

SYLLABUS
BACHELOR OF LAWS PART-III
(5YEAR COURSE) (FIFTH AND SIXTH SEMESETERS)
FOR 2019-20, 2020-21 AND 2021-22 SESSIONS
SCHEME OF STUDIES

FIFTH SEMESTER

Paper	Subject	Univ. Exam.	Internal* Assessment	Max. Marks
I	Legal History	74	26	100
II	Environment Law	74	26	100
III	Law of Property	74	26	100
IV	Labour and Industrial Law-I	74	26	100
V	Administrative Law	74	26	100
	Total	370	130	500

SIXTH SEMESTER

Paper	Subject	Univ. Exam.	Internal* Assessment	Max. Marks
I	Jurisprudence	74	26	100
II	Law of Taxation	74	26	100
III	Company Law	74	26	100
IV	Labour and Industrial Law-II	74	26	100
V	Option: Any one of the following: (a)International Organisations (b)Gender Justice (c) Media and Law	74	26	100
	Total	370	130	500

***The break-up of 26 marks for Internal Assessment will be as under:**

(a) Attendance	- 05 Marks
(b) Written Assignment/Project Work etc.	- 11 Marks
(c) Two Mid-Semester Test/Internal Examination	- 10 Marks
Total	- 26 Marks

(A) GENERAL INSTRUCTIONS FOR THE PAPER- SETTER FOR ALL THE PAPERS

1. The maximum marks for each PAPER are 74 and the time allowed is 3 hours.
2. The minimum Marks required to pass each PAPER shall be 45% and 50% in aggregate.
3. The question-paper will consist of three units; I, II, III. Unit I and II will have Four questions from the respective units of the syllabus and will carry 11 marks each. Unit III will consist of 10 short answer type questions, which will cover the entire syllabus uniformly and will carry 30 marks in all.

(B) INSTRUCTIONS FOR THE CANDIDATES

Candidates are required to attempt Two question each from the Units I, II. The question paper and the entire Unit III.

B.A.LL.B 5th Semester

Paper-I:- Legal History

UNIT-I

-- System of Governance during Vedic Period :-

Evolution of Raja and his significance, Sabha and Samiti, Rajya and Judiciary, Vedic code of punishment

-- Hindu Law and Dharma.

-- Manusmriti :-

Its significance, commentaries on Manusmriti, Rules governing Civil and Criminal matters, Duties of husband and wife, Criticism of Manusmriti

-- Kautilya's Arthashastra:-

Its significance, Courts of Justice, Legal procedure, Rules governing Civil and Criminal matters

-- Islamic Jurisprudence:-

Evolution of Islam, Historical Development of Islamic Law, Sources of Islamic law, Concept of Shariat and Fiqh, Schools of Islamic law,

-- Application of Mohammedan law in India.

-- Administration of Hindu law during Muslim period

UNIT-II

-- British system of Administering justice.

-- Government of India Act, 1858.

-- Charter Act, 1861.

-- Government of India Act, 1909.

-- Government of India Act, 1919.

-- Government of India Act, 1935.

-- Salient features of Indian Independence Act, 1947.

-- Judicial Activism and Development of law.

SUGGESTED READINGS

- V.D Kulshreshtha : Landmarks in India Legal and Constitutional History.
- M.P Jain : Constitutional History of India.
- D.D Aggarwal: : Jurisprudence in India: Through the Ages.
- Rama Jois : Legal and Constitutional History of India.
- S.C Tripathi : Indian Legal & Constitutional History.

Paper-II:- Environmental Law

UNIT-I

- Meaning, Definition & Kinds of Pollution, Pollution by Fireworks.
- Ecology System.
- Factors Affecting the Environment in India.
- General Legal Provisions relating to Control of Pollution.
- Constitution of India Articles 21,48A, 51A(g).
- Code of Civil Procedure Section 91.
- Code of Criminal Procedure Section 133.
- Indian Penal Code Ss. 268, 270, 278, 290.
- Law of Torts and Judicial Remedies.
- Environment Protection Act, 1986.
- Salient Features of National Green Tribunals Act, 2010.
- Salient Features of Sustainable Development.
- Role of Judiciary in India for the protection of Environment.
- Principles of Stockholm Declaration on the Human Environment 1972.
- Principles under the Rio Declaration on Environment & Development 1992.

UNIT-II

- **The Water (Prevention and Control of Pollution) Act, 1974.**
- Definition Clause
- Constitution of Central and State Board and its functions
- Joint Boards
- Power to take samples of effluents and result of analysis on samples
- Restriction on New outlets and new Discharges
- Emergency measures in case of pollution of stream or well

- Cognizance of offences and penalties
- Appeals
- **The Air (Prevention and Control of Pollution) Act, 1981. Problem of Stubble burning**
- Definition Clause
- Constitution of Central and State Board and terms, conditions and disqualification of members.
- Functions of Central and State Board
- Power to take samples of Air pollutant emissions and result of analysis
- Restriction on use of certain industrial plants
- State Air laboratory
- Cognizance of offences and penalties
- Appeals
- Problem of stubble burning

Noise Pollution and Law.

- Meaning, Concept and Effects of Noise Pollution
- Legislative measures to Control Noise Pollution
- Noise Pollution and Constitution Provisions

Wild Life Protection Act, 1972

- Constitution of National Board and Functions of National Board
- Constitution of State Board and Duties of State Board
- Prevention and Detection of Offences
- Penalties

SUGGESTED READINGS

1. Report of the Committee for Recommending Legislative Measures and Administrative machinery for Ensuring Environmental Protection known as Tiwari Committee, 1981.
2. Dr. Paramjit Jaswal, Environment Law.
3. Shyam Divan & Armin Rosencranz, Environmental Law and Policy in India Cases, Materials and Statute, 2001.
4. Paras Diwan (Ed Environmental Protection- Problems, Policy Administration law, 1987.
5. N.S. Kamboj, Control of Noise Pollution, 1999.
6. All Relevant Bare Acts relating to Environment Pollution.
7. S.C. Shashtri, Environment Law.

Paper-III:- Law of Property

UNIT-I

- Definitions (Section 3).
- Transfer by the act of Parties (Section 5).
- Non Transferable Properties (Section 6).
- Persons Competent to transfer and operation of transfer (Section 7-8).
- Conditions restraining alienations (Section 10).
- Transfer for the benefit of an unborn person (Section 13).
- Rule against perpetuity (Sections 14-18).
- Doctrine of Election (Section 35).
- Bona fide Purchaser (Section 41)
- Transfer by Unauthorised persons -Feeding the grant by Estoppel (Section 43).
- Tranferee's right under Insurance Policy (Section 49).
- Doctrine of Lis Pendens (Section 52)
- Doctrine of Part-performance (Section 53-A).

UNIT-II

- Definition of Mortgage
- Essential elements of Mortgage.
- Kinds of Mortgage.
- Mortgager's Right to redeem (Section 60).
- Definition of Charge (Section 100).
- Kinds of Charge.
- Distinction between Charge and Mortgage.
- Definition of Sale (Section 54).
- Essentials of Sale.

- Rights and Liabilities of Buyer and Seller (Section 55).
- Definition of Exchange (Section 118).
- Distinction between Sale and Exchange (Sections 54 & 118).

- Definition of Gift (Section 122).
- Essentials of Gift.

Prescribed books:

- S.N Sukla : Transfer of Property Act
- R.K. Sinha : The Transfer of Property Act 1882

SUGGESTED READINGS

1. Avtar Singh : Transfer of Property
2. Mulla : Transfer of Property Act, 1882
3. G.P. Tripathi : The Transferal Property Act

Paper-IV:- Labour and Industrial Law-I

UNIT-I

The Factories Act, 1948

- Object and salient features of the Act.
- Definitions
- Worker's health.
- Worker's Welfare.
- Working hours of adults.
- Employment of young person.
- Authorities under the Act

The Trade Union Act, 1926.

- Object and Salient features of the Act.
- Definitions.
- Registration of Trade Union.
- Position of Unregistered and recognized Trade Union.
- Rights of Registered Trade Union.
- Liabilities of Registered Trade Union.
- Amalgamation of Trade Union.
- Dissolution.
- Role of Judiciary in safeguarding the rights of workmen.

UNIT-II

The Industrial Disputes Act, 1947

- Object and Salient feature of Act
- Definitions

Authorities under the Act

- Works Committee
- Conciliation Officer
- Board of Conciliation
- Court of Enquiry
- Labour Courts
- Tribunals
- National Tribunals
- References of disputes to Boards, courts or tribunals, voluntary reference of disputes to arbitration.
- Strikes and lock outs
- Prohibition of strikes and Illegal strikes.
- Prohibition of financial aid to illegal strikes and lock outs.
- Lay-Off.
- Retrenchment.
- Unfair Labour Practice

SUGGESTED READINGS

Report of the National Commission on Labour (1969)

Indian Law Institute, Labour Law and Labour Relation, 1957

- | | | |
|--------------|---|----------------------------|
| G.M. Kothari | : | A Study of Industrial Law |
| S.N. Mishra | : | Industrial and Labour Law |
| V.G. Goswami | : | Industrial and Labour Laws |
| S.K. Puri | : | Industrial and Labour Laws |
| D.S. Chopra | : | Minimum Wages Act |
| D.S. Chopra | : | Payment of Wages Act |

S.C. Srivastava : Women's Compensation Act
P.L. Malik : Employee State Insurance Act
Bare Act : The Trade Union (Amendment) Act, 2001.

Paper-V:- Administrative Law

UNIT-I

General Principles of Administrative Law

Definition and scope of Administrative Law; Origin and Reasons for growth of Administrative Law in India, United Kingdom and United States of America.

Relationship between Constitutional Law and Administrative Law

Concept of Rule of Law, Rule of Law and the Indian Constitution.

Doctrine of Separation of Powers.

Right to Open Government; Official Secrecy and Privilege to withhold disclosure of documents.

Binding nature of Statute.

Legislative Powers of Administration

Meaning of Delegated Legislation. Conditional Legislation and Executive Legislation

Necessity of delegated legislation, Merits and demerits of delegated legislation, Types of Delegated Legislation, Constitutionality of delegated legislation, legislative, judicial and procedural control of delegated legislation.

Powers of Investigation and Commission of Inquiry.

UNIT-II

Scope and grounds of Judicial review

Jurisdictional error

Abuse of discretion

Non application of mind

Error apparent on the face of record

Administrative Adjudication and Principles of Natural justice.

Administrative Tribunals and other institution and procedure

Constitutional provisions on Tribunals under Articles 323-A and 323-B.

Administrative Tribunals Act, 1985.

Constitution, Powers and procedure of the Administrative
Tribunals under the Act

Public corporations: Meaning, Characteristics & Necessity, parliamentary and government control over public corporations; Liability of the public corporations.

Ombudsman & Lokpal

SUGGESTED READINGS

1. I.P. Massey : Administrative Law
2. Justice Thakur : Administrative Law
3. D.D. Basu : Comparative Administrative Law
4. Jain & Jain : Principles of Administrative Law
5. S.P. Sathe : Administrative Law
6. Lokpal and Lokayukta Act 2013

Paper-I:- Jurisprudence

UNIT-I

- Jurisprudence- Meaning, Nature and Scope.
- Definition of Law, Classification of Law. Relation between Law and Morals.
- Sources of Law
- Custom- Meaning, Kinds, Essentials of a valid custom, when does a custom become Law?
- Precedent: Meaning, Importance, Merits and Demerits. Doctrine of Precedent and its operation in India. Do the judges make Law?
- Legislation: Meaning, Supreme and Subordinate Legislation.
- Concept of Administration of Justice, Difference between Administration of Civil Justice and Criminal Justice, Theories of punishment.
- State: Definition, Elements of State, Theories of origin of State, Relation between law and State.
- Codification: Meaning, Classification, Merits and Demerits.
- Rights and Duties: Meaning, Theories of Legal right, Elements of Legal right, Classification of Rights and Duties.
- Personality: Meaning and Nature of Legal Personality, Legal Status of unborn person, Dead man, Animals, Idol and State, Nature of Corporate Personality, Theories of Corporate Personality, Advantages of Incorporation liability of Corporation.

UNIT-II

- Kelsen's Pure theory of law.
- Historical School of law.
- Sociological School of law.
- Analytical school of Law.
- Natural Law school.

- Possession: Meaning, Kinds of Possession, Analysis of Possession, Possessory Remedies, Rights of Possessor, Acquisition of Possession.
- Ownership: Definition, Essentials of ownership, Kinds of ownership, Modes of Acquisition of ownership.
- Property: Meaning, Theories of Property, Kinds of Property, Modes of Acquisition of Property.

SUGGESTED READINGS

1. Friedman W. : Legal Theory.
2. B.N.M. Tripathi : An Introduction to Jurisprudence.
3. S.N Dhyani : Fundamentals of Jurisprudence.
4. Dias : Jurisprudence.
5. vkH tfozdo e[wko e" f;ae ftXh ;ak;so dh ikD- - gSkD
6. N.V. Paranjape : Studies in Jurisprudence & Legal Theory

Paper-II: - Law of Taxation

UNIT-I

- Constitutional Provisions, Concept of Tax, Nature and Characteristics of Taxes.
- Distinction between: Tax and Fee, Tax and Cess, Direct and Indirect Taxes.
- Income Tax Law- Definitions: Income, Total Income, Assessee, Person, Assessment year, Previous Year, Capital Asset.
- Charge of Income Tax (Section 4), Incidence of Tax (Section 5), Residential Status of an Assessee (Section 6)
- Heads of Income (Section 14).
- Income under the Head "Salaries" (Section 15-17).
- Income under the Head "Income from House Property" (Section 22-27).
- Income under the Head " Profits and Gains from Business or Profession"(Sections28-44)
- Income under the Head "Capital Gains" (Sections 45(1), 54 54B, 54D, 54EC, 54ED, 54F, 54G, 54GA)
- Income under the Head "Income from Other Sources" (Section 56-59)
- Deductions to be made in computing Total Income (Section 80A-80GGC)
- Rebates and Reliefs of Income Tax (Section 87-89)

UNIT-II

- Income of other Persons included in Assessee's Total Income (Section 60-65)
- Set off and Carry forward and Set off of Losses (Section 70-80)
- Income Tax Authorities and their Powers (Sections 116, 131-36)
- Return of Income (Section 139(1) & Section 140), Return of Loss (Section 139(3)), Belated Return (Section 139(4)), Revised Return (Section 139(5)),Permanent Account Number (Section 139(A)), Self Assessment (Section 140 A),Best Judgment Assessment (Section 144-145),Income Escaping Assessment (Section 147-148)

- Advance Payment of Tax (Section 207-11, 217 & 219)
- Refunds (Section 237-241)
- Penalties and Prosecutions (Section 270-280)
- Salient features of Central Goods and Services Tax Act, 2017

SUGGESTED READINGS

1. Dr. Vinod K. Singhania : Student Guide to Income Tax.
2. Dr. Vinod K. Sanghania : Direct Taxes Law & Practice.
3. Kailash Rai : Taxation Laws.
4. Dr. Garish Ahuja : Systematic Approach to Income Tax & GST
5. Nani Palkivala : Income Tax.
6. V.P. Gour and D.B. Narang : Income Tax Law & Practice.
7. Narula : Taxation Law.
8. Central Goods and Services Tax Act, 2017

Paper-III:- Company Law

UNIT-I

Corporate Personality: Definition of Company, Extent and application of Companies Act, 2013, Nature of Corporate form and advantages, Disadvantages of incorporation, Kind of Company.

Registration and Incorporation: Formation of Company, Promoters, Certificate of incorporation, Pre-incorporation contracts, Commencement of business.

Memorandum of Association: Contents, or Clauses of Memorandum of Association, Rule of ultra vires.

Articles of Association: Contents, Alteration, Binding force of Memorandum and articles, Doctrine of constructive notice and indoor management.

Prospectus: Definition, Contents, Liability for misrepresentation or untrue statement in prospectus.

Shares: Allotment, Restriction on allotment, Share certificate, Transfer of shares, Forged transfer, Issue of shares- on premium and discount, Call on shares, forfeiture of shares, surrender of shares, Lien on shares, Dividend on shares.

Debentures: Meaning, Usual features, Kinds of debentures, fixed and Floating charge, Crystallisation of floating charge, Remedies of debenture holders, Share holder compared with debenture holder.

UNIT-II

Member: Modes of membership, who may be member, Ceaser of membership, Register of members, Inspection and closing of register, Rectification of register, Annual returns.

Directors: Appointment, Qualification, Vacantion of office, Removal, Powers, Position and Duties, Corporate Social Responsibility.

Meetings: Kinds, Notice, Quorum, Voting, Kinds of resolutions.

Investigation: Investigation of Companies Affairs (Section 201-229)

Prevention of oppressing and mismanagement: Majority powers and Minority rights- Rule in Foss v. Harbottle, Prevention of oppression and mismanagement (Sections: 241-246).

Merger & Amalgamation

Winding up of Company: Modes- Winding up by Tribunal- Grounds, Who can apply, Powers of Tribunal, Commencement of winding up, Consequences of winding up order, dissolution of company.

SUGGESTED READINGS

1. Avtar Singh : Company Law
2. Kailash Rai : Company Law
3. S.M. Shah : Company Law
4. Dr. N.V. Paranjape : Company Law
5. S.R. Myneni : Company Law
6. The Companies Act, 2013 (Bare Act)
7. A. Ramaiya Guide to the Companies Act

Paper-IV:- Labour and Industrial Law-II

UNIT-I

The Payment of Wages Act, 1936

- Object and Salient Features of the Act.
- Definitions
- Responsibility for payment of Wages.
- Wage period and time of payment of wages, mode of payment.
- Deductions which may be made from wages.
- Contracting Out.
- Authorities under the Act.

The Bonded Labour System (Abolition) Act, 1976

- Aims and Objectives of the Act.
- Definitions
- Constitutional and legal provisions.
- Liability to repay bonded debt to stand extinguished.
- Property of bonded labour to be freed from Mortgage.
- Forced bonded labour not to be evicted from homestead.
- Authorities for implementing the provisions of the Act.

The Minimum Wages Act, 1948

- Object and salient features of the Act.
- Definitions
- Procedure for fixing and revising minimum wages.
- Exemption of employer from liability in certain cases.
- Contracting Out.

The Equal Remuneration Act, 1976

- Object and Salient features of the Act.
- Definitions
- Equal Remuneration to men and women.

- No discrimination to be made while recruiting men and women workers.
- Advisory Committee.
- Power of appropriate Government to appoint authorities for hearing and deciding claims and complaint.

UNIT-II

The Employees Compensation Act, 1923

- Object and aims of the Act.
- Definitions
- Employers liability for compensation.
- Notional Extension of Employer's premises.
- Review of Compensation.
- Notice and Claims of the accident.
- Power to require from employer statement regarding fatal accidents.
- Reports of fatal accidents and serious bodily injuries.
- Medical Examination and consequences of non-submission to medical examination.
- Liability for contractor's employers.
- Remedies of employer against stranger.
- Attachment, assignment and charge on compensation.
- Compensation to be first charge on assets transferred by employer.
- Contracting Out.
- Penalties.

The Employees State Insurance Act, 1948

- Object and Salient features of Act.
- Definitions
- Contributions.

- Benefits.
- Adjudication of disputes and claims.
- Penalties.

SUGGESTED READINGS

Report of the National Commission on Labour (1969)

Indian Law Institute, Labour Law and Labour Relation, 1957.

G.M. Kothari	:	A Study of Industrial law.
S.N. Mishra	:	Industrial and Labour Law
V.G. Goswami	:	Industrial and Labour Law
S.K. Puri	:	Industrial and Labour Law
D.S. Chopra	:	Minimum Wages Act
D.S. Chopra	:	Payment of Wages Act
S.C. Srivastava	:	Workmen's Compensation Act
P.L. Malik	:	Employee State Insurance Act

Paper-V:- Option: Any one of the following

Option Paper-(a) International Organisations

UNIT-I

Definition and types of International Organisations. Historical Evolution of International Organizations.

Nature and Classification of Organisations, United Nations Principles and Practices and its structural components.

Structure of United Nations -

General Assembly, the Security Council, The Economic and Social Council, The trusteeship system and Trusteeship Council, The international Court of Justice, The Secretariat

Aims and Objectives of Regional Organisations: North Atlantic Treaty Organisations (NATO); The European Union; Organisations of African Unity; the Arab League; ASEAN and SAARC.

UNIT-II

Aims and Objectives of the following International Organisations: WTO, ILO, International Court of Justice, International Centre for Settlement of Investment Disputes, International non Governmental Organisations (Amnesty International).

International Personality and legal status of International Organisations.

Privilege & Immunities attached to the Organisations & to its personnel.

Responsibility of the International Organisation. Dissolution of International Organisations and Problems of Succession.

SUGGESTED READINGS

- | | | |
|----------------------|---|-----------------------------------------------------------|
| D.W. Bowett | : | The Law of International Institutions. |
| Potner Pitman | : | Introduction to the Study of International Organisations. |
| Stephen S. Goodspeed | : | Nature and Functions of International Organisations. |
| Malcolin Shaw | : | International Law |

Option Paper-(b) Gender Justice

UNIT-I

Concept of Gender- Biological Distinction

- Constitutional Safeguards and Role of Judiciary.
- Convention on Elimination of All Forms of Discrimination Against Women.
- Protection of women from Domestic Violence

Gender Justice and Personal Laws

- Adoption and Guardianship Rights.
- Property and Inheritance Rights.
- Rights of Maintenance.
- Uniform Civil Code towards Gender Justice.

UNIT-II

Gender Related Crimes

- Child marriage
- Prostitution and Trafficking
- Female feticide
- Sexual harassment of Women.

Gender Justice Issues

- Women and Work
- Women and Health
- Women and Education

SUGGESTED READINGS

1. Aggarwal, Bina Patriarchy and the Modernizing State: An introduction, in Aggarwal Bina(ed.) Structures of Patriarchy, Kali for Women, New Delhi, 1988.
2. Julia Cleves Mosse, half the World, half a Chance: An Introduction to Gender Development, What is Gender? Oxford, UK 1993.

3. Myneni, S.R. Women and Law, Asia Law House, Hyderabad, 2005.
4. Merry, Sally Engle, Human Rights and Gender Violence Translating International Law into Local Justice, Oxford University Press, New Delhi, 2009.
5. Tripathi, S.C., Law Relating to Women and Children, Central Law Publication Allahabad, 2008.
6. Chakrabarti, N.K., Gender Justice, R. Cambray and Company, Kolkata, 2007 Towards Equality- Report of the Committee on the Status of Women (Govt. of India).
7. Nijjar, M.S and Manpreet Kaur- Law Relating to Property Rights of Hindu Women.
8. Mamta Rao- Law relating to Women and Children.
9. Monica Chawla - Gender Justice- Law Relating to Women in India

Option Paper-(c) Media and Law

UNIT-I

- Freedom of Expression in Indian Constitution.
- Media Freedom and Right of Privacy.

- Right to Information and Right to Know.
- Role of Judiciary on Media and Free Expression.
- Media and Criminal Law (Defamation, Obscenity, Seditious).
- Media and Tort Law (Defamation and Negligence).
- Media and Official Secrets Act.

UNIT-II

- Media and Contempt of Court.
- Pre- Censorship & Censorship
- Cable T.V Networks (Regulation) Act, 2011.
- Working Journalist Act, 1955.
- Concept of Advertisement.
- Advertisement and Ethics.
- Advertisement Act, 1954.
- The Press Council Act, 1978.

SUGESSTED READINGS

1. M.P. Jain, Constitutional Law of India.
2. Rajeev Dhavan, On the Law of the Press in India.
3. D.D. Basu, The Law of Press of India.
4. Soli Sorabjee, Law of Press Censorship in India.
5. Indian Penal Code, 1860.
6. Law of Torts- R.K. Bangia
7. Media and Law- Sridhar
8. Advertisement Act, 1954.

9. The Press Council Act, 1978.
10. Cable T.V Networks (Regulations) Act, 1995.
11. Working Journalist Act, 1955.
12. Madhvi Devan : Facets of Media Law, Eastern Book