

**DR. BHIMRAO
AMBEDKAR LAW UNIVERSITY, JAIPUR**
डॉ. भीमराव अम्बेडकर विधि विश्वविद्यालय, जयपुर

LL.B. THREE YEARS COURSE
(ANNUAL SCHEME)

SYLLABUS AND COURSE COMPONENT ONLY
FOR LL.B. STUDENTS ADMITTED IN SESSION
2022-23 [NINE PAPER SCHEME]

SECOND YEAR

SESSION 2023 -24



[ALL SUBJECTS]

LAW SUBJECTS [LL.B.]		
S. No.	NAME OF SUBJECT	NUMBER OF PAPER / PAPERS
1)	JURISPRUDENCE	01
2)	LAW OF CRIMES (INDIAN PENAL CODE, 1860)	01
3)	TRANSFER OF PROPERTY LAW (ACT OF 1882) AND THE INDIAN EASEMENTS ACT, 1882	01
4)	COMPANY LAW AND THE COMPETITION ACT, 2002	01
5)	PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS	01
6)	LABOUR AND INDUSTRIAL LAWS	01
7)	PRINCIPLES OF TAXATION LAW	01
PRACTICAL / CLINICAL PAPERS		
8)	MEDIATION, CONCILIATION AND ARBITRATION	01
9)	PROFESSIONAL ETHICS & PROFESSIONAL ACCOUNTING SYSTEM	01
TOTAL – 09 PAPERS		

LL.B. SECOND YEAR COURSE CODE: 151

LL.B. SECOND YEAR SESSION 2023-24

PAPER 2.1. :	JURISPRUDENCE
PAPER 2.2. :	LAW OF CRIMES (INDIAN PENAL CODE, 1860)
PAPER 2.3. :	TRANSFER OF PROPERTY LAW (ACT OF 1882) AND THE INDIAN EASEMENTS ACT, 1882
PAPER 2.4. :	COMPANY LAW AND THE COMPETITION ACT, 2002
PAPER 2.5. :	PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS
PAPER 2.6. :	LABOUR AND INDUSTRIAL LAWS
PAPER 2.7. :	PRINCIPLES OF TAXATION LAW
<u>PRACTICAL PAPERS:</u>	
PAPER 2.8 :	MEDIATION, CONCILIATION AND ARBITRATION
PAPER 2.9. :	PROFESSIONAL ETHICS & PROFESSIONAL ACCOUNTING SYSTEM

SECOND YEAR

SESSION 2023 – 24

PAPER 2.1.

JURISPRUDENCE

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

Jurisprudence in its etymological sense means the science of law. It is the foundation on which the entire edifice of law is structured. It is therefore imperative to have a clear understanding of jurisprudence as it is sine-qua-non for the study of any law subject. The subject acquaints the students with the complexities of laws and introduces them to the means of solving them based on sound jurisprudential principles. In spite of there being several schools of thought on this subject, there is a general convergence of the fundamental principles. The study of this subject will help the students in the analysis of legal concepts, sharpen his technique of logical thinking and ultimately aid in understanding the assumptions upon which a statute rests.

UNIT - I

Introduction:

Definition, Nature, Scope and Importance: Salmond, Austin, Holland and Julius Stone
Sources of Law: Legal and Historical Sources: Legislation: Definition, Classification and Principles of Statutory Interpretation, Codification: Advantages and Disadvantages of Codification; Precedent: Definition, Theories and Kinds of Precedent: Stare Decisis; Ratio Decidendi and Obiter Dicta; Custom: Definition and Kinds of Custom, Requisites of a Valid Custom, Custom and Prescription: Relative Merits and Demerits of Legislation, Judicial Precedent and Custom as a Source of Law;

UNIT - II

Schools of Jurisprudence:

Analytical Positivism: John Austin, Hans Kelsen and H.L.A. Hart; Historical: Von Savigny and Henry Maine; Sociological: Ihering, Ehrlich, Roscoe Pound; Natural Law School: Relation between Law and Morality; American Realism: Justice Holmes and Oliver Crona; Feminism: Radical Feminism; Desire Dominance Theory; Cultural Feminism;

UNIT - III

Rights and Duties:

Nature & Characteristics: Theories of Rights: Kinds of Legal Rights: Wesley Newcomb Hohfeld's Analysis of Legal Rights: Cognate Concepts like Liberty, Power, Immunity,

Privilege etc. Duties, Nature & Characteristics; Classification of Duties: Correlation of Rights and Duties; Concept of Property; Definition and Kinds; Negligence; Civil and Criminal Liability;

UNIT - IV

Ownership and Possession:

Meaning of Ownership; Kinds, Definition of Ownership by Austin and Salmond, Relation between Ownership and Possession; Importance of Possession; Elements of Corporeal Possession and Problems; Acquisition and Theories of Possession: Possession in Law & Possession in Fact; Salmond and Savigny;

UNIT - V

Concept of Person:

Person: Definition and Nature of Personality: Legal Status of Unborn Children, Minor, Lunatic, Drunken and Dead Persons, Legal Status of Animals: Legal Persons: State and Corporate Personality; Theories of Corporate Personality; Obligation and Liability: Definition and Nature of Obligation and Liability: Sources of Obligation and Liability; Kinds and Theories of Liability: General Conditions of Liability; Theories of Punishment: Retributive, Deterrent, Expiatory, Reformative, Rehabilitative Theory; Constitutionality of Capital Punishment;

LEADING CASES:

- 1) Bengal Immunity Co. v. State of Bihar, AIR 1955 SC 561
- 2) Kesavananda Bharthi v. State of Kerala, AIR 1973 SC 1476
- 3) Maharaja Shree Umaid Mills Ltd. v. Union of India, AIR 1963 SC 953
- 4) Maneka Gandhi v. Union of India, AIR 1978 SC 597
- 5) Minerva Mills v. Union of India, AIR 1978 SC 1789
- 6) Smt. Indira Nehru Gandhi v. Raj Narain, AIR 1975 SC 2299
- 7) Navtej Singh Johar & Ors. v. Union of India AIR 2018 SC 1933
- 8) Naz Foundation v. Government of N.C.T. of Delhi 111 DRJ 1 / 160 Delhi Law Times 277 (2009) Delhi High Court

SUGGESTED READINGS:

- Anirudha Prasad VidhiShastraKeMoolSiddhant: Principles of Jurisprudence (Hindi) Eastern Book Company, 2019
- B.N. Mani Tripathi, Jurisprudence (Hindi) 15th Ed., Central Law Publication, 2015
- Bodenheimer Jurisprudence; The Philosophy and Method of Law, Harvard University Press, 2020
- Dias, Jurisprudence, 5th ed., Lexis Nexis Publication, 2013
- H.L.A. Hart, The Concepts of Law, Oxford, Clarendon Press, 1970.
- Inderjeet Singh Jurisprudence An Introduction(Hindi) 3rd Ed., Central Law Publication, 2017

- Michael Freeman (Ed). Lloyd's Introduction to Jurisprudence (1994), Sweet & Maxwell
- Paton G.W., Jurisprudence (1972) Oxford, Clarendon Press.
- P.S. Atchuthen Pillai, Jurisprudence & Legal Theory 2016 Reprint (3rd Edition), Eastern Book Company, Lucknow.
- Roscoe Pound, Introduction to the Philosophy of Law, Re-Print, Universal, Delhi, 1998
- N. V. Paranjape, Jurisprudence & Legal Theory (Hindi), Central Law Agency, 2017
- Salmond on Jurisprudence, Tripathi, Bombay, 1999
- V.D. Mahajan, Jurisprudence and Legal Theory, Eastern Book Company, 2018
- W. Friedman, Legal Theory, Universal Law Publishing Co., Delhi, 1999

PAPER 2.2.

LAW OF CRIMES INDIAN PENAL CODE, 1860

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

The primary objective of criminal law is to maintain law and order in the society and to protect the life and liberty of people. It is for this reason that the people place their ultimate reliance on this branch of law for protection against all injuries that human conduct can inflict on individuals and institutions. Due to these reasons, the penal law cannot afford to be weak, ambiguous or ineffective, nor can it be harsh and arbitrary in its impact. The application of criminal law has to be uniform regardless of any discrimination on grounds of class, caste, religion, sex or creed etc. of either the criminal or the victim. This paper has been so designed as to generate critical thinking among the students about the stated objectives of criminal law and enable them to scrutinize the recent developments and changes that have taken place in the field including the major amendments made to the Code in the years 2013 and 2018.

UNIT- I

Nature and Definition of Crime, Crime and Offence, Crime and Tort, Criminal Law and Criminal Science, Principle of Criminal Liability: *Actus Non Facit Reum Nisi Mens Sit Rea*, Burden of Proof on Prosecution, Presumption of Innocence of the Accused, Interpretation of Penal Statutes, Theories of Punishment: Retributive, Expiatory, Deterrent, Preventive and Reformative, Protection in Respect of Conviction for offences (Article 20, Constitution of India), Protection Against Arrest and Detention in certain cases (Article 22, Constitution of India) Title and Extent of Operation of the Indian Penal Code (Section 1), Territorial Jurisdiction (Sections 2,3,4), Certain Laws Not To Be Affected by the Indian Penal Code (Section 5), General Explanations (Section 6 to 52-A Except Sections 34 to 38), Punishments (Section 53,54,55,55-A,57,60,63 to 75)

Stages of Crime: Mental, Preparation, Attempt and Completion; Inchoate Crimes; Mental Stage Generally Not Punishable, Preparation Generally Not Punishable, But When Is It Punishable? Attempt: Impossible and Possible (Mainly Sections 511,307,309); Impossible Attempt to Body Offence Generally Punishable but of Property Generally Not Punishable, Possible Attempts

Abetment and Abettor (Mainly Sections 107, 108, 108-A, 111, 113, 305, 306, 109 and 114)

Miscellaneous (Sections 121, 121-A, 124-A, 191, 192, 195-A, 201, 228-A, 229-A, 230 to 232, 268, 294-A and 295-A);

UNIT-II

General Exceptions (Sections 76 to 106), Joint, Constructive and Vicarious Liability (Mainly Sections 34 to 38, 141 to 149, 153-A, 153-B, 159 and 160), Criminal Conspiracy (Sections 120-A, 120-B);

UNIT-III

Offences Affecting Human Body (Sections 299 to 377);

UNIT-IV

Offences against Property (Sections 378 to 462);

UNIT-V

Offences Relating To Documents (Mainly Sections 463 to 471); Offences Relating To Marriage (Sections 493 to 498); Cruelty by Husband or Relative of Husband (Section 498-A); Defamation (Sections 499, 500); Criminal Intimidation, Insult and Annoyance (Sections 503 to 510);

LEADING CASES:

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

SUGGESTED READINGS:

- Hari Singh Gaur, Penal Law of India (4 volumes), 11th Edition, Law Publishers India Pvt. Ltd., 2018
- J.W. Cecil Turner, Kenny's on Outlines of Criminal Law, 19th Ed, Cambridge University Press, 1966
- K.D. Gaur, Commentary on Indian Penal Code 3rd Ed 2019, Central Law Publication
- K.D. Gaur, A Text Book on Indian Penal Code (Hindi)1st Ed 2020 Central Law Publication
- K.N. Chndranshekhar Pillai, Essay's on Indian Penal Code, Indian Law Institute. 2015
- Principles of Criminal Law by R C Nigam, Law of Crimes in India, Vol. I, AsiaPublishing House, New York.1965.

- P.S.A. Pillai's Criminal Law, 13th Ed. Revised by K.I. Vibhute, Lexis Nexis, New Delhi, 2018
- Ratanlal and Dhirajlal, The Indian Penal Code, Wadhwa and Company, Nagpur, 2018
- S.K. Savaria, R. A. Nelson's Indian Penal Code (4 Volumes), Lexis Nexis Delhi, 2019
- Smith and Hogan, Criminal Law, Oxford University Press, 2018
- Stephen, A History of Criminal Law of England, Vol. III (Last Chapter on Indian Penal Code), London, Macmillan, 1883
- T. Bhattacharyya Indian Penal Code,(Hindi)9th Ed. Central Law Agency, 2020
- T. Bhattacharyya Indian Penal Code, 10th Ed Central Law Agency, 2020

PAPER 2.3.

TRANSFER OF PROPERTY LAW, 1882 AND THE INDIAN EASEMENTS ACT, 1882

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

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

UNIT - I

Concepts, Meaning and Types of Properties

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

UNIT - II

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

Conditions Restraining Alienation, Enjoyment, Defeating Insolvency or Assignability; Transfers to Unborn Persons; Rule Against Perpetuity and Accumulation of Income; Vested and Contingent Interests; Conditions Precedent and Subsequent, Conditional Transfers; Doctrine of Election and Apportionment; Transfer of Immovable Property (Sections 38 to 53A): Doctrine of Holding Out; Feeding the Grant by Estoppel; Doctrine of Priority; Transfer *Lis Pendens*; Fraudulent Transfer; Doctrine of Part- Performance; Judicial Responses

UNIT - III

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

Meaning and Definition of Sale and Exchange; Distinction Between Sale and Exchange; Essentials of a Valid Sale, Distinction between Sale and Contract For Sale; Registration and

Effect of Non-Registration; Rights and Liabilities of a Buyer and Seller; Discharge for Encumbrances on Sale; Exchange, Rights and Liabilities of Parties

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

UNIT - IV

Lease (Sections 105 to 117):

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

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

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

UNIT - V

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

Definitions and Types of Easements; Essentials for Creation and Acquisition of Easements, Dominant and Servient Owners and Heritages, Grant, Custom, Necessity, Quasi-necessity, Prescription; Rights, Duties and Liabilities of Dominant and Servant Owners; Remedies for Disturbance of Easements; Extinction of Easements, Suspension and Revival of Easements; Licenses (Sections 52 to 64 of the Easement Act, 1882): Definition of License, Essentials of a License, Kind and Formalities; Transfer of License, Transfer of Grantor's Interest; Death of Licensor or Licensee; Rights, Duties and Liabilities of Licensee, Revocable and Irrevocable License; Rights of Licensee on Revocation and Eviction; Distinction between Lease and License

LEADING CASES:

- 1) Apollo Zipper India Limited v. W. Newman & Company Limited 6 SCC 765 2018
- 2) Associated Hostels of India Ltd. v. R.N. Kapoor, AIR 1959 SC 1262
- 3) F.M. Devaru Ganapathi Bhat v. Prabhakar Ganapathi Bhat, (2004) 2 SCC 504
- 4) J.N. Rao v. V. G. Bassarayappa, AIR 1956 SC 727.
- 5) M. L. Abdul Jabbar v. H. VenkataSastri and Sons, AIR 1969 SC 1147
- 6) Om Prakash & Another v. Mishri Lal (Dead) represented by his L.R. Savitri Devi AIR 2017 SC 1597.
- 7) R. Kempuraj v. M/S. Barton Son & Co. AIR 1970 SC 1872, 1970 SCR (2) 140
- 8) Rambhau Namdeo Gajre v. Narayan Bapuji Dhotra 2004 (8) SCC 614
- 9) Sridhar & Anr. v. N. Revanna & Ors. Civil Appeal No.1209 of 2020

(arising out of SLP (C) No. 7493 of 2014) SC 2020.

- 10) Suraj Lamp & Industries Pvt. Ltd. v. State of Haryana &Anr. Special Leave Petition (C) No.13917 of 2009.

SUGGESTED READINGS:

- Avtar Singh, Textbook on the Transfer of Property Act, Universal Law Publishing, 2016.
- Darashaw Vakil Revised by Dr. H R Jhingta Commentaries on The Transfer of Property Act (Set of 2 Volumes), 5th Ed., Lexis Nexis, 2017.
- PoonamPradhanSaxena, Property Law, LexisNexis, 2017.
- Radha Raman Gupta, Transfer of Property Act & Easement (Hindi) 7th Ed, Central Law Publications, 2019.
- Shrinivas Gupta, A Text Book on Transfer of Property Law, Thomson Reuters, 2016.
- Mulla, The Transfer of Property Act, 13th Ed., Lexis Nexis, 2018.
- Rajni Malhotra Dhingra, Transfer of Property Act, 1882 & Indian Easement Act, 1882, First Ed., Central Law Publications, 2017.
- Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002
- V. P. Sarathi's Law of Transfer of Property - Including Easements, Trusts and Wills, Malika Taly (ed.), Eastern Book Company, 2017.
- G. P.Tripathi, The Transfer Of Property Act (Hindi) 23rd Edition Central Law Agency 2017

PAPER 2.4.

COMPANY LAW AND THE COMPETITION ACT, 2002

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

The purpose of this course is to study the fundamental Concepts central to Company Law while giving an overview of the History and Evolution of the Modern day developments in Company law. It is also to study the internal functioning of a company while exploring the basic power structure in a company, the law regulating appointment of directors, the directors' duties, matters governing board meetings, matters governing company meetings, the concept of majority rule and its exceptions, modes of winding up of company and distribution of assets in the event of winding up inter-alia. The course will also examine and compare the application of Competition Law to business agreements, the exercise of dominant position, the combinations between the firms and sellers and the enforcement mechanisms.

UNIT - I

Concept, Nature and Meaning of Company:

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

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

UNIT - II

Promoters, Securities (Shares), Debentures:

Promoters: Fiduciary Relationship, Duties and Liabilities; Prospectus and Kinds of Prospectus; Shares: Meaning, Nature, Kinds; Securities (Shares): Allotment of Securities and Share Holdings; Issue of Shares; Certificate of Shares; Shareholders and Voting Rights; Transfer of Shares; Shareholders and Members; Share Capital and Kinds of Share Capital; Publication of Authorized, Subscribed and Paid Up Capital; Buy Back of shares; Dividends; Debentures - Meaning, Kinds and Characteristics; Appointment, Role and Qualification of Directors and Meetings of Boards: Role, Appointment and Types of Directors; Board of

Directors; Independent Directors; Legal Position of Directors; Appointment of Directors and Managerial Staff; Powers and Duties of Directors; Civil and Criminal Liability of Directors; Inspection, Inquiry and Disqualification of a Director; Removal of a Director; Types of Meetings;

UNIT - III

Compromise, Reconstruction, Amalgamation and Mergers:

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

UNIT - IV

Winding up Process:

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

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

UNIT - V

The Competition Act, 2002 (including the Amendment of 2023):

History and Development of Competition Law; Salient Features of the Competition Act; The Competition Act, 2002 differentiated with the MRTP Act, 1969; Prohibition of Certain Agreements, Abuse of Dominant Position and Regulation of Combinations; Competition Commission of India; Duties, Powers and Functions of the Commission; Duties of Director General; Penalties; Competition Advocacy; Finance, Accounts and Audit; Appellate Tribunal; Miscellaneous; Judicial Responses;

LEADING CASES:

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

- 4) Gilford Motor Co., Ltd. v. Horne (1933) 1 Ch. 935
- 5) Ashbury Railway Carriage and Iron Co. Ltd. v. Riche (1875) L.R.7 H.L.: (1874-80) All ER Rep. 2219 (HL)
- 6) Royal British Bank v. Turquand (1856) 119 ER 886 (1843-60) All ER Rep. 435
- 7) Shanti Prasad Jain v. Kalinga Tubes Ltd., AIR 1965 SC 1535
- 8) Seth Mohan Lal v. Grain Chambers Ltd., AIR 1968 SC 772
- 9) Hindustan Lever Employees' Union v. Hindustan Lever Ltd. AIR 1995 SC 470
- 10) Miheer H. Mafatlal v. Mafatlal Industrial Ltd. AIR 1997 SC 506

SUGGESTED READINGS:

- A. Ramaiya, Guide to the Companies Act, LexisNexis, Butterworths, Wadhwa, Nagpur, 2020
- Avtar Singh, Introduction to Company Law, 12th Ed Eastern Book Company, 2019.
- Avtar Singh, Company Law, (Hindi) Eastern Book Company, 2019.
- C.R. Datta, Datta on the Company Law, LexisNexis, Butterworths, Wadhwa, Nagpur, 2016
- Company Law Ready Reckoner: A Comprehensive Guide to Companies Act, 2013, 8th Edition, by Taxmann Publications.2020
- Kapoor G.K. and Dhamija Sanjay, Taxmann's Company Law & Practice, Taxmann, 2017.
- Prachi Manekar Wazalwar, National Company Law Tribunal and National Company Law Appellate Tribunal, 6th ed., , Bloomsbury India, 2019.
- S.C. Tripathi Competition Law, 2nd Ed. Central law Publication.2019
- J.N. Pandey, Company Vidhi,(Hindi) 9thEd.Central law Publication2019

PAPER 2.5.

PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

This course is designed in such a way that it covers both theoretical and practical aspects of International Law. This course provides an insight into Public International Law and its significance in the economically globalised world. It enables the students to understand the interdependence of the countries and how they are constantly addressing the global issues through peaceful measures. This course would help the students to understand both the theoretical framework and the working of international law. Understanding of these basic principles is a prerequisite for those students who seek to explore their career or academic interest in specific fields of international law. In view of the gaining significance of International Law of Human Rights, this course presents subtly an overview of the National and International perspectives of Human Rights along with the redressal mechanism.

UNIT - I

Definitions; Development and Nature; Public and Private International Law; Legality of International Law: Positive Morality; Basic Theories: Naturalist, Positivist, Grotius and Consent Theory; Sources and Subjects of International Law; Theories: Realistic, Fictional, Functional, Monistic, Dualistic; Specific Adoption Theory; Transformation Theory; Delegation Theory; International Law and Municipal Law: Concept of State; Essential Ingredients and Kinds of States; Territory of State; War, its Legal Character and Effects; The Law of Neutrality: Basis, Role, Rights and Duties of Neutral States;

UNIT - II

State Recognition and Succession: De Facto and De Jure; Theories of Recognition: Recognition of Government, Belligerency and Insurgency; Collective Recognition; State Jurisdiction; Territorial Sovereignty; Responsibility of States: Original and Vicarious; State Responsibility for various Acts: State Succession: Theories of State Succession; Rights and Duties arising out of State Succession; Law of Treaties: Concept and Kinds of Treaties; Binding Force of Treaties; *Pacta Sunt Servanda*; *Jus Cogens*; *Clausula Rebus Sic Stantibus*; Parties of a Treaty; Formation of a Treaty; Reservations; Invalidity and Termination of Treaties; Vienna Convention on the Law of Treaties;

UNIT - III

Law of the Sea:

Concepts of *Mare Liberum* and *Mare Clausum*; The *Anglo Norwegian Fisheries Case* and Its After Math; The Technological Revolution and the Utilization of the new resources of the sea; Population Explosion and Its Impact; Changing Concepts of Maritime Frontiers: Territorial Sea, Contiguous Zone, Continental Shelf & Exclusive Economic Zone, High Seas; Territorial Waters and Contiguous Zone; Principles for Determination of Maritime Frontiers And Maritime Boundaries under the Customary and Conventional Law; Exploitation of Deep Sea: Bed Resources: International Sea Bed Authority;

UNIT - IV

Individuals under International Law and International Institutions:

Position of Individuals; Nationality and Citizenship; Diplomatic Agents: Powers and Functions; Theories and Immunities; Asylum; Extradition; Relationship and difference between Extradition and Asylum; International Institutions: United Nations (U.N.): History and Formation of U.N., Charter of U.N.: Preamble, Purpose and Principles; Organs of United Nations: Powers and Functions; Jurisdiction and Contribution towards Development of International Law; Specialized Agencies: International Labour Organization (ILO); International Monetary Fund (IMF); World Health Organization (WHO); International Criminal Court (ICC);

UNIT – V

Human Rights:

Meaning, Concept, Classification, Historical Evolution and Theories; Basic Components of Human Rights: Value, Dignity, Equality, Justice, Morals, Ethics and Significance; International Bill of Human Rights (UDHR, ICCPR, ICESCR): Nature And Significance; Human Rights of Vulnerable and Disadvantaged Groups; Enforcement Mechanism of International Human Rights Commissions: Constitution, Powers and Functions; Human Rights Enforcement in India: The Protection of Human Rights Act, 1993; Judicial Responses;

LEADING CASES:

- 1) *Civil Air Transport Inc. v. Central Air Transport Corporation*, Judicial Committee of the Privy Council, (1953) AC 70.
- 2) *Corfu Channel case* (French: *Affaire du Détroit de Corfou*) International Court of Justice (ICJ) between 1947 and 1949
- 3) *Colombia v Peru* 1950 ICJ 6 (*Asylum Case*) International Court of Justice.
- 4) *North Sea Continental Shelf Case*, ICJ Report 1969, P. 39
- 5) *Nuremberg Trial*; The International Military Tribunal – Nuremberg, 1946 41 AJL 1947, P. 12.
- 6) *Re Castioni Case* (1891) Q.B. 149
- 7) *S.S. Lotus Case* (1927) PCIJ Series A No. 10\
- 8) *South West Africa Cases*, 1949 - 1971
- 9) *United Kingdom v. Norway (Anglo-Norwegian Fisheries Case)* (ICJ Report) (1951) 116

10) Zamora Case (1916) 2 AC 77

SUGGESTED READINGS:

- A. Boyle & C. Chinkin, *The Making of International Law*, Foundations of Public International Law, Oxford University Press, 2007
- H.O. Agarwal, *International Law & Human Rights*, 1st Ed. (Rep) Central Law Agency 2014
- James Crawford Brownlie, *Principles of International Law*, Oxford University Press, 2013.
- *Landmark Cases in Public International Law*, Editor(s): Eirik Bjorge, Cameron Miles, 1st ed., Bloomsbury Publishers, 2017
- L. F. L. Oppenheim's *International Law (9th Edition): Volume 1 Peace*; Edited by Robert Jennings, Arthur Watts KCMG QC, Oxford University Press, 2008.
- Mark Villiger, “The Factual Framework: Codification in Past and Present”, in *Customary International Law and Treaties*, Mark Villiger, pp.63-113, The Netherlands: Martinus Nijhoff, 1985
- R. P. Dhokalia, *The Codification of Public International Law*, United Kingdom: Manchester University Press, 1970
- Shaw, *International Law*, Cambridge University Press, 2008 (6th ed.)
- Sharma Satyendra Kumar, *Law of Sea and Exclusive Economic Zone*, Taxmann Publications, 2017
- S.K. Kapoor, *International Law & Human Right* 18th Ed., Central Law Agency, 2018
- Starke, *Introduction to International Law*, Oxford University Press, 2013

PAPER 2.6.

LABOUR AND INDUSTRIAL LAWS

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

The twenty-first century witnessed the development of Industrial jurisprudence in the country. This course is an attempt to study the laws relating to labour jurisprudence, industrial relations, social security, wages, health and working conditions of workers in various shops and commercial establishment in the country and to impart the students with an overview of judicial perspective on the recent labour legislations and finally it deals with the latest trends and developments in the Labour Laws to make it more dynamic and worthy.

UNIT - I

Concept and Growth of Labour Welfare Jurisprudence; Natural Justice, Concept of Social Justice and Labour; Constitution of India, 1950 [Articles: 14,19,21,23-24, 38, and 41-43A]; Labour and Judicial Process and Public Interest Legislation; Judicial Responses
Maternity Benefits Act, 1961 (including the Amendment Act, 2017): [Limited to Basic Overview] Need; Importance; Objectives; Definitions; Concept; Key Features of the Act(s); Penalties & Procedures;

UNIT - II

The Trade Unions Act, 1926 (including the Amendment Act, 2001):
Need; Importance; Objectives; Definitions; Concept; Key Features of the Act; Registration of Trade Unions; Rights and Liabilities of Registered Trade Unions; Regulations and Judicial Responses;
The Industrial Disputes Act, 1947: [Limited to Basic Overview]Need; Importance; Objectives; Definitions; Concept; Key Features of the Act; Penalties & Procedures;

UNIT - III

National Wage Policy; Genesis of West Regulations; Concepts of Minimum Fair, Living and Need based Minimum Wages
The Minimum Wages Act, 1948:[Limited to Basic Overview]Need; Importance; Objectives; Definitions; Concept; Key Features of the Act(s); Penalties & Procedures;
The Payment of Wages Act, 1936 (including the Amendment Act(s) of 2005 and 2017:[Limited to Basic Overview]Need; Importance; Objectives; Definitions; Concept; Key Features of the Act(s); Penalties & Procedures;

UNIT - IV

The Factories Act, 1948:Need; Importance; Objectives; Definitions; Concept; Key Features of the Act; the Inspecting Staff; Health; Safety; Provisions Relating to Hazardous Processes; Welfare; Working Hours of Adults; Employment of Young Persons; Annual Leave With Wages; Special Provisions; Penalties And Procedure;

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013:[Limited to Basic Overview]Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Judicial Responses;

UNIT - V

International Labour Organization (I.L.O.):

International Labour Organization (I.L.O.): Need, Importance, Objectives; Definition, Concept, Key features and History of the Organization;How the ILO works: ILO Director-General; Multilateral system; Partnering for Development Programme and budget; Accountability and Transparency; Organizational Structure; Member States; 2030 Development Agenda, Mission and Impact of I.L.O.; I.L.O. and Human Rights in India;

LEADING CASES:

- 1) Air India v. Nargesh Meerza, AIR 1981 SC 1830.
- 2) Alembic Chemical Works v. Its workman, AIR 1961, SC 647.
- 3) BalmerLawrie Workers Union Bombay v. BalmerLawrie& Co. Ltd. 1984 I. L.L. J. 314 SC
- 4) Bandhua Mukti Morcha v. Union of India AIR 1984 SC 802.
- 5) D. S. Nakara v. Union of India A. I. R. 1983 SC 130.
- 6) Express Newspaper Ltd. & others v. Union of India & others. AIR 1958 SC 578.
- 7) Jay Engineering Work Ltd. v. State of West Bengal AIR 1968 Cal. 406.
- 8) Rural Litigation and Entitlement Kendra Dehradun v. State of U.P. AIR 1985 S.C. 652.
- 9) Workmen of M/S Firestone Tyre and Rubber Co. of India v. Management AIR, 1973 SC 1227
- 10) Bangalore Water-Supply & Sewerage Board, Etc. v. R. Rajappa & Others 1978 SCR (3) 207

SUGGESTED READINGS:(Subject To The Applicability of Latest Amendments):

- Ganga Sahay Sharma, “Labour Laws” (Hindi), 7th Ed., Central Law Agency, 2019
- Government of India: Report of the Committee on Labour Welfare, 1970.
- Indrajeet Singh, ShramikVidhiyan, (Hindi) 23rd Ed. Central Law Publication, 2019
- Public Interest Litigation (with Model PIL Formats), Dr. B.L. Wadhwa, Universal Law Publishing 2014
- D.D. Seth, Commentaries on Industrial Dispute Act, 1947, Jain Book Agency,6th Ed., 2016
- J. K. Soonavala, Supreme Court on Industrial Law, Lexis Nexis, 4th Ed.,2017

- Meenu Paul, Labour and Industrial Law, Allahabad law agency, New Delhi, 9thEd.,2014
- O.P. Malhotra, Law of Industrial Disputes , ,7th Ed., Lexis Nexis, 2015
- S.C. Srivastva, Social Security and Labour Laws, 1985, EBC
- S. N. Mishra; An Introduction of Labour and Industrial Law, 29th Edition Central Law Publication, 2019
- S.N. Mishra; An Introduction of Labour and Industrial Law (Hindi), 29th Edition Central Law Publication, 2019.
- Ministry of Labour and Employment: List of Enactments in the Ministry:
<https://labour.gov.in/list-enactments-ministry>
 - ILO Official Website:
<https://www.ilo.org/global/about-the-ilo/lang--en/index.htm>
<https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/member-states/lang--en/index.htm>
 - India and ILO: <https://labour.gov.in/lcandilasdivision/india-ilo>

PAPER 2.7.

PRINCIPLES OF TAXATION LAW

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

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

UNIT - I

Income Tax Act, 1961 - I:

Objectives; Definition, Concept, Key Features of the Act; Importance and Significance of Taxation; Constitutional Provisions Relating to Taxation (265-289); Types of Tax Laws: Direct and Indirect Taxes; Residential Status of Persons; Heads of Income and Computation of Income: Income from Salaries; House Property: Self Occupied, Deductions and Computation of Income; Income from Let Out Exemption of property income from tax; Capital Gains; Profits and gains of Business or Profession; Income from other Sources Clubbing of Income; Set off and carry forward of losses; Rebates and Reliefs; Taxation of Natural and Legal Persons: An Overview: Individuals, Hindu Undivided Family, Companies and Firms, Association of Persons, Trust and Cooperative Societies, Charitable and Religious Institutions

UNIT - II

Income Tax Act, 1961 - II:

Assessment and Appeal Procedures:

Return of Income; Types of Assessment; Appellate Procedures; Authorities Under The Income Tax Act: Director General of Income Tax, Director of Income Tax-Additional Directors, Joint Director, Deputy Directors, Assistant Directors, Income Tax Officers, Tax Recovery Officers, Inspectors of Income Tax; Powers and Functions of Various Authorities:

Tax Avoidance, Tax Evasion and Tax Planning - Meaning and Distinction Inspections, Search, Seizure, Penalties for Tax Evasion and Tax Avoidance

UNIT - III

The Central Goods And Services Tax Act, 2017 - I:

Need, Importance, Objectives; Definition, Concept, Key Features for Enactment of the Act; Administration; Levy and Collection of Tax; Time and Value of Supply; Input Tax Credit; Registration; Tax Invoice, Credit and Debit Notes; Judicial Responses

UNIT - IV

The Central Goods And Services Tax Act, 2017 - II:

Accounts And Records; Returns; Payment of Tax; Refunds; Assessment; Audit; Inspection, Search, Seizure and Arrest; Demands and Recovery; Liability To Pay in Certain Cases; Advance Ruling; Appeals and Revision; Offences and Penalties; Transitional Provisions; Miscellaneous; Judicial Responses

UNIT - V

The Integrated Goods and Service Tax Act, 2017:

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

SUGGESTED READINGS:

- Income Tax Act, 1961
- The Integrated Goods And Service Tax Act, 2017
- The Central Goods And Services Tax Act, 2017 (12 of 2017) as amended by the - The Central Goods And Services Tax (Extension To Jammu And Kashmir) Act, 2017 (NO. 26 of 2017); The Finance Act, 2018 (NO. 13 OF 2018); The Central Goods And Services Tax (Amendment) Act, 2018 (NO. 31 OF 2018); The Finance (NO. 2) Act, 2019 (NO. 23 OF 2019); The Finance Act, 2020 (NO. 12 OF 2020); The Taxation And Other Laws (Relaxation Of Certain Provisions) Ordinance, 2020 available at - **(Updated as on 30.09.2020)** <https://cbic-gst.gov.in/pdf/CGST-Act-Updated-30092020.pdf>
- Vinod K. Singhania/Monica Singhania: Taxmann's Corporate Tax Planning & Business Tax Procedures with Case Studies-Legal Position(s) Amended up to 20th August 2020 (24th Edition September 2020)
- Atal Kumar, Taxation Laws, 3rd Ed. (Rep.), Central Law Publication, 2020
- Dr. H. C. Mehrotra, Prof. V.P. Agarwal, Goods and Services Tax (G.S.T) 5th Revised and Updated 5th edition (Hindi): Sahitya Bhawan Publications; (2018)

PAPER 2.8. (A)

MEDIATION, CONCILIATION AND ARBITRATION

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

1. Written Paper (Part – A) — 80 marks
There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
2. Practical Paper (Part – B) shall consist of total 20 Marks:
Project Work (With Viva-Voce)
[To be evaluated by one Internal and External Examiner] — 20 marks
Project/Assignment: 10 marks
Presentation: 10 marks

Practical Contents: Practical exercises may be devised to train students in developing crucial communication and negotiation skills, including summarizing of facts, neutral reframing, identification of issues, formulating objective criteria, conducting reality checks, assessing alternatives etc.

3. The candidate must pass in Parts A& B separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 29 marks out of 80 and 07 marks out of 20 marks.
4. The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

For the overall development of the students in this emerging field this paper is being introduced to train the students of law in the emerging field of Arbitration, Mediation, Conciliation and Negotiation with Theoretical and Practical Aspects of this subject which is indispensable at the level of National and International both for its importance.

UNIT - I

Understanding Conflict and Disputes:

Modes of Dispute Resolution, Need and Importance of Mediation; Mediation and Restorative Justice: Theory of Restorative Justice and its Application, Gandhian Principles of Non-Violent Conflict Resolution, Traditional Mediation Practices in India and Abroad

UNIT - II

Evolution of Mediation/Conciliation as a Mode of Settlement of Disputes, Distinction Between Arbitration, Mediation, Conciliation, Negotiation; Nature, Scope, Limitations and Necessity of Alternative Models of Disputes Resolution; Theory of Negotiation, Approaches to Negotiation Positional Bargaining, Interest-based Bargaining or Principled Negotiation Preparation for Negotiation Collaborative Communication Skills, Negotiating Skills, Negotiation Exercises

UNIT - III

Mediation and Conciliation:

Theory of Mediation, Role of the Mediator (Court Annexed and Private), Preparation for Mediation /Conciliation Process; Confidentiality and Neutrality; How to Write An Award; Ethical Issues in Mediation /Conciliation Mediation in India, Institutions, Their Role; Theory of Mediation Laws in India: Role of the Mediator,(Court Annexed and Private), Preparation for Mediation /Conciliation Process; Judicial Interpretation and Relevant Case Law, Dispute Resolution Institutions in India; Key Concepts in Mediation: Essential Elements, Process and Stages, Approaches to Mediation, Role of the Mediator

UNIT - IV

Importance of Communication: Elements of Verbal and Non-Verbal Communication, Effective and Ineffective Communication Techniques; Conducting Effective Mediation: Decision-making Techniques, Problem-Solving Tactics, Ensuring Positive Outcomes
Qualities and Skills of Mediators: Developing Mediation Skills, Code of Ethics, Confidentiality Requirements; Status of Mediated Agreements: Drafting of Agreements, Sanctity of Mediated Agreements, Enforcement Laws and Procedures Important Developments in Mediation: Growth of Virtual Dispute Resolution, Pre-Institution Mediation, UNCITRAL Model Law, Singapore Convention; Contemporary Developments

UNIT – V

Arbitration:

The Arbitration and Conciliation Act, 1996 (including the Amendment Acts of 2015, 2019 and 2021): Need, Importance, Objectives; Definition, Concept, Key Features of the Acts /Amendments / Ordinance; Judicial Responses; Conducting Mock Arbitration on a Decided Case;

SUGGESTED READINGS:

- Sriram Panchu Mediation Practice & Law: The Path to Successful Dispute Resolution LexisNexis, 2015
- Mediation and Conciliation Project Committee, Supreme Court of India, Mediation Training Manual of India; available at – <https://main.sci.gov.in/mediation>
- Stephanie P. Stobbe, et. al. Conflict Resolution in Asia, Mediation and Other Cultural Models, Lexington Books, 2020
- A. Omkar and Kritika Krishnamurthy, The Art of Negotiation and Mediation: A Wishbone, Funny bone and Backbone, LexisNexis, 2015
- Christopher Moore The Mediation Process: Practical Strategies for Resolving Conflict: 3rd Revised ed. Jossey Bass; (2003)
- Ramin Jahan begloo Introduction to Non-Violence Red Globe Press 2014
- Joel Leet.al., An Asian Perspective on Mediation EBC 2008
- Avtar Singh, Law of Arbitration and Conciliation (Hindi) 11th Ed., EBC 2021

PAPER 2.8. (B):

VIVA—VOCE EXAMINATION

**20 Marks
(10 + 10)**

Candidates shall prepare a project of 20-30 pages (Case Comment) on any Leading/Landmark Case Law allotted by the subject teacher following the ILI footnoting available at: <https://ili.ac.in/footnoting12.pdf>

Viva-voce examination shall be conducted and evaluated on the basis of the project submitted by the candidate and his/her performance at the viva-voce examination by a Committee of three persons in which, there shall be Two Internal Examiners and One External Examiner. In case of discrepancy in the awards, the awards given by External Examiner shall be final and binding.

PAPER 2.9.

PROFESSIONAL ETHICS & PROFESSIONAL ACCOUNTING SYSTEM

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts;

- | | | |
|-----------------------------|---|----------|
| (a) Practical written paper | — | 80 marks |
| (b) Viva voce examination | — | 20 marks |

[To be evaluated by one Internal and one External Examiner and the decision of External Examiner shall be final and binding]

The candidate must pass in PART(A) and (B) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 29 marks out of 80 and 7 marks out of 20 marks.

- (1) The entire syllabus shall be divided into FIVE UNITS.
- (2) There shall be a total of ten questions in the examination paper. The Paper Setter is required to set Two Questions from each Unit. All questions will carry equal marks.
- (3) The candidate is required to attempt a total of FIVE questions while attempting ONE question from each unit compulsorily.
- (4) Each question of these units shall be of sixteen (16) marks
- (5) In order to ensure that students do not leave out important portions of the syllabus, examiners will be free to repeat the questions set in the previous examination.
- (6) Leading cases prescribed under this paper may be read wherever they are relevant.
- (7) Paper setters are advised to frame the question paper including descriptive questions, problem based questions and short notes etc. covering the whole syllabus including latest amendments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

Professional ethics form the foundation in the lives of the lawyers. It means that lawyers have the constitutional obligation to take up the case of every person who approaches them for legal representation. These and many other similar other questions trouble the mind of new entrants to law practice. The lawyers have to adopt ethical practices in all spheres of their profession from meeting clients, giving them legal counselling, presenting their cases before appropriate bodies, managing client's accounts, etc. This paper covers this wide spectrum of lawyers' conduct.

UNIT - I

Professional Ethics and Professional Accounting:

The Necessity of the Professional Ethics; The Art of Advocacy; Professional Ethics; Nature of Professional Ethics and the Problems of the Code of Ethics; Advantages of having codified

Professional Ethics; Professional Ethics - Rules of Conduct. Standards of Professional Conduct and Etiquette: Duties to the Clients;

UNIT -II

The Advocates Act, 1961:

Need, Importance, Objectives; Definition, Concept, Key Features of the Act; Bar Councils; Admission and Enrolment of Advocates; Right to Practise; Conduct of Advocates; Miscellaneous; Judicial Responses;

Image / Position of Legal Profession in Society; Advocacy is a Profession not a Business; Legal Profession is a Noble Profession; Deterioration in Image of Legal Profession in Independent India; Role of Lawyers in Society;

UNIT - III

The Contempt of Courts Act, 1971:

Objectives; Definition, Concept, Key Features of the Act; Contempt and its Heads; Exemptions Heads for Contempt created by Legislations and Courts; Complaint Against Presiding officers of Subordinate Courts when not contempt; Publication of Information Relating to Proceedings in Chambers or in Camera Not Contempt Except in Certain Cases; Other Defences Not Affected; Power of High Court to Punish Contempt's of Subordinate Courts;

UNIT - IV

Power of High Court to Try Offences Committed or Offenders Found Outside Jurisdiction; Punishment for Contempt of Court; Contempt's Not Punishable in Certain Cases; Procedure Where Contempt is in the face of the Supreme Court or a High Court; Criminal Contempt and Cognizance in Other Cases; Procedure After Cognizance; Hearing of Cases of Criminal Contempt; Appeals; Limitations; Non-applicability of the Act; Related Judicial Responses;

UNIT - V

Bar-Bench Relationship:

General Conception; Advocates Duty to the Court; Duty to the Client; Duty to the opponent; Duty to Colleagues; Duty in Imparting Training; Duty to render Legal Aid; Duty of Judge towards the Advocate; Duty of the Bar towards the Bench; Grounds of disputes in Bar-Bench Relations; Suggestions to Improve Bar-Bench Relations; Restrictions on Senior Advocates; Standards of Professional Conduct and Etiquette; Rules Relating to Advocates' Right to Take up Law Teaching.

LEADING CASES AND OPINION OF B.C.I.:

- 1) An Advocate v. Bar Council of India, 1989 Supp (2) SCC 25
- 2) Bal Thackery v. Harish Pimpa and Others (2005) 1 SCC 254E
- 3) Bhupinder Kumar Sharma v. Bar Assn., Pathankot, (2002) 1 SCC 470
- 4) D.P. Chadha v. TriyugiNarain Mishra, (2001) 2 SCC 221
- 5) D.S. Dalal v. State Bank of India and others. AIR 1993 S.C.1608
- 6) Ex-Capt. Harish Uppal v. Union of India, (2003) 2 SCC 45

- 7) In Re Arundhati Roy, AIR 2002 SC 1375
- 8) In Re Vinay Chandra Mishra, (1995) 2 SCC 584
- 9) Noratanmal Chaurasia v. M.R. Murli (2004) 5 SCC 689
- 10) SC Bar Association v. UOI, AIR 1998 SC 1895

SUGGESTED READINGS:

- Anirudh Prasad, Legal Education & the Ethics of Legal Profession of India, 1st Ed., University Book House Pvt Ltd, 2018.
- Ben W. Heineman, Jr., William F. Lee, David B. Wilkins, Lawyers as Professionals and as Citizens: Key Roles and Responsibilities in the 21st Century (2014) available at-
https://clp.law.harvard.edu/assets/Professionalism-Project-Essay_11.20.14.pdf
- Conference Skills, Inns of Court School of Law, Oxford University Press, 2005
- Don Peters, The Joy of Lawyering, pp. 5-20, available at -
<https://dullbonline.wordpress.com/2017/09/15/don-peters-the-joy-of-lawyering-clientinterviewing/>
- Francis L. Wellman, The Art of Cross Examination, available at-
[http://www.delhihighcourt.nic.in/library/articles/the%20art%20of%20cross%20examination\[1\].pdf](http://www.delhihighcourt.nic.in/library/articles/the%20art%20of%20cross%20examination[1].pdf)
- G.C.V. SubbaRao, Commentary on Contempt of Courts Act, 1971 (2014)
- Geoffrey C. Hazard Jr., Responsibilities of Judges and Advocates in Civil and Common Law: Some Lingering Misconceptions Concerning Civil Lawsuits (2006), available at
http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2091&context=faculty_scholarship
- Justice Mirza Hameedullah Beg, Role of the Bench and the Bar, available at
<http://www.allahabadhighcourt.in/event/RoleoftheBenchandtheBarMHBeg.pdf>
- Krishnaswami Iyer's Professional Conduct and Advocacy (1945), available at-
<https://archive.org/details/professionalcond029273mbp>
- Ranadhir Kumar De, Contempt of Court Law & Practice (2012) Wadhwa Book Company

VIVA—VOCE EXAMINATION

**20 Marks
(10 + 10)**

Candidates shall prepare a project of 20 - 30 pages (Case Comment) on any Leading/Landmark Case Law allotted by the subject teacher following the following the ILI footnoting available at: <https://ili.ac.in/footnoting12.pdf>.

Viva-voce examination shall be conducted and evaluated on the basis of the project submitted by the candidate and his/her performance at the viva-voce examination by a Committee of three persons in which, there shall be Two Internal Examiners and One External Examiner. In case of discrepancy in the awards, the awards given by External Examiner shall be final and binding.