ Projects, may be conducted (not more than two for each paper) for 15 Marks
 - General performance is of 10 marks for completing the course teacher is required to take Seminar Presentation, Court Visit, Visit to Government Offices, field visit at rural areas, Group Discussions and Lok Adalat visit, forensic lab visit, Jail Visit etc. whichever is relevant.

Note - the teacher should select a variety of mechanism for evaluation of this part such as

- Active participation in class
- Assignment
- Extension Work etc
- ESE for the remaining 75% marks will be conducted by the University
- A student has to obtain 40% marks in the combined examination of CA and ESE with a minimum passing of 30% in both these separately.
- To pass the degree program, a student will have to obtain a minimum aggregate of 40% marks (E and above in grade scale) in each course.
- If a student misses an internal assessment examination he/she will have a second chance with endorsement of the Principal in consultation with the concerned teacher, such a second chance shall not be the right of the student.
- A student cannot register for the 3rd and 5th semester if he/she fails to complete 75% of the total credits expected to be ordinary completed up to 2nd and 4th semester respectively.
- While marks will be given for all examinations they will be converted into grades. The semester end grade sheets will have only grades and final grade sheets and transcripts shall have grade points average and total percentage of marks (up to decimal points). The final grade sheet will also indicate the college/ Centre to which the candidate belongs.



SWAMI RAMANAND TEERTH MARATHWADA UNIVERSITY, NANED

Faculty of Humanity

LL. B. III Year & BALLB V Year Revised Syllabus (Semester-V) w.e.f 2024-25

(This paper comprises of 84 units of one-hour duration)

Paper Title-Administrative Law

[CBCS 75:25 Pattern]

Course Objectives -

The objectives of teaching Administrative Law to law students include:

1. Understanding the framework of administrative law and its significance in governance.
2. Analyzing the powers and functions of administrative authorities and their limitations.
3. Comprehending the principles of administrative justice, fairness, and transparency.
4. Appreciating the role of judicial review in controlling administrative action.
5. Developing critical thinking skills to evaluate administrative decisions and actions.
6. Familiarity with the legal remedies available against administrative wrongdoing.
7. Equipping students with the knowledge and skills to navigate the complexities of administrative law in a rapidly changing legal landscape.

Course Outcomes -

After completion of the course the student will be able to:

1. Define Evolution, Nature and Scope of Administrative law
2. Classify quasi-judicial and quasi legislature powers of administration.
3. Summarize various types of Delegated legislations, their constitution and functions.
4. Differentiate with changing dimension of administrative action in various countries.
5. Illustrate quasi-judicial administration, judicial administration, tortious liabilities and contractual liabilities.

| Sr. No. | Topic/Subject | No of Hours/Period |
|----------------|---|---------------------------|
| 1 | Evolution, Nature and Scope of Administrative Law 1. Emergence, Nature and scope of administrative law, 2. Comparative study of Legal Systems of UK, USA and India. 3. Relationship between Constitutional Law and Administrative law 4. Rule of Law and Administrative Law 5. Doctrine of Separation of Powers and Administrative Law. | 10 - Unit |
| 2 | Delegated Legislation 1. Reasons of growth of Delegated Legislation 2. Meaning and Forms of delegated legislations 3. Constitutional Validity of delegated legislation | 11 - Unit |

| | | |
|---|--|------------------|
| | <p>4. Doctrine of Excessive Delegation--Permissible and Impermissible delegation</p> <p>5. Controls on delegated Legislation— Judicial control--Doctrine of Ultra vires – substantive and procedural ultra vires. Parliamentary Control – Laying procedure and Scrutiny committees</p> <p>6. Sub-delegation of legislative power</p> | |
| 3 | <p>Administrative Adjudication</p> <p>1. Need of adjudicatory powers of administration</p> <p>2. Administrative tribunals -- Constitution powers and procedures</p> | 06 - Unit |
| 4 | <p>Principle of Natural Justice</p> <p>1. History & Importance</p> <p>2. Rule against bias, Nemo debet esse judex in propria cause, Audi altrem partem</p> <p>3. Exceptions to Principles of Natural Justice</p> <p>4. Effect of Violation of Principles of Natural Justice.</p> | 14- Unit |
| 5 | <p>Administrative Discretion</p> <p>1. Need and nature of discretionary powers</p> <p>2. Rule of law and Discretionary powers</p> <p>3. Grounds of judicial review - Abuse of discretion, and Failure to exercise discretion,</p> <p>4. Doctrine of legitimate expectations, Doctrine of Proportionality, Public Accountability</p> | 08- Unit |
| 6 | <p>Judicial control of administrative action through writs.</p> | 08- Unit |
| 7 | <p>Liability for Wrongs of Government (Tortious and Contractual)</p> <p>1. Tortious liability of government, Sovereign and</p> | 08- Unit |

| | | |
|---|--|------------------|
| | <p>Non-Sovereign Functions, 2. Contractual liability of government 3. Statutory Immunity 4. Remedies.</p> | |
| 8 | <p>Corporations and Public Undertakings 1. Introduction and definition. 2. Classification/Types of public corporation 3. Salient features of public corporation. 4. Reason for the growth of public corporation. 5. Controls over Corporations and public undertakings 6. Legal remedies.</p> | 10- Unit |
| 9 | <p>Informal Methods of Settlement of Disputes and Grievance Redressal Procedures 1. Arbitration. Conciliation and mediation 2. The Commissions of Inquiry Act, 3. Ombudsman. 4. Lokpal and Lok Ayuktas Act, 2013, 5. Central Vigilance Commission 6. The Right to Information Act, 2005</p> | 09 – Unit |

Bibliography:

1. *M.P. Jain, Cases and Materials on Indian Administrative Law, Universal, Delhi*
2. *Jain and Jain, Principles of Administrative Law, Universal Delhi*
3. *SP Sathe Administrative Law, Butterworth's*
4. *D.D. Basu, Comparative Administrative Law*
5. *M.A. Fazal, Judicial Control of Administrative Action in India, Pakistan and Bangladesh*
6. *C. K. Takwani, Lectures on Administrative Law, (Eastern Law Book, Lucknow)*
7. *Peter Cane, An Introduction to Administrative Law, oxford*
8. *Wade, Administrative Law, Universal, Delhi*
9. *J.C. Garner, Administrative Law, Butterworth's*
10. *De Smith, Judicial Review of Administrative Action, Sweet and Maxwell with supplement*
11. *B. Schwartz, An Introduction to American Administrative Law*
12. *Indian Law Institute, Cases and Materials on Administrative Law in India, Delhi*

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SWAMI RAMANAND TEERTH MARATHWADA UNIVERSITY, NANED

Faculty of Humanity (Law)

LL. B. III Year & BALLB V Year Revised Syllabus (Semester-VIII)
w.e.f 2024-25 (This paper comprises of 84 units of one-hour duration)

Paper Title- INTERNATIONAL HUMAN RIGHTS
[CBCS 75:25 Pattern]

Course Objectives

1. Describe historical development of concept of Human Rights.
2. Interpret Universal Declaration of Human Rights 1948, International Covenant on Civil and Political Rights 1966, and International Covenant on Economic, Social and Cultural Rights 1966.
3. Classify Human rights of various vulnerable groups
4. Identify the roles of regional organizations, protection agencies and their mechanism.
5. Summarize the impact, implementation and enforcement of International Human Rights norms in India.

Course Outcomes

Students after completing this course will be able to -

1. understand human rights principles and standards
2. get knowledge of international and regional human rights instruments
3. develop the ability to analyze human rights issues and cases
4. appreciate the role of human rights in promoting social justice
5. apply human rights principles to real-world scenarios
6. enhance critical awareness of power dynamics and social inequalities.

| Sr. No. | Topic/Subject | No of Hours/Period |
|----------------|---|---------------------------|
| 1 | I) Historical development of concept of human rights Human rights in Indian tradition, ancient, medieval and modern. Human rights in Western tradition, classification of human rights, individual and group rights, generation of human rights. Concept of natural law, natural rights. Human rights in legal tradition, international law and national law. | 12-Units |

| | | |
|---|--|-----------------|
| 2 | <p>2) UN and Human rights</p> <p>Provisions under the Charter of UN – Preamble, Articles 1(3), 13(1)(b), 55 and 56.</p> <p>Universal Declaration of Human Rights, 1948, International Covenant on Political and Civil Rights 1966. International Covenant on Economic, Social and Cultural Rights 1966 Conventions and Protocols dealing with Human Rights.</p> | 12-Units |
| 3 | <p>3) Human rights and vulnerable groups</p> <p>Women, Child, Migrant Workers; Refugees, Internally Displaced, Relevant International Conventions and Declarations.</p> | 10-Units |
| 4 | <p>4) Role of regional organizations</p> <p>European Convention on Human Rights.</p> <p>American Convention Human Rights.</p> <p>African Convention Human Rights.</p> | 12-Units |
| 5 | <p>5) Protection agencies and mechanisms</p> <p>International commission of human rights. Non-Governmental organizations. Amnesty international. European Commission on Human Rights/Court of Human Rights. U.N. Division of Human Rights. International Labour Organization. UNESCO, UNICEF</p> | 12-Units |
| 6 | <p>6) Impact and implementation of international human rights norms in India</p> <p>Human rights norms reflected in fundamental rights under the Indian Constitution, Directive principles, legislative and administrative implementation of international human rights norms.</p> | 10-Units |
| 7 | <p>7) Enforcement of Human Rights in India</p> <p>Role of courts, the Supreme Court, High Courts and other courts. Statutory commissions, National Human Rights Commission, State Human Rights Commission, National Commission for Women, Scheduled Caste, Scheduled Tribe, Minority and Backward Class.</p> | 12-Units |

| | | |
|---|--|-----------------|
| 8 | <p>Significance of Human Rights Education</p> <p>Meaning and Definition of Human Rights Education</p> <p>Role of UN in the Promotion of Human Rights Education</p> <p>Role of Government of India in the Promotion of Human Rights Education – UGC and Universities</p> | 04-Units |
|---|--|-----------------|

Select bibliography

1. S.K. Avesti and R.P. Kataria, Law Relating to Human Rights.
2. S.K. Varma, Public International Law, Prentice Hall, New Delhi
3. Peter J. Van Krieken The Exclusion on Clause, Kluwer
4. Human rights Watch Women's Rights Project, The Human Rights Watch Global Report on Women's Rights 2000, Oxford
5. Ermacora, Nowak and Tretter, International Human Rights, Sweet and Maxwell
6. Wallace, International Human Rights, Text and Material, Sweet and Maxwell
7. Muntarbhom, The Status of Refugees in Asia, Oxford
8. Human Rights and Global Diversity Frank Cass, London
9. Nirmal CJ. Human Rights in India, Oxford
10. P.R. Gandhi, International Human Rights Documents, Universal, Delhi
11. V.R. Krishna Iyer, The Dialectics and Dynamics of Human Rights in India - Yesterday, Today and Tomorrow, Eastern Law House, New Delhi.
12. Manoj Kumar Sinha, Implementation of Basic Human Rights, LexisNexis.
13. Editors, Ian Brownlie and Guy S. Goodwin-Gill, Basic Documents on Human Rights, Oxford University Press.

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SWAMI RAMANAND TEERTH MARATHWADA UNIVERSITY, NANED

Faculty of Humanity (Law)

LL. B. III Year & BALLB V Year Revised Syllabus (Semester-VI)

w.e.f. 2024-25

Paper Title-**Principles of Taxation Law**

(This paper comprises of 84 units)

[CBCS 75:25 Pattern]

Course objectives

This course aims to acquaint the students with basic principles of taxation.

1. It will focus on the important principles of computation of income, providing the principles of calculation of income of natural and artificial person.
2. The course covers the constitution of Authorities, their Powers and functions as well.
3. The syllabus provides the introductory part of CGST and IGST Act

Course Outcomes

After successful completion of the course, the students will be able to

1. Recognize general perspective of principles of Income Tax Laws in India.
2. Categorize direct and indirect taxes and various legislations relating to tax laws in India.
3. Examine heads of income, income tax authorities and offences and penalties under Income Tax Act 1961.
4. Demonstrate goods and service tax and changes in indirect taxation in India.
5. Differentiate between Income Tax and GST.

| Sr. No. | Topic/Subject | No of Hours/ Period |
|---------|--|---------------------|
| 1. | General Perspective <ol style="list-style-type: none">1. History of Tax Laws in India2. Importance and Significance of Taxation3. Fundamental Principles4. Concept of Tax, Nature, Characteristics, Distinction between Tax and Fee, Tax and Cess5. Direct and Indirect Taxes6. Tax Evasion and Tax Avoidance7. Scope of Taxing Powers of Parliament, State Legislature and Local Bodies8. Constitutional Powers9. Distribution of Legislative Powers between the Union and States with particular reference to taxing powers10. Distribution of Taxing Powers | 15 – Units |

| | | |
|----|---|----------|
| | 11. Entry 97 and Entry 86 of List I (Union List), Entry 49 List II (State List) | |
| 2. | Introduction and Basic Aspects of the Income Tax Act 1961 <ol style="list-style-type: none"> 1. Scope and Objectives of the Act 2. Basic Definition – Agricultural Income, Asset, Assessee, Person, Divided Income, Previous Year, Assessment Year, Clubbing of Income, Deemed Income, Revenue Expenditure 3. Residential Status of Persons 4. Taxation of Natural and Legal Persons – Individual, Hindu Undivided Family, Companies and Firms, Association of Persons, Trust and Cooperative Societies | 18-Units |
| 3. | Heads of Income and Computation of Income <ol style="list-style-type: none"> 1. Income from Salaries 2. Income from House Property 3. Capital Gains 4. Profits and Gains of Business or Profession 5. Income from other Sources, Clubbing of Income 6. Set off and carry forward of losses 7. Deductions from gross total income 8. Rebates and Reliefs 9. Advance tax 10. TDS 11. Rate of Income Tax | 20-Units |
| 4. | Powers and Functions of Various Authorities <ol style="list-style-type: none"> 1. Authorities under the Income Tax Act (Authorities under the Income Tax Act: a) Director General of Income Tax b) Director of Income Tax-Additional Directors c) Joint Director d) Deputy Directors e) Assistant Directors f) Income Tax Officers g) Tax Recovery Officers h) Inspectors of Income Tax) 2. Powers and Functions 3. Offences and Penal Sanctions 4. Settlement of Grievances 5. Assessment and Appeal Procedures 6. Types of assessment 7. Appellate procedures 8. Role of Income Tax Ombudsman, Income Tax Appellate Tribunals, High Court and Supreme Court 9. Return of Income | 20-Units |
| 5. | Goods and Services Tax (GST) <ol style="list-style-type: none"> 1. Constitutional Perspective of GST, Basic Concepts, Introduction, definition, charging registration 2. Authorities under GST, Appeals and Revision, Offences and Penalties 3. Introduction to Central GST, Integrated GST, Maharashtra | 6-Units |

| | | |
|----|--|---------|
| | GST Act 2017. | |
| 6. | The Central Goods and Services Tax Act, 2017 and The Integrated Goods and Service Tax Act, 2017 Introduction | 5-Units |

Select Bibliography:

1. Remesh Sharma, Supreme Court on Direct Taxes, Bharath Law house, New Delhi.
2. Sampath Iyengar, Law of Income Tax, Bharath Law House, New Delhi.
3. Diwan B.K. and Sanjay Mehtani, Formation Taxation and Assessment Charitable and Religious Trusts, Bharath Law House.
4. Kanga and Paliwala, The Law and Practice of Income Tax, Wadhwa, Nagpur.
5. Pararaeswaran K., Power of Taxation under the Constitution, Eastern Lucknow.
6. Ramachandran V. and T.A. Ramaalcrisnan, A.N. Aiyar's Indian Tax Laws,
7. Bhattacharya S. and H.R. Garg, Handbook of Direct Taxes, Eastern Law House.
8. CA Vineet Sodhani & CA Deepshikha Sodhani, "GST Law Practice and Procedures", Snow White Publication.
9. Dr. S.R. Myneni, Law of Taxation, Allahabad Law Agency.
10. Dr. Bangar Vandana & Dr. Yogendra Bangar, "Beginners Guide to GST", Bangar Publication.
11. Chaturvedi and Pithisaria : Companion to Chaturvedi & Pithisaria's Income Tax Law - Wealth Tax Act, 1957, 2016 Easter Book Company.
12. Dr. Girish Ahuja and Dr. Ravi Gupta : Concise Commentary on Income Tax including Wealth Tax with Tax Planning / Problems & Solutions, 2014, Eastern Book Company.
13. Dr Girish Ahuja & Dr Ravi Gupta : Systematic Approach to Income Tax, 37th Paperback - 2016, Walters Kluwer
14. V.S. Datey : GST Ready Reckoner, Taxmann 2017.

Examination Rules for Theory and Internal Evaluation

- Assessment shall consist of continuous assessment (CA) and end of semester examination (ESE)
- Weightage: 75% for ESE and 25% for CA
- The CA towards 25 marks will be a continuous activity and at least two written tests must be conducted for a full paper of 4/6 credits.
 - open book test/ Assignments/ Projects, may be conducted (not more than two for each paper) for 15 Marks
 - General performance is of 10 marks for completing the course teacher is required to take Seminar Presentation, Court Visit, Visit to Government Offices, field visit at rural areas, Group Discussions and Lok Adalat visit, forensic lab visit, Jail Visit etc. whichever is relevant.

Note - the teacher should select a variety of mechanism for evaluation of this part such as

- Active participation in class
- Assignment

- Extension Work etc
- ESE for the remaining 75% marks will be conducted by the University
- A student has to obtain 40% marks in the combined examination of CA and ESE with a minimum passing of 40% in both these separately.
- To pass the degree program, a student will have to obtain a minimum aggregate of 40% marks (E and above in grade scale) in each course.
- If a student misses an internal assessment examination he/she will have a second chance with endorsement of the Principal in consultation with the concerned teacher, such a second chance shall not be the right of the student.
- A student cannot register for the 3rd and 5th semester if he/she fails to complete 75% of the total credits expected to be ordinary completed up to 2nd and 4th semester respectively.
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SWAMI RAMANAND TEERTH MARATHWADA UNIVERSITY, NANDED

Faculty of Humanity (Law)

LL. B. III Year & BALLB V Year Syllabus (Semester-VI)

Paper Title-Interpretation of Statutes

w.e.f 2024-25 (This paper comprises of 84 units of one-hour duration)

[CBCS 75:25 Pattern]

Course Objectives -

The objectives of teaching interpretation of statutes to law students include:

1. Understanding the principles and rules of statutory interpretation
2. Developing critical thinking and analytical skills in interpreting statutes.
3. Prescribing the guidelines on interpretation of remedial, penal and taxing statutes and the Indian Constitution.
4. Acquainting the students with internal and external aids for interpretation of statutes
5. Enhancing skills in reading, drafting and advocating for effective statutory language.
6. Fostering understanding of the role of statutes in shaping public policy and social change.

By achieving these objectives, law students will develop a deep understanding of statutory interpretation, enabling them to effectively analyze and apply statutes in various legal contexts, and prepare them for their future roles in the legal profession.

Course Outcome -

1. Summarize principles of legislation, and rule of statutory interpretation.
2. Carry out International aids to interpretation of statutes.
3. Distinguish between rules of statutory interpretation.
4. Demonstrate presumptions in statutory interpretation, rules of statutory interpretation and maxims of statutory interpretations.
5. Examine interpretation with reference to subject matter and purpose and principles of constitutional interpretation.

| Sr. No. | Topic/Subject | No of Hours/ Period |
|----------------|--|----------------------------|
| 1 | PRINCIPLES OF LEGISLATION 1. Introduction to Law making Process 2. Legislature, Executive and Judiciary 3. Consolidating and codifying statutes 4. Principles of Utilitarianism by Jeremy Bentham 5. Law and Public Opinion 6. Law and Social Control- Relevance of John Rawls and Robert Nozick 7. Law and Morals | 10-Units |
| 2 | INTERPRETATION OF STATUTES 1. Meaning of the term statute 2. Classification of statutes | 10-Units |

| | | |
|---|--|----------|
| | <ol style="list-style-type: none"> 3. Commencement, operation, repeal of statutes 4. Purpose of interpretation of statutes 5. Meaning of construction and interpretation—their difference 6. Salient features of General Clause Act. | |
| 3 | <p>AIDS TO INTERPRETATION</p> <p><u>Internal Aids</u></p> <ol style="list-style-type: none"> 1. Titles 2. Preamble 3. Heading and marginal notes 4. Sections and sub- sections 5. Punctuation marks 6. Illustrative exceptions, provisos and saving clauses 7. Schedules 8. Non- obstante clause <p><u>External Aids</u></p> <ol style="list-style-type: none"> 1. Parliamentary history 2. Debates and Proceedings of the Legislature 3. Historical facts and surrounding circumstances 4. Social economic and political developments 5. Reference to other statutes 6. Contemporanea exposition 7. Other external aids - codifying and consolidating statutes 8. International Conventions 9. Committee Reports | 16-Units |
| 4 | <p>RULES OF STATUTORY INTERPRETATION</p> <p>A. General rules</p> <p>Primary rules</p> <ol style="list-style-type: none"> 1. Literal rule 2. Golden rule 3. Mischief rule (rule in the Heydon’s case) 4. Rule of harmonious construction 5. Statute to be construed to make it effective and workable 6. Omissions not to be inferred 7. Every word in a statute to be given a meaning <p>B. Subsidiary Rules</p> <ol style="list-style-type: none"> 1. Same word same meaning 2. Use of different words 3. Rule of last antecedent 4. Non-obstante clause 5. Legal fiction 6. Mandatory and directory provisions 7. Conjunctive and disjunctive words ‘or’ and ‘and’ 8. Noscitur a sociis 9. Ejusdem generis 10. Reddendo singular singulis | 15-Units |

| | | |
|---|---|----------|
| 5 | <p>PRESUMPTIONS IN STATUTORY INTERPRETATION</p> <ol style="list-style-type: none"> 1. Presumption against ouster of established jurisdiction, creation of new jurisdictions and enlargement of existing jurisdictions of Courts. 2. Presumption against violation of international law. 3. Presumption against extra-territorial operation of statute. 4. Presumption whether statutes affect the State | 10-Units |
| 6 | <p>INTERPRETATION WITH REFERENCE TO THE SUBJECT MATTER AND PURPOSE</p> <ol style="list-style-type: none"> 1. Restrictive and beneficial construction 2. Taxing statutes 3. Penal statutes 4. Welfare legislation 5. interpretation of substantive and adjectival statutes 6. interpretation of directory and mandatory provisions 7. interpretation of enabling statutes 8. interpretation of codifying and consolidating statutes 9. interpretation of statutes conferring rights 10. Interpretation of statutes conferring powers. | 08-Units |
| 7 | <p>PRINCIPLES OF CONSTITUTIONAL INTERPRETATION</p> <ol style="list-style-type: none"> 1. Harmonious constructions 2. Doctrine of pith and substance 3. Colorable legislation 4. Ancillary powers 5. “Occupied field” 6. Residuary power 7. Doctrine of repugnancy | 07-Units |
| 8 | <p>MAXIMS OF STATUTORY INTERPRETATION</p> <ol style="list-style-type: none"> 1. Delegates non potest delegare 2. Expression unius exclusio alterius 3. Generali specialibus non derogant 4. In pari delicto potior est conditio possidentis. 5. Utres valet potior quampareat 6. Expressum facit cessare tacitum 7. In bonam partem | 08-Units |

Suggested References:

1. G.P.Singh, Principle of Statutory Interpretation,(7thed.),1999Wadhwa Nagpur.
2. K.Shanmukham,N.S.Bindras’Interpretation of Statutes(1997)The Law Book Co. Allahabad.
3. V.Sarathi, Interpretation of Statutes (1984),Eastern & Co.
4. M.P.Jain, Constitutional Law of India,(1994)Wadhwa & Co.
5. M.P.Singh,(ed.)V.N.Shukla’s Constitution of India(1994)Eastern Lucknow

6. U. Baxi, Introduction to Justice K.K. Mathews, Democracy Equality and Freedom(1978)Eastern Lucknow.
7. Theories of Legislation by Jeremy Bentham, Tripathi Publication
8. Maxwell, Interpretation of Statutes (Sweet and Maxwell).
9. Rupert Cross, Statutory Interpretation, Butterworth, 1995
10. Avtar Singh, Introduction to Interpretation of Statutes, LexisNexis, Butterworth Wadhwa
11. Battacharya T., Interpretation of Statutes, Central Law Agency, Allahabad.
12. R.D. Shrivastava, Textbook of Interpretation of Statutes (Central Law Publication)
13. Swarup, Legislation and interpretation (University Book Agency)
14. M.P. Tondon, Interpretation of Statutes, Allahabad Law Agency
15. A. P. Chatterjee, Chatterjee on Interpretation of Statutes, Calcutta, Eastern Law House, 1977
16. G.A. Endlich, A Commentary on the Interpretation of Statute, founded on the treatise of Sir Peter Benson Maxwell, Law & Justice Publishing Co.

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SWAMI RAMANAND TEERTH MARATHWADA UNIVERSITY, NANDED
LL.B – III and BA LLB – V Paper – XI
Drafting, Pleading and Conveyancing

| LL.B-III /BALL.B-V Year | | |
|-------------------------------------|--|-----------------------|
| Courses | Course Outcome | Blooms Taxonomy Level |
| Drafting, Pleading and Conveyancing | After successful completion of the course, the students will be able to | |
| | 1. Understand general principles of drafting and relevant substantial rules. | 4 |
| | 2. Compose various instruments of pleading like plaint, written statement and affidavit etc. | 6 |
| | 3. Classify between drafting, pleading and convincing | 3 |
| | 4. Draft matter of their case as per the directions of client with the help of law in a systematic manner. | 3 |
| | 5. Verify various instruments of pleading like plaint, written statement and affidavit etc. | 5 |

Objectives of the Course:

DPC course has meant to have development of essential skills required by an Advocate through drafting, Pleading and conveyance.. Students will be trained to write various types of Applications, Petitions, Notices, Plaints, Written Statements, etc.

This course will be taught through class room instructions, simulation exercises, Court Visits, Chamber Visits, Pre-trial Preparations, Presentation of students and so on preferably with assistance of practicing lawyers/retired judges.

Apart from teaching the relevant provisions of law, the course will include:

25 marks for principles relating to Drafting, Pleading and Conveyancing.

15 exercises in pleadings carrying a total 45 marks and 10 exercises in Conveyancing another 30 marks (3 marks for each exercise).

Total 75 marks for all the activities and 25 for viva voce total 100 marks for practical paper.

| LL.B-III /BALL.B-V Year | | |
|-------------------------|--|------------|
| Sr. No. | Topic | No of Unit |
| 1 | Drafting: - General principles of drafting | 15 |

| | | |
|---|---|--|
| | <p>Pleadings:- -Meaning and purpose of pleadings, Importance of pleadings in the administration of justice -General principles of pleading and relevant substantive rules. Conveyancing:- General Principles relating to Conveyance</p> | |
| 2 | <p>Pleading :</p> <p><u>Civil:</u></p> <ol style="list-style-type: none"> 1. Pleint 2. Written Statement 3. Interlocutory Application 4. Affidavit 5. Application for Execution of Decree 6. Memorandum of Appeal 7. Memorandum of Revision <p><u>Criminal:</u></p> <ol style="list-style-type: none"> 1. Complaint to Magistrate 2. Maintenance Application u/s 144 of BNSS 3. Regular Bail Application: 4. Anticipatory Bail Application: 5. Appeal 6. Complaint U/S 138 NI Act <p><u>Constitutional:</u></p> <ol style="list-style-type: none"> 1. Writ Petition 2. Special Leave to Appeal | |
| 3 | <p>General Principles relating to Conveyance:</p> <ol style="list-style-type: none"> 1. Agreement to sale 2. Sale deed 3. Lease deed 4. Mortgage deed 5. Gift deed 6. Power of attorney 7. Will 8. Promissory note 9. Partnership deed 10. Leave and license deed | |

The remaining 25 marks will be given in a viva voce examination which will test the understanding of legal practice in relation to Drafting, Pleading and conveyancing.



SWAMI RAMANAND TEERTH MARATHWADA UNIVERSITY, NANED

Faculty of Humanity (Law)

LL. B. III Year & BALLB V Year Revised Syllabus (Semester-V)

w.e.f 2024-25

Paper Title -Practical Training Paper

MOOT COURT AND INTERNSHIP

[CBCS 75:25 Pattern]

Total Marks: 100

Course Outcomes

| LL.B-III /BALL.B-V Year | | |
|---------------------------|---|-----------------------|
| Courses | Course Outcome | Blooms Taxonomy Level |
| Moot Court and Internship | After successful completion of the course, the students will be able to | |
| | Understand how to prepare a suit and how to file in the court of law. | 1 |
| | Know the practical approaches of the legal education and its implementation while practicing. | 2 |
| | Draft plaints, written statement, say, affidavits and construct legal agreement | 5 |
| | Conduct Legal research for Laws, judgements, citations, comparative analysis etc. | 3 |
| | Appear confidently in front of court after doing internship and assist the court is justice delivery. | 3 |

Detailed scheme of the Practical of Moot Court and Internship w.e.f.2024-2025. This practical shall consist of five components spread over for 3 years I.e. from First year to Third year of three year Law Degree Course and from Third Year to Fifth Year of five year law degree course

Objectives of the Course

This paper is aimed at imparting the practical skills of research, case analysis and strategy, witness handling, and. presentation of arguments at the trial and appellate stages of case. This course consists the activities I exercises of (a) Moot court exercises, (b) Observance of trials, and (c) Pre-trial preparations. The objectives of the course is to acquaint the students about –(a) court working and its procedure, (b) application substantive and procedural law to given facts, (c) court manners and discipline, (d) conversance with interview techniques and pre-trial preparations, (e) developing skills of arguments and presentation, and (0 learning skills of

analysis and arrangement of facts. Hence, it is imperative that all students are present in all the classes. Your active participation will create and maximize learning opportunities.

Scheme of Marking:

This course consists the activities / exercises of

- (A) Moot court exercises,
- (B) Observance of trials, and
- (C) Pre-trial preparations.
- (D) Viva voce

Part 1 : Moot Court Exercises (30 Marks), Observance of Trials (25 Marks) and Pre-trial Preparations (20 Marks) Activities : 75 Marks

Part 2: Written Submissions and Viva Voce Examination (25 Marks)

(A) Moot Court Presentations: (30 Marks)

1. A student shall prepare and present three Moot Courts on problems assigned by the concerned teacher
2. Guidelines and Steps to Conduct Moot Courts by a Teacher —
 - a) Framing / selection of moot court problem
 - b) Identifying the legal provisions applicable
 - c) Formation of moot court teams
 - d) Guidance to the students on - kinds of Courts and its jurisdiction (an overview), Court procedures (an overview), Court manners and discipline, rules of written submissions / memorials, rules of argument, modes of citation, use of library and E-recourses, etc

Note: The concerned teacher shall reserve few lectures to guide the students on above matters or any other relevant matters at his /her discretion.

3. Guidelines and Rules of Oral Presentation by a Student —
 - a) Knowledge of facts
 - b) Logic and reasoning
 - c) Organization and clarity
 - d) Persuasiveness
 - e) Deference to the Court
 - f) Proper and articulate analysis of the issues arising out of facts
 - g) Understanding of the laws governing the case and other laws directly applicable to the issues involved in the case
 - h) Ability to explain clearly the legal principles
 - i) Knowledge and use of legal resources
 - j) Originality in analysis, presentation and written submissions

k) Ingenuity - ability to argue by analogy on the basis of relevant aspects of law

The teacher teaching this course will supply three Moot Court problems to the students in the course of a single semester requiring them to work on all three problems assigned to them, prepare written submissions (memorials) and present oral arguments in a moot court setting.

This component is divided equally between written submission and oral arguments. Students may be asked to work in teams at the discretion of teacher. Each student will prepare a case only on one side.

Rules for Memorial submissions:

1. Each student / team must submit one typed and bound copy of the memorial on either side no later than the date fixed and announced in the class. Memorials will not be accepted after the prescribed date and time and the student will lose the marks assigned for that assignment.

2. Memorial specifications:

- a. Memorials must be printed on A4 size white paper with black ink on both sides of the paper.
- b. The body of the memorial must be in Fonts Times New Roman, Size 12 and footnotes in Fonts Times New Roman in Size 10.
- c. Each page must have a margin of at least one-inch on all sides. Do not add any designs or borders on the pages.
- d. Memorials should be submitted with differently coloured Title Page for each side:
 - Title page in red colour for Petitioner / Appellant
 - Title page in blue colour for respondent
- e. The Memorial should not exceed 20 typed pages (line space 1.5) and shall consist of the following Parts:
 - Table of Contents
 - Statement of Facts
 - Statement of Jurisdiction
 - List of References and Cases
 - Statement of Issues
 - Summary of Arguments
 - Detailed Pleadings
 - Prayer
 - Affidavit, if necessary
- f) Relevant Annexures may be kept by the student and may be used during oral arguments, if necessary.

Rules for Oral Arguments:

- Court Language shall be English unless prior permission is sought from the teacher to speak in Hindi.
- Each student would be given 10 minutes to present their oral arguments
- Judges may, at their discretion extend oral argument time, up to a maximum of 5 minutes.
- Rebuttal would be allowed only to the petitioner and they would have to specify in the beginning the time they want to set apart for rebuttal.

Evaluation:

The oral performance will be evaluated on the basis of communication skills, application of facts, persuasion / use of authorities, and response to questions.

(B) Observation of Court Proceedings - 25 Marks

In court visits the students are required to observe the following stages and write reports of their observation in the diary:

- Framing of charges
- Examination-in-Chief
- Cross-examination
- Final arguments

The students are expected to maintain a diary of their field visits, work done during placement and their observations. In the diary, keep a log of the time spent each day including factual accounting of your experience of what you are doing, seeing and hearing. However, the diary should not be only descriptive of each day but should focus on what you learnt during the day. What were you thinking and feeling about your experiences? What is exciting or surprising? What is bothering you? What are your questions or insights about lawyering and judging? What criticism or praise do you have for the legal system? What else would you like to be taking place in your experience? Please be careful that while writing your accounts you do not reveal any confidential information.

The diary should contain two parts:

- The factual and analytical information about your internship; and
- Two legal documents drafted by you during internship. Each part will be evaluated

The diary is an integral part of the course and student will be evaluated in terms of thoughtfulness and reflections about his/her learning experience.

There is no written examination in this course at the end of semester. Students will be evaluated on the basis of their performance in the practical exercises conducted during the classes.

Internship Certificate of 4 weeks each year is a compulsory part towards completion of the Course.

(C) Internship - Court Visit / Chamber placements

This part will require the students to be attached with practicing lawyers with a minimum of ten years standing at the Bar. A minimum of two hours are to be spent daily with the lawyer observing client dealings, drafting, conducting fact investigations, etc., for at least twenty-four days in the semester. At the end of internship, a certificate confirming the student's attendance at the lawyers office will have to be produced.

In the lawyer's chamber they are required to do the following:

1. Read minimum of four case files to learn how files are prepared and maintained
2. Learn how to maintain records and accounts
3. Do legal research in at least two cases

4. Draft minimum of two documents in an ongoing case in the chamber
5. Observe client interviewing and counseling with the permission of the lawyer and clients in at least two cases

Suggested Readings

- i. NRM Menon (ed.) Clinical Legal Education (1998)
- ii. Don Peters, The Joy of Lawyering: Readings for Civil Clinic (1996)
- iii. B.Malik, The Art of a Lawyer (9th Ed. 1999)
- iv. Steven Lubet, Modern Trial Advocacy: Analysis and Practice (1993)
- v. Thomas A.Mauet, Trial Techniques (1996)
- vi. Thomas A.Mauet, Pre- trial (1995)
- vii. Inns of School of Law, Advocacy (1999/2000)
- viii. Inns of School of Law, Case Preparation (1999/2000)
- ix. K L Bhatia, Moot Court and Mock Trial - Art to and Art of Advocacy: Essentials of Court Craft, Universal Law Publishing, 2013.
- x. K Evans, Language of Advocacy, 1st Indian Reprint, Universal Law Publishing
- xi. Abhinandan Malik, Moot Courts and Mooting, Eastern Book Company
- xii. D Pope and D Hill, Mooting and Advocacy Skills, 1st South Asian edn, Sweet & Maxwells, 2014.
- xiii. J Snape and G Watt, How to Moot - a Student Guide to Mooting, Oxford University Press