NAME OF SUBJECT: LABOUR AND INDUSTRIAL LAW-II

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.

UNIT-1: MINIMUM WAGES ACT, 1948
A. Concept of minimum wages, fair wage, living wage and need based minimum wage
B. Constitutional validity of Minimum Wages Act 1948
C. Procedure for fixation and revision of minimum wages
D. Fixation of minimum rates of wages by time rate or by piece rate
E. Procedure for hearing and deciding claims

UNIT-2: Payment of Wages Act, 1936
A. Object, scope and application of the act
B. Definition of wages
C. Responsibility of payment of wages
D. Fixation of wages period
E. Time of payment of wages
F. Deduction which may be made from wages
G. Maximum amount of deduction

UNIT-3: Workmen’s Compensation Act, 1923
A. Definition of dependant, workman, partial disablement and total disablement
B. Employer's liability for compensation
   a) Scope arising out of and in the course of employment
   b) Doctrine of Notional Extension
   c) When employer not liable
C. Employers liability when employee is employed under any contract or is engaged independently or by independent contractor
D. Amount of compensation
E. Distribution of compensation
F. Procedure in proceedings before commissioner
G. Appeals

UNIT-4: (A) - Factories Act, 1948
A. Concept of “factory”, “manufacturing process” “worker” and “occupier”
B. General duties of occupier
C. Measures to be taken in factories for health, safety and welfare of workers
D. Working hour for adults
E. Employment of young person and children
F. Annual leaves with wages
G. Additional provisions regulating employment of women in factories

(B) – Maternity Benefits Act, 1961 (30 sec)

A. Aims, objects and Application, Definitions
B. Restriction of work
C. Right of payment
D. Forfeiture of maternity benefits
E. Other provisions (Leaves etc)
F. Authorities
G. Power and Duties of Inspector
H. Penalty

Suggested Readings:

2. H.L. Kumar, Workmen’s Compensation Act, 1923
3. Dr. S. C. Srivastav, Labour Law And Industrial Relations
4. Dr. S. K. Puri, Labour Law And Industrial Laws
5. Dr. V. G. Goswami, Labour Law Industry
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 Reformative 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
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

MODULE- IV
Pre-emption: Definition, Classification & Formalities Inheritance under Sunni Law, Doctrine of Aul and Radd

MODULE- V
Indian Succession Act, 1925
- Applicability
- Interstate Succession
- Testamentary Succession
• Gifts in Contemplation of Death
• Probate and Letters of Administration

**SUGGESTED READINGS**

1. Faizi  Mohammadan Law
2. Mulla Principles of Mohammadan Law
3. Paras Diwan  Muslim Law
4. Akil Ahamad  Muslim Law
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
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
   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.

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
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.- 305
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. Kautilaya’s Arthasashtra (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.

Principle of Taxation

UNIT-I

a. Definitions.
b. Basis of income
   - Charge of Income Tax
   - Scope of Total Income
   - Resident status of an assessee
   - Dividend Income
   - Income deemed to accrue or arise in India
   - Foreign income and its taxability

UNIT-II

Incomes which do not form part of total Income

a. Income not includes in Total Income
b. Special provision in respect of newly established industrial undertaking in free trade zone.
c. Special provision in respect of newly established hundred per cent export oriented undertaking.
d. Income from property held for charitable or religion purpose.
e. Income of trust or institution from contributions.
f. Condition as to registration of trusts, etc
g. Section 11 not to apply in certain cases
h. Special provision relating to income of political Parties

UNIT-III

Head of Income

a. Salaries
b. Income from House property
c. Profit and gain of business or profession
d. Capital gain
e. Income from other sources

UNIT_IV

Tax Authorities

a. Power
b. Procedure for Adjudication and Settlement
c. Collection and recovery of taxes
d. Appeal, Reference and revision

Suggested Reading:


Singhania, Student guide to Income Tax

Taxation Law – Kailash Rai

Taxmann- (Latest Edition).
NAME OF SUBJECT: PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM

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.
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
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.
   c) Brief Stealing, Lawyers not to advertise, not to use touting.
   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
   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.
   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.
5. Legal Ethics-Accountancy for Lawyers and Bench and Bar Relations ---Dr. Kailash Rai.
7. Legal and Professional Ethics---P. Ramanatha Iyer.
8. The Limitation Act--- B.B. Mitra.
12. Pleading, Conveyancing and Drafting and Legal Professional Ethics--- A.N. Chaturvedi.

ESSENTIAL CASE LAWS
5. Advocate Genl Bihar v. Patna High Court, 1986 (2) SCC 577.
11. In the matter of ‘P’ an advocate AIR 1963 SC 1313.
17. Supreme Court Bar Association v. Union of India, AIR 1983 SC 1895.