

NAME OF SUBJECT: LABOUR AND INDUSTRIAL LAW-II

PAPER CODE: LL.B.- 311
MAXIMUM MARKS: 30+70=100
TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: This paper focuses on wage policies, compensation for injuries caused during the course of employment and working conditions of employees.

MODULE-I: Labour Welfare.

- a) The Concept, Importance of Welfare Activities.
- b) Obligation of Employer with respect to health and safety of workers.

MODULE-II: Minimum Wages Act, 1948.

- a) Concept of minimum wage, fair wage, living wage and need based minimum wage.
- b) Constitutional validity of the Minimum wages Act, 1948.
- c) Procedure for fixation and revision of minimum wages.
- d) Procedure for hearing and deciding claims.

MODULE-III: Payment of Wages Act, 1936.

- a) Object, scope and application of the Act.
- b) Definition of wage.
- c) Responsibility for payment of wages.
- d) Fixation of wage period.
- e) Time of payment of wage.
- f) Deductions which may be made from wage.
- g) Maximum amount of deduction.

MODULE-IV: Workmen's Compensation Act, 1923.

- a) Definition of dependent, workman. Partial disablement and total disablement.
- b) Employer's liability for compensation
 - i. Scope of arising out of and in the course of employment.
 - ii. Doctrine of notional extension.
 - iii. When employer is not liable.
- c) Employer's Liability when contract or employer is engaged.
- d) Amount of Compensation.
- e) Distribution of Compensation.
- f) Procedure in proceedings before Commissioner.
- g) Appeals.

MODULE-V: Factories Act, 1948.

- a) Concept of "factory", "manufacturing process", "workers" and "occupier".

- b) General duties of occupier.
- c) Measures to be taken in factories for health, safety and welfare of workers.
- d) Working hours of adults.
- e) Employment of young person and children.
- f) Annual leave with wages.
- g) Additional provisions regulating employment of women in factory.

MODULE-VI: Inter-state Migrant Workmen (Regulation of Employment and Condition of Service), Act, 1979.

- a) Protection of interests of weaker section of labour.

SUGGESTED READINGS

1. Commentaries on Factories Act, 1948--- S.C. Srivastava. Universal Law Publishing House, Delhi.
2. Workmen's Compensation Act, 1923--- H.L. Kumar.
3. Labour Problem and Social Welfare--- R.C. Saxena.
4. Workmen's Compensation Act, 1923.
5. Factories Act, 1948.
6. Employees State Act, 1948.
7. Minimum wage Act, 1948.
8. Payment of wage Act, 1936.
9. Report of National Commission on Labour, 1969.
10. Labour Law and Industrial Relations--- Indian Law Institute.
11. Commentary on Minimum wages Act, 1948 and Payment of Wages Act, 1936--- K.D. Srivastava.

NAME OF SUBJECT: LAW OF CRIME-PAPER- I: PENAL CODE

PAPER CODE: LL.B.- 312

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: Criminal Law maintains law and order in the society and to protect the life and liberty of people. Common men rely on this for protection against all injuries that human conduct can inflict on individuals and institutions. Therefore, penal code cannot afford to be weak, ambiguous and ineffective. Application of criminal law has to be uniform regardless of any discrimination on grounds of class, caste, religion, sex or creed etc. of either criminal or victim. Crime and Punishment has been the one of the most important task of rule of law of the State. This course is designed with a prime object to familiarize students with the principles of criminal liability and other concepts of substantive criminal law

MODULE-I: Punishment Theories

Deterrent, Retributive, Preventive, Expiatory and Reformatory Theory
Punishment under the IPC: Fine, Life-Imprisonment, Death Sentence

MODULE -II: Introduction to Substantive Criminal Law

Extent and operation of the Indian Penal Code

Definition of crime

Fundamental elements of crime

Stage of a crime; Intention, Preparation, Attempt, Commission (i) Essentials of the attempt, impossible attempt, attempt and preparation distinguished

MODULE -III: General Explanations and Exceptions (Sec.76-106)

(i) Definition (ii) Constructive joint liability (iii) Mistake (iv) Judicial and Executive acts (v) Accident (vi) Necessity (vii) Infancy (viii) Insanity (ix) Intoxication (x) Consent (xi) Good faith (xii) Private defense

MODULE -IV: Abetment and Criminal Conspiracy (Sec.107 to 114; Sec 120-A, B)

MODULE-V: Offences affecting the Human Body

offences affecting life, causing of miscarriage or injuries to unborn children offences of hurt, of wrongful restraint and wrongful confinement offences of Criminal Force and Assault, offences of kidnapping and abduction

MODULE -VII: Offences against Property

Theft, Extortion, Robbery and Dacoit Criminal misappropriation and Criminal breach of trust, Cheating, Mischief Criminal trespass Defamation, Forgery, Counterfeiting

MODULE-VIII: offences relating to documents, property and Marriage
Counterfeiting, Criminal intimidation, making false documents, Bigamy, Adultery
and Cruelty

ACT

The Indian Penal Code 1860

SUGGESTED READINGS

1. Pillai, PSA, Criminal Law
2. Jeroma Hall, Principles of Criminal Law
3. R.C.Nigam, Criminal Law
4. Ratan Lal & Dhiraj Law, Indian Penal Code
5. K.D.Gaur, Criminal Law cases and materials Iminology

NAME OF SUBJECT: FAMILY LAW-II

PAPER CODE: LL.B.- 313

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: This course on Family Law is designed to familiarize, train and equip students with comprehensive knowledge on the myriad personal laws operating in Indian society, especially regarding law of inheritance. The law of inheritance comprises rules which govern devolution of property on the death of a person, upon other persons solely on account of their relationship to the former.

MODULE-I

Nature & Sources of Muslim Law, Who is Muslim?

Muslim Marriage: Essentials, Option of puberty, Kinds of Marriage under Sunni Law & Shia Law

Mehr: Definition, Concept, Kinds of Dower, Rights of Wife in case of Unpaid Mehr

MODULE-II

Divorce

Classification of Divorce

Maintenance of Wife under Muslim personal law, Cr.P.C and Muslim Women (Protection of

Right on Divorce) Act, 1986

Parentage and Legitimacy Kinds and Powers of guardian

MODULE-III

Hiba: Definition, Essentials, Kinds and Formalities for a Valid Hiba, Revocation of

Hiba. Will: Definition, Essentials and Kinds of a Valid Will, Abatement of

Legacies, Revocation of

Will.

MODULE-IV

Pre-emption: Definition, Classification &

Formalities Inheritance under Sunni Law, Doctrine

of Aul and Radd

MODULE-V

Indian Succession Act, 1925

SUGGESTED READINGS

1. Faizi Mohammadan Law
2. Mulla Principles of Mohammadan Law
3. Paras Diwan Muslim Law
4. Akil Ahamad Muslim Law
5. Mulla -Hindu Law, (18th Ed. 2002) Butterworth Publication
6. Paras Diwan, Hindu Law, Allahabad Law Agency
7. Dr.R.K.Singh, Hindu Law (Hindi), Allahabad Law Agency
8. Kusum & P.P.Sexena, Lecture on Hindu Law, Butterworthe Publication

NAME OF SUBJECT: COMPANY LAW

PAPER CODE: LL.B.- 314

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: This paper aims at providing insight into formation and winding up of companies besides Corporate Administration.

MODULE-I: Formation, Registration and Incorporation of Company.

- a) Concept of Corporate Personality.
- b) Nature and kinds of Company.
- c) Formation of Companies.
- d) Promoters: Position, duties and liabilities.
- e) Mode and consequences of incorporation.
- f) Uses and abuses of the corporate personalities; lifting of corporate veil.
- g) Memorandum of Association; alteration and the doctrine of ultra-vires.
- h) Articles of association, alteration, relation with memorandum of association, doctrine of constructive notice and doctrine of indoor management- exceptions.

MODULE-II: Capital Formation

- a) Prospectus: Issues, contents. Kinds, liability for misstatements, Statement in lieu of prospectus.
- b) Nature and classification of company securities.
- c) Shares and general principles of allotment.
- d) Statutory share of certificate- its objects and effects.
- e) Transfer of shares.
- f) Share capital, reduction of share capital.
- g) Duties of court to protect interests of creditors and shareholders.
- h) Debentures, kinds, remedies of debenture holders.
- i) Dividends- Payment-Capitalization and Profit.

MODULE-III: Corporate Administration

- a) Member: Mode of membership; who can be a member; cessation of membership; registration of members.
- b) Directors- Kinds, Powers and Duties ,Position
- c) Insider Trading.

MODULE-IV: Meetings- Kinds, Procedures and Voting.

The Balance of Powers within company

- i. Majority control and minority protection.
- ii. Prevention of oppression.
- iii. Powers of Court and Central Government.

Emerging trends

- i. Corporate Social Responsibility.
- ii. Legal liability of Company- Civil, Criminal, Tortuous and Environmental.

MODULE-V: Winding up of Company

- a) Kinds, consequences and reasons of winding up.
- b) Role of the Court.
- c) Liability of Past Members.
- d) Payment of Liability.

Reconstruction and Amalgamation

SUGGESTED READINGS

1. Indian Company Law--- Avatar Singh.
2. Lectures on Company Law--- S.M. Shah.
3. Company Law--- Palmer.
4. Guide to Companies Act--- Ramiaya.
5. Principles of Modern Company Law--- Grover.
6. Company Law--- R.R. Pennington.
7. Company Law Cases and Material--- G.M. Sen.

ESSENTIAL CASE LAWS

- 1) Salomon v. Salomon & Co., Ltd., -(Personality of a Company) p. 1
- 2) Ashbury Railway Carriage and Iron Co., Ltd., v. Riche (Object Clause in Memorandum of Association)- p.8
- 3) In Re Jon Beauforte London Ltd., (Memorandum of association)-p.11
- 4) Bell House Ltd., City Wall Properties Ltd., (Ultra Vires)- p. 16
- 5) Dr. A. Lakshmanaswami Mudalliar v. Life Insurance Corporation of India (Object Clause) - p.22
- 6) Royal British Bank v. Trquand (Doctrine of Indoor Management)—p.28
- 7) Free Man v. BuckHurst k Properties Ltd., (Articles of Association) - p.29
- 8) Percival v. Wright (Insider trading) - p.35
- 9) Regal (Hastings) Ltd., v. Gulliver and others. (Insider trading) - p.37
- 10) Newbome v. Sensolid (Great Britain) Ltd., (Duty of Promoters) - p.46
- 11) Natal Land Co., Ltd., Pauline Colliery Syndicate Ltd., (Duty of promoter)-p.49
- 12) Erlanger v. New Sombrero Phosphate Co., (Duties of Promoters) - p.52
- 13) Gluckstein v. Barnes (Duties of promoters) - p.54
- 14) Lee v. Lee's Air Farming Co., Ltd., (Personality of a company) - p.58
- 15) Macaura v. Northern Insurance Co., Ltd., (Share holder has no insurable interest) - p.60

NAME OF SUBJECT: PRINCIPLES OF TAXATION LAW

PAPER CODE: LL.B.- 315

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: In India the system of taxation and public finance has been existent since archaic times. Kautilya's Arthashastra (around 300 B.C.) is considered to be one of the most elaborate and systematic text on taxation and public finance. Revenue through taxation is a major source of revenue for the government. Ideally, a tax should be based on the persons' ability to pay and be neutral in its impact.

MODULE-I: Canons of Taxation

- a) Theories of Taxation.
- b) Basic Concepts of Taxation.

MODULE-II: Constitutional Provisions and Judicial Interpretation of Taxing Statutes

- a) Source of Power to tax in Indian Constitution.
- b) Fundamental Rights and Taxing Statutes.
- c) Interpretation of Taxing Statutes.
- d) Scheme of Indian Income Tax Act.
- e) Direct Tax Code Bill.

MODULE-III: Heads of Income

- a) Salaries.
- b) Income from house property.
- c) Profits and gains of business or profession.
- d) Capital gains.
- e) Income from other sources.
- f) Deductions and Exemptions.

MODULE-IV: Planning

- a) Tax Avoidance.
- b) Tax Evasion.
- c) Tax Planning.
- d) Assessment.
- e) Income Tax Authorities- Appeal- Revision- Taxation of LLPs.

MODULE-V: International Practices and Principles

- a) International Taxation and Double Taxation Avoidance Agreements.
- b) Transfer Pricing.
- c) Treaty Shopping.
- d) Permanent Establishments

MODULE-VI: Excise Act

- a) Constitutional Mandate.
- b) Nature of Excise Duty-Taxable event- Types of excise duty.
- c) Excisable goods- manufacturing and production-manufacturer- Classification of goods.
- d) Excise Act- methods of calculation of duty payable – Excise duty and CENVAT.

MODULE-VII: Customs Act.

- a) Nature and types of Customs Duty- Taxable events- Territorial waters and customs water- Goods and their classification.
- b) Customs Act- valuation- methods of valuation- baggage- exemption in customs.

MODULE-VIII: Service Tax

- a) Nature of service tax- service tax provider and service receiver.
- b) Classification and exemption of services.
- c) Works contract and service tax.
- d) Value of taxable service- CENVAT and service tax.

MODULE-IX: Central Sales Tax

- a) Object and Scheme.
- b) Constitutional Mandate- Inter-state sale.
- c) Goods under CST- Sale under CST- Dealer under CST- Business under CST- Impact of VAT on CST.

MODULE-X: Value Added Tax

- a) Background.
- b) Recommendation of Task Force.
- c) Working impact of VAT.

RECOMMENDED READINGS

1. Systematic Approach to Income Tax--- Dinesh Ahuja and Ravi Gupta.
2. Student Guide to Income Tax--- Singhania. Taxmann.
3. Income Tax Act (Two volumes)--- N.A. Palkiwala.
4. Income Tax Act--- Iyer.
5. Direct Tax Act (Three Volumes)--- Chaturvedi.
6. Taxation Laws--- Kailash Rai.
7. The Law and Practice of Income Tax--- Kanga and Palkiwals.
8. Income Tax Act, 1961--- Bare Act.
9. Income Tax Rules, 1962.
10. Treatise on Service Tax--- Sunil B. Gabawala.
11. VAT- Malhotra.
12. Wealth Tax--- Bare Act.
13. Direct Taxes and Practice--- Girish Ahuja.

ESSENTIAL CASE LAWS

1. The Hertz Corporation v. Melinda Friend in The Supreme Court of United States
2. CIT v. Hajee Moosa and Company, 153 ITR422.
3. Vijayalashmi Rice Mill and Ors. v. The Commercial Tax Officers

NAME OF SUBJECT: PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM

PAPER CODE: LL.B.- 316

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: This course aims at familiarizing the students of law about the ethical aspects of legal profession and essential etiquettes for legal practitioner to be observed at the Bar. More so accountability and transparency are sine qua non for the profession and cordial Bar Bench relations reflects depth and richness of this profession. Students are expected to imbibe these subtle nuances so that they emerge as responsible citizens and good lawyers.

MODULE-I: Historical Development

- a) Early Development.
 - i. Were there lawyers in Ancient India?
 - ii. Role of jurists in development of Hindu Law, Mohammedan Law.
 - iii. Origin of Common Law lawyering in India.
 - iv. Barrister- Vakils- High Court Pleaders- Advocates etc.
 - v. Origin of Legal Education in India.
- b) The Legal Practitioners Act, 1879.
- c) The Chamier Committee and the Indian Bar Council Act, 1926.
- d) The Advocate Act, 1961.
- e) Supreme Court Rules, 1967.
- f) State Bar Councils.
- g) The Bar Council of India.

MODULE-II: Lawyers in Politics

- a) Why were lawyers in the forefront in the national movement for Independence?
- b) Lawyers in the Constituent Assembly- Successive Parliament.

MODULE-III: Role Allocation for the Legal Profession in Independent India: Bench-Bar Relations

- a) Judicial Review- Fundamental Rights, Directive Principles.
- b) Advocates Act- Uniform Bar, All India Bar.
- c) Lawyers Role in Accelerating and facilitating the social change visualized by the Indian Constitution.
- d) Right to Legal Aid.
- e) Monopoly of Representation.
- f) Exclusion of Lawyers.

- g) Self-representation by Litigants.
- h) Reciprocity as Partners in Administration of Justice.
- i) Professional Misconduct & Power and Procedure of Disciplinary Committee.
- j) Rights and Privileges of Advocates.

MODULE-IV: Legal and Professional Ethics

- a) Nature of Legal Profession-Bar against soliciting work.
- b) Necessity for an Ethical Code: Under-cutting--- An unethical Practice.
- c) Brief Stealing, Lawyers not to advertise, not to use tauting.
- d) Fee structure-Black Money and High Fees.
- e) Ethics and Statutory Sanctions.
- f) Ethics and Professional Duty.
- g) Rights, Privileges and Duties of Advocate, viz. duty to court, duty to client, duty to opponent, duty to colleague, duty towards society and obligation to render legal aid.
- h) Legal Profession and Strike- Conduct of Advocates.

MODULE-V: Social Profile of the Legal Profession

- a) Class/ Caste/ Education/ Sex composition of the Bar.
- b) Professional opportunities- Upward Mobility.
- c) How far have underprivileged groups such as SC/ST advanced in the profession.
- d) Women Lawyers- Opportunities and handicaps.

MODULE-VI: Professional Misconduct and Control

- a) The Contempt of Court Act, 1971.
- b) Contempt proceedings against lawyers.
- c) Procedure- Supreme Court and High Court rules to regulate contempt cases.
- d) Advocates Act.
- e) Functions of the Bar Councils.
- f) Disciplinary committees- tribunals.
- g) Appeal to the Supreme Court, etc.

MODULE-VII: Types and Classes of Lawyers

- a) Delhi-Supreme Court, Senior Advocates, Advocates on Record.
- b) Mumbai, Kolkata etc.- Advocates: Original side- Advocates: Appellate side- Solicitors.
- c) Mofussil- Advocates.
- d) Muktiars.
- e) Bare-Footed Lawyers.
- f) Lawyers' Collectives and Firms.
- g) Senior- Junior Relationship.
- h) Problems of Retired High Court Judges.

MODULE-VIII: Lawyers in Court

- a) How to address the Court?
- b) Attitude towards Opponent Counsel.
- c) Duty to cite all relevant authorities.
- d) Arguments should be precise and brief.
- e) Selective use of precedents.

MODULE-IX: Accountability and Role Conflicts- The Bar Council of India and the University Grant Commission.

MODULE-X: 50 Selected opinions of the Disciplinary Committees of Bar Council of India and 10 major judgments of the Supreme Court of India to be discussed and analyzed.

SUGGESTED READINGS

1. Challenges to Legal Profession- Law and Investment in Developing Countries--- P.N. Bhagwati.
2. Sociology of Legal Profession and Legal System--- J.B. Gandhi. 1987.
3. Upendra Baxi, "The Pathology of Indian Legal Profession", 13 Indian Bar Review. 455 (1986).
4. Administrative Law--- S.P. Sathe.
5. Legal Ethics-Accountancy for Lawyers and Bench and Bar Relations ---Dr. Kailash Rai.
6. Supreme Court Practice and Procedure--- R.R. Aggarwala.
7. Legal and Professional Ethics---P. Ramanatha Iyer.
8. The Limitation Act--- B.B. Mitra.
9. Advocacy--- Krishnamurthy Iyer.
10. Advocate Act, 1961.
11. The Contempt of Court Act, 1971.
12. Pleading, Conveyancing and Drafting and Legal Professional Ethics--- A.N. Chaturvedi.

ESSENTIAL CASE LAWS

1. A.M. Mathur v. Pramod Kumar Gupta, 1990(2) SCC, 533.
2. Bar Council of Maharashtra v. M.V. Dabhulkar 1976 (1) SCR 306 also 1976(2) SCR 48.
3. Hanraj L. Chulani v. Bar Council of Maharashtra, 1996 (3) SCC 342.
4. K. Daniel v. Hymavathy Amma, AIR 1985 Ker.322.
5. Advocate Genl Bihar v. Patna High Court, 1986 (2) SCC 577.
6. P.D. Gupta v. Ram Murti, 1997 (7) SCC 147.
7. H.D. Srivastava v. G.N. Verma 1977 (2) SCR 6011.
8. Mangilal v. State of M.P. 1994 (4) SCC 564.

9. Harish Uppal v. Union of India. AIR 2003 SC 793.
10. Copeland v. Smith 2000 (1) All.E.R. 457.
11. In the matter of 'P' an advocate AIR 1963 SC 1313.
12. R.D. Saxena v. Balram Prasad AIR 2000 SC 2912.
13. Indian Council of Legal Aid v. Bar Council of India. AIR 1995 SC 691.
14. In Re Sanjiv Dutta 1995 (3) SCC 619.
15. Vikas Deshpande v. Bar Council AIR 2003 SC 309.
16. State of Bihar v. Kripalu Shankar, AIR 1987, SC 1554.
17. Supreme Court Bar Association v. Union of India, AIR 1983 SC 1895.
18. In re Ajay Kumar Pandey Advocates AIR 1998.
19. In re S. Mulgaokar AIR 1978 SC 990.