

BACHELOR OF LAW – THIRD SEMESTER

Third Semester			
S.N.	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	4	100
6	Professional Ethics & Professional accounting system	4	100
Total		24	

SUBJECT NAME: CORPORATE LAW [COMPANY LAW]

UNIT-I: Formation, Registration And Incorporation Of Company

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

UNIT-II: Capital Formation

- Prospectus: Issues, Contents, Kinds, Liability For Misstatements, Statement In Lieu Of Prospectus,
- The Nature And Classification Of Company Securities,
- Shares And General Principles Of Allotment,
- Statutory Share Certificate, Its Objects And Effects,
- Transfer Of Shares,
- Share Capital, Reduction Of Share Capital,
- Duties Of Court To Protect Interests Of Creditors And Shareholders.
- Debentures, Kinds, Remedies Of Debenture Holders.

UNIT – III: Corporate Administration

- 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 assesses
 - 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

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
 - 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-pouts
 - 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: Minimum Wages Act , 1948

- a. Concept of minimum wage, fair wage, living wage and need based minimum wage
- b. Constitutional validity of the Minimum wages Act, 1948
- c. Procedure for fixation and revision of minimum wages
- d. Fixation of minimum rates of wage by time rate or by piece rate
- e. Procedure for hearing and deciding claims

UNIT-VII: Payment of Wages Act, 1936

- a. Object, scope and application of the Act

- b. Definition of wage
- c. Responsibility for payment of wages
- d. Fixation of wage period
- e. Time of payment of wage
- f. Deductions which may be made from wages
- g. Maximum amount of deduction

UNIT –VIII: 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

UNIT – IX: 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 hours of adults
- e. Employment of young person and children
- f. Annual leave with wages
- g. Additional provisions regulating employment of women in factory

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
The Advocates Welfare Fund Act, 2001