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792103

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## Bachelor of Arts Bachelor of Law

### SEVENTH SEMESTER

Sl. No	Name of Subject	Credits	Total Marks
1	Corporate law	4	100
2	Jurisprudence	4	100
3	Alternative Dispute Resolution	4	100
4	Tax law	4	100
5	Labour laws and Industrial Disputes I	4	100
6	Professional Ethics & Professional accounting system	4	100
<b>Total</b>		24	

### **SUBJECT NAME: CORPORATE LAW**

#### **UNIT-I: Formation, Registration And Incorporation Of Company**

- a. Nature And Kinds Of Company
- b. Promoters: Position, Duties And Liabilities
- c. Mode And Consequences Of Incorporation,
- d. Uses And Abuses Of The Corporate Form, Lifting Of Corporate Veil,
- e. Memorandum Of Association, Alteration And The Doctrine Of Ultra Vires,
- f. Articles Of Association, Binding Nature, Alteration, Relation With Memorandum Of Association, Doctrine Of Constructive Notice And Indoor Management- Exceptions.

#### **UNIT-II: Capital Formation**

- a. Prospectus: Issues, Contents, Kinds, Liability For Misstatements, Statement In Lieu Of Prospectus,

- b. The Nature And Classification Of Company Securities,
- c. Shares And General Principles Of Allotment,
- d. Statutory Share 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.

**UNIT – III: Corporate Administration**

- a. Directors – Kinds, Powers And Duties,
- b. Insider Trading,
- c. Meetings Kinds And Procedure,
- d. The Balance Of Powers Within Companies - Majority Control And Minority Protection, Prevention Of Oppression, And Powers Of Court And Central Government,
- e. Emerging Trends In Corporate Social Responsibility, Legal Liability Of Company - Civil, Criminal, Tortuous And Environmental

**UNIT-IV: Winding Up of Companies**

- a. Kinds, Consequences And Reasons Of Winding Up,
- b. Role Of The Court,
- c. Liability Of Past Members,
- d. Payment Of Liabilities,
- e. Reconstruction and Amalgamation.

**UNIT-V: Sale of Goods: Definition, Conditions and Performance**

- a. Definition of ‘goods’ and ‘sale’
- b. Essentials of sale
- c. Conditions and Warranties
- d. Passing of property
- e. Nemo Dat quod non habet
- f. Performance of Contract

**UNIT-VI: Sale of Goods Act: Right of parties and remedies**

- a. Rights of unpaid seller
- b. Remedies for breach of contract

**SUBJECT NAME: JURISPRUDENCE**

**UNIT – I: Introduction**

- a. Nature and scope of Jurisprudence
- b. Need for study of Jurisprudence
- c. Linkage between Jurisprudence and other sciences

**UNIT – II: Schools of Jurisprudence – I**

- a. Natural Law
- b. Analytical positivism, Pure Theory
- c. Historical Jurisprudence
- d. Sociology Jurisprudence
- e. Economic Approach
- f. Legal Realism

**UNIT-III: Meaning and Classification of Laws**

- a. Meaning and definition
- b. Functions of law
- c. Classification of laws:
  - i. Public and Private Law
  - ii. Substantive and Procedural Law
  - iii. Municipal and International Law

**UNIT – IV: Basic Concepts of Indian Legal System**

- a. Common Law
- b. Constitution as the Basic Law
- c. Rule of Law
- d. Separation of Powers
- e. Judicial system in India

**UNIT – V: Indian Perspectives in Jurisprudence**

- a. Classical Approach
- b. Medieval Influences
- c. Modern Trends

**UNIT-VI: State, Sovereignty and Law**

- a. Nature and functions of a State and its relationship with law
- b. Nature and development of Sovereignty
- c. Nature and kinds of law and theories of justice

**UNIT-VII: Sources of Law**

- a. Custom

- b. Precedent
- c. Legislation (Emphasis on Indian perspective)

**UNIT – VIII: Concepts of Law**

- a. Rights and Duties
- b. Personality
- c. Possession, Ownership and Property.

**SUBJECT NAME: ALTERNATIVE DISPUTE RESOLUTION**

**UNIT – I: Introduction**

- a. Alternative Dispute Resolution (ADR): Concept and Need
- b. Legal Aid:
  - Concept, Dimensions and Practice
  - Constitutional Provisions
  - Legal Services Authority Act, 1987
  - Legal Literacy Mission

**UNIT – II: Techniques of ADR – I**

- Negotiation / Consultation
- Mediation
- Good offices

**UNIT – III: Techniques of ADR – II**

- Conciliation: Nature, Scope and Methods
- Arbitration – Arbitration agreement / Clause
- Jurisdiction of the arbitral tribunal,
- Applicable Law ;
  - a. IIC, UNCITRAL, KSID.
  - b. The Arbitration and Conciliation Act ,1996

**UNIT- IV: Recognition and Enforcement**

- a. Indian Practice
- b. International Practice

**SUBJECT NAME: TAXATION LAW**

**UNIT – I: Introduction**

- a. Definitions
- b. Basis of Income
  - Charge of Income Tax

- Scope of total Income
- Residential 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. Incomes not included in total income
- b. Special provision in respect of newly established industrial undertaking in free trade zones
- c. Special provision in respect of newly established hundred per cent export oriented undertaking
- d. Income from property held for charitable or religious purpose
- e. Income of trusts or institutions from contributions
- f. Conditions as to registration of trusts, etc.
- g. Section 11 not to apply in certain cases
- h. Special provision relating to incomes of political parties

**UNIT – III:** Heads of Income

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

**UNIT – IV:** Tax Authorities

- a. Powers
- b. Procedure for Adjudication and Settlement

**SUBJECT NAME: LABOUR LAWS&INDUSTRIAL DISPUTE I**

**UNIT-I:** Introduction to Law of Industrial Disputes Act, 1947:

- a. Historical Aspects
- b. Master and slave relationship
- c. Industrial revolution Laissez faire state
- d. Impact of Constitution on Labour provision
- e. Definition and law relating to Appropriate Government
- f. Award and settlement

- g. Industry
- h. Industrial Dispute
- i. Workman
- j. Strikes and Lock-Out

**UNIT – II: Trade Unions and Collective Bargaining**

- a. Trade Unionism in India
- b. Definition of trade union and trade dispute
- c. Registration of trade unions
  - i. Legal status of registered trade union
  - ii. Mode of registration
  - iii. Powers and duties of Registrar
  - iv. Cancellation and dissolution of trade union
  - v. Procedure for change of name
  - vi. Amalgamation and dissolution of trade union
- d. Disqualifications of office-bearers, Right and duties of office-bearers and members
- e. General and Political funds of trade union
- f. Civil and Criminal Immunities of Registered trade unions
- g. Recognition of trade union
- h. Collective bargaining

**UNIT – III: Standing Orders**

- a. Concept and nature of standing orders
- b. Scope and coverage of the Industrial Employment (Standing Orders) Act, 1946
- c. Certification process
  - i. procedure for certification
  - ii. appeals against certification
  - iii. Condition for certification
  - iv. Date of operation of standing orders
  - v. Building nature and effect of certified standing orders
  - vi. Posting of standing orders
- d. Modification and temporary application of model Standing Orders
- e. Interpretation and enforcement of Standing Orders
- f. Penalties and procedure

**UNIT – IV: Resolution of Industrial Dispute**

- a. Industrial dispute and individual dispute

- b. Arena of interaction and Participants– Industry, workman and employer
- c. Settlement of industrial dispute
  - a. Works Committee
    - i. Conciliation Machinery
    - ii. Court of Enquiry
    - iii. Voluntary Arbitration
    - iv. Adjudication – Labour Court, Tribunal and National Tribunal
- d. Powers of the appropriate Government under the Industrial Disputes Act, 1947
- e. Unfair Labour Practice

**UNIT – V: Instruments of Economic Coercion**

- a. Concept of strike
  - i. Gherao
  - ii. Bandh and Lock-out
  - iii. Types of strike
  - iv. Rights to strike and Lock-out
  - v. General Prohibition of strikes and lock-outs
  - vi. Prohibition of strikes and lock-outs in public utility services
  - vii. Illegal strikes and lock-outs
  - viii. Justification of strikes and lock-outs
  - ix. Penalties for illegal strikes and Lock-outs
  - x. Wages for strikes and lock-outs
- b. Lay-off
  - i. Retrenchment
  - ii. Transfer and closure – Definition of lay-off and retrenchment compensation
  - iii. Compensation to workmen in case of transfer of undertaking closure
  - iv. Closure - Prevention and regulation
  - v. Conditions – precedent for retrenchment
  - vi. Special provisions relating to lay-off, retrenchment and closure in certain establishments
  - vii. Procedure for retrenchment and re-employment of retrenched workmen and penalty
- c. Disciplinary action and domestic enquiry

- d. Management's prerogative during the pendency of proceedings
- e. Notice of change

**UNIT-VI: Workmen's Compensation Act, 1923**

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

**SUBJECT NAME: PROFESSIONAL ETHICS & PROFESANAL ACCOUNTING SYSTEM**

**UNIT – I: Nature and Characteristic of-**

- a. Professional Ethics
- b. Legal Profession
- c. Historical Perspective and Regulation of Legal Profession

**UNIT – II : Constitution, Function, Powers and Jurisdiction of**

- a. State Bar Council
- b. Bar Council of India
- c. Admission and Enrolment processes of advocates

**UNIT – III : Contempt of court by the Lawyers-**

- a. Civil contempt
- b. Criminal contempt :Punishment and Defenses

**UNIT – IV : Client Interviewing-**

- (1) Meaning and Significance
- (2) Different Components:
  - a. Listing
  - b. Type Of Questions Asked
  - c. Information Gathering
  - d. Report Formation
  - e. Ethical Consideration.

**UNIT – V : Legal Counselling**



- i. Definition and its differentiation from general counselling
- ii. Different types of counselling
- iii. Approaches to Counselling
- iv. Training skills and Simulated exercise.

**UNIT – VI :** Strike by Lawyers

**UNIT- VII:** Extent of professionalization of legal profession

**UNIT- VIII:** Code of ethics for lawyers

**UNIT- IX:** Professional misconduct and its control

**Unit -X:** Bar- Bench Relations

**UNIT XI:** Accountability of lawyers towards – Court, Client and society

**UNIT XII:** Role of law and legal profession in social transformation

**UNIT XIII: Case Study and comments**

- a. Rajendra V Alex Frmandes AIR 2002 SC 1808
- b. .... Advocate AIR 1962 SC 1337
- c. .... Senior Advocate of SC AIR 1954 SC 557
- d. .... Mohari Das AIR 1957 SC 250
- e. Sheo Narayan Jafa V Judge Allahabad HC AIR 1953 SC 368
- f. P.J. Rtanam V D Kanik Ram AIR 1964 SC 244
- g. Inre “M” and advocate AIR 1957 SC 149
- h. John D Souza V Edward Ani (1954) 2 SCC 64
- i. V.C. Mishra AIR 1995 SC 2348

#### **Act and Rule**

1. The Advocate Act, 1956, The Bar Council of India Rule, 1961
2. The Contempt of Court Act, 1971
3. The Advocates Welfare Fund Act, 2001