

BA.LL.B (Hons.)

5th Semester
July-December 2024





CONSOLIDATED CURRICULUM
BA.LL.B (Hons.)
July-Dec.-2024
Semester - V

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BHARTIYA NYAYA SANHITA
SEMESTER-V B.A.LL.B. (Hons.) SYLLABUS
(SESSION: JULY-DEC 2024)

Faculty Name	Ms. Hina Ilyas	Year/Semester	3/V
Course Name	Bhartiya Nyaya Sanhita	No.of Credits	4
Course Code	NA	Session Duration	1 Hour
No of Contact Hours	60 Lectures =60hours	Pre-requisite	Prior reading and basic understanding of law
Introduction, Course Objective & Pedagogy	<p>The purpose of Bhartiya Nyaya Sanhita is to maintain law and order in the society and to protect the personal safety of the 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 law cannot afford to be weak, ambiguous or ineffective.</p> <p>The Bhartiya Nyaya Sanhita shall be the substantive law the first point of reference in the Criminal Courts of India. The aim behind teaching this course is to deal with the basic principles of criminal law and its associated liability & punishment. This Course is an ideal guide that covers the structure of the Bhartiya Nyaya Sanhita. The Course envelops an in-depth knowledge about the structure of the new criminal laws which includes contents on criminal liability, abetment, offences against Woman and Child, offences against body and many more. The interactive structure of the course will make the subject interesting and the course is designed in such a way that it deliberate severly diverse concept of the substantial criminal law to its crux. The concepts, definitions and explanations have been simplified to provide a better understanding of the topics covered under the Bhartiya Nyaya Sanhita. The course has been designed to impart thorough knowledge about the subject to every student in a systematic manner which will be helpful in competitive exams.</p> <p>The main course objectives may briefly be pin-pointed as:</p> <ul style="list-style-type: none"> • C01- To introduce the concept of 'crime' and 'criminal law' in its theoretical and social context to the students; • C02 -To familiarize the students with the essential elements of 'crime' and 'principles of criminal liability'. • C03- To introduce students with the new Criminal Law Reforms • C04- To develop a broad understanding of the specific offences and enhanced punishments under the BNS; • C05- To enable the student to critically analyze the emerging issues in criminal law. 		

LEARNING OUT COMES:After the successful completion of Course Curriculum, a student will be able to:

- **L01**-Explain the main provisions under the Bhartiya Nyaya Sanhita
- **L02**-Distinguish the various concepts and offences under the Bhartiya Nyaya Sanhita.
- **L03** - Know and understand the importance of the New criminal laws.
- **L04**-Elaborate on the concept and issues with emerging areas in Criminal Law.
- **L05**- Draw a comparison between the Indian Penal Code and Bhartiya Nyaya Sanhita

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	INTRODUCTION TO CRIMINAL LAW	08
2	GENERAL EXPLANATIONS	03
3	CONCEPTS OF CRIME AND PUNISHMENTS	08
4	GENERAL EXCEPTIONS	10
5	OFFENCES AGAINST WOMAN AND CHILD	10
6	OFFENCES AGAINST HUMAN BODY	10
7	OFFENCES AGAINST STATE	04
8	OFFENCES AGAINST PROPERTY	07

DETAILED SYLLABUS

<u>UNIT</u>	<u>CONTENT</u>
Module 1 INTRODUCTION TO CRIMINAL LAW	<ol style="list-style-type: none"> 1. Introduction to Bhartiya Nyaya Sanhita 2. Retrospective and Prospective Applicability of BNS 3. Reforms in Bhartiya Nyaya Sanhita 4. Comparative Analysis of Indian Penal Code and Bhartiya Nyaya Sanhita 5. Newly Added Offences and Punishments under Bhartiya Nyaya Sanhita 6. Overview of New Criminal Law Reforms
Module 2 GENERAL EXPLANATIONS	Acts & Omission (S. 2(1) & S. 2(25) [IPC- S. 33], Child (S.2(3) BNS), Gender (S.2(10)) [IPC- S.8], Dishonestly(S.2(7)) [IPC- S. 24], Government (S.2(12)) [IPC- S. 17], Injury(2(14) [IPC- S. 44], Offence (S.2(24) [IPC- S.40], Common Intention (S.3(5) [IPC- S.34], Wrongful Gain (S.2(36) [IPC- S.23] and Wrongful loss (S.2(37) [IPC- S.23])
Module 3 CONCEPTS OF CRIME and PUNISHMENT	<ol style="list-style-type: none"> A) Concept of Crime <ul style="list-style-type: none"> *Constituents of a crime *Stages of Crime *Principles of Mensrea and Strict liability offences B) Concept of Punishments (S.4) [IPC- S.53] <ul style="list-style-type: none"> *Death *Imprisonment for Life *Imprisonment- Rigorous and Simple *Forfeiture of Property *Fine **Community Service

Module4 GENERAL EXCEPTIONS	(Chapter-III, Sections 14 to 44 BNS) [Chapter-IV, Sections 76 to 106 IPC] A) Defenses based on justifications 1. Private defense 2. Necessity 3. Consent B) Defenses based on excuses 1. Duress 2. Intoxication 3. Mistake 4. Infancy 5. Unsoundness of Mind 6. Superior orders
Module5 OFFENCES AGAINST WOMAN AND CHILD	1. Rape & Gang Rape and their Punishment (Ss. 63-66)[IPC- S.375-376-A]& S. 70 [IPC- S.376-D] 2. Sexual Intercourse by employing Deceitful Means (S. 69) [IPC- S....] 3. Sexual Harassment (S. 75) [IPC- S.354-A] 4. Voyeurism (S.77) [IPC- S.354-C] 5. Dowry Death (S.80) [IPC- S.304-B] 6. Selling and Buying of Child for purpose of Prostitution (S. 98 & 99) [IPC- S.372 & S. 373]
Module6 OFFENCESAGAINST HUMANBODY	1. Culpable Homicide and Murder (S. 100-103[IPC- S.299-302]& S. 105[IPC- S.8]) 2. Abetment of suicide (S. 108)[IPC- S.306] 3. Causing Death by Negligence (S. 106) [IPC- None] 4. Organised Crime (S. 111) [IPC- None] 5. Terrorist Act (S. 113) [IPC- None] 6. Hurt and Grievous Hurt (Ss. 114-117 (4)) [IPC- S. 319-325] 7. Kidnapping and Abduction (Ss. 137 & 138) [IPC- S. 359-362]
Module7 OFFENCES AGAINST THE STATE	1. Waging or Attempting to Wage war, or abetting waging of war against the Government of India. (S. 147) [IPC- S. 121] 2. Conspiracy to commit offences punishable by Sec 147. (S. 148) [IPC- S.121-A] 3. Act endangering Sovereignty, Unity and Integrity of India. (S. 152) [IPC- None] 4. Miscellaneous
Module 8 OFFENCESAGAINSTROPE RTY	1. Theft (S.303) [IPC- S. 378-379] 2. Snatching (S.304) [IPC- S. None] 3. Extortion (S.308(1) & (2)) [IPC- S. 383-384] 4. Robbery & Dacoity (S. 309(1)-(4) & 310(1)-(4)) [IPC- S. 390 & 392...S.391-399] 5. Dishonest Misappropriation & Criminal breach of trust (S. 314 & 316) [IPC- S. 403-409] 6. Cheating (S. 318 (1) & (2)) [IPC- S. 415-417] 7. Mischief (S. 324 (1) & (2)) [IPC- S. 425-426]

READINGS:

STATUTES,RULESANDREGULATIONS:

1. Indian Penal Code, 1860.
2. *Bhartiya Nyaya Sanhita, 2023*
3. *Bhartiya Sakshya Adhinyam, 2023*
4. Code of Criminal Procedure, 1973
5. *Bhartiya Nagarik Suraksha Sanhita, 2023*
6. Indian Evidence Act, 1872
7. Information Technology Act, 2000

CASELAWS:

1. Woolmington v. DPP, [1935] AC 462 (Presumption of innocence)
2. Kali Ram v. State of H.P., 1973 SCC (Cri.) 1048 (Standard of Proof)
3. Sowmitri Vishnu v. Union of India, 1985 Supp SCC 137 (Equal protection of law)
4. State of Maharashtra v. M.H. George, AIR 1965 SC 722
5. State of Madhya Pradesh v. Narayan Singh, (1989) 3 SCC 596
6. DPP v. Smith, (1961) AC 290 (Constructive intent)
7. R. v. Miller, (1983) 1 All ER 978 (HC)
8. R. v. Speck, (1977) 65 Cr App R 161
9. Om Prakash v. State of Punjab, AIR 1961 SC 1782 (Omission)
10. Kurien v. State, 1975 KLT 748 (Transferred malice)
11. Harrow London Borough Council v. Shah, (1999) 3 All ER 302 (Complicity)
12. Kartar Singh v. State of Punjab, 1994 SCC (Cri.) 899 (Common object)
13. Dhanna v. State of M.P., AIR 1961 SC 1787 (Sec 34 & 149 IPC)
14. Mehbub Samsuddin Malek v. State of Gujarat, 1996 SCC (Cri.) 1353 (Sec 120 B IPC)
15. Director Rationing and Distribution v. Corporation of Calcutta, AIR 1960 SC 1355 (Vicarious criminal liability)
16. Iridium India Telecom Ltd. v. Motorola Inc. & Ors., AIR 2011 SC 20 (Corporate Criminal Liability)
17. Vishwanath v. State of U.P., AIR 1960 SC 67 (Private Defense)
18. Jai Bhagwan v. State of Haryana, 1999 SCC (Cri.) 388 (Private Defense)
19. R. v. Dudley and Step/je/w, (1884) 14 QBD 273 (Necessity)
20. Dasrath Paswan v. State of Bihar, AIR 1958 Pat 190 (Consent)
21. State of Orissa v. Ram Bahadur Thapa, AIR 1960 Ori 161 (Mistake)
22. State of Orissa v. Bhagaban Barik, (1987) 2 SCC 498 (Mistake)
23. M'Naghten Case, (1843) 10 CL & F 200 (Insanity)
24. Dahyabhai Chhaganbhai Thakkar v. State of Gujarat, AIR 1964 SC 1563 (Insanity)
25. R. v. Howe, (1987) 1 AC 417 (Duress)
26. DPP v. Majewski, (1976) 2 All ER 142 (Intoxication)

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27. Walters v. hunt(1951) 2AllER645 (Infancy)
 28. Mrs. Veeda Menezesv. Yusuf Khan,AIR1966SC1773(Triviality)
 29. Tunda v. R, AIR1950All95(Accident)
 30. Atmendra v. Stateof Karnataka,(1998) 4SCC256(Accident)
 31. S HJopale v.State ofMaharastra 2013Cri.L.J.3588
 32. Kartikv.State of TamilNadu2013Cri.L.J.3765(Sec.375,90,IPCandSec.154Cr.P.C.)
 33. AjayAggarwalv.Unionof India,1993SCC(Cri) 961(Abetment)
 34. HarbhanChakrabartyv.Cra'onofIndia,1990SCC(Cri)280
 35. Rv. Fitzmaurice,(1983)1AllER189 (CA)
 36. ThePeoplev.Chavez, 11CalApp2d 621
 37. Hyamv. DPF(1975)AC55
 38. Rv. Hancockand ShanklandAllER641
 39. Rv.Govinda,ILR(1876)1Bom342(DistinctionbetweenSec299&300IPC)
 40. PrahladKrishantPatilv.StateofMaharashtra (2006)9SCC211
 41. KM.Nanavativ.State of Maharashtra,AIR1962SC605(ExceptioniontoSec300IPC)
 42. GhapooYadavv.StateofM.P,(2003)3SCC528(ExceptioniontoSec300IPC)
 43. HarivadanBabubhaiPatelv.State ofGujarat,2013Cri.L.J.3944
 44. MritunjoyBiswasv.Pranab,2013Cri.L.J.4212
 45. Shivsharanappav.StateofKarnataka,2013Cri.L.J.2658{Sec300IPC;Sec.3(IEA1872);andSec378 (Cr.P.C.1973)}
 46. CherubinGregoryv.Stateof Bihar,AIR1964SC205(Sec.304AIPC)
 47. Shantiv.Stateof Haryana,AIR1991SC1226(Dowrydeath)
 48. RambaranMahtonv.TheState,AIR1958Pat.452(Hurt&GrievousHurt- Sec 319-325IPC)
 49. EXChandrasenanv.StateofKerala(1995)2SCC99(Hurt&GrievousHurt-Sec319-325IPC)
 50. RanjitSinghv.Stateof Punjab2013Cri.L.J. 3959(Sec.304BandSec.498A)
 51. GurmitSinghVsStateof Punjab,A.I.R1996SC1393.
 52. TukaramVsStateof Maharastra,A,I,R1979SC185.
 53. StateofAndhraPradseshVs GangulaSatyaMurty,A.I.R1997SC1588.
 54. Pyare LalBhargavav.StateofRajasthan,AIR1963SC1094
 55. JadunandanSinghv. Emperor,AIR1941 Pat.129
 56. Sekar v.Arumugham(2000) Cr.L.J.1552(Mad.)
 57. State ofKarnataka v.Basavegowda(1997)Cr.L.J.4386(Kant.)
 58. JaikrishnadasManohardasDesaiv.Stateof Bombay,AIR1960SC889
 59. MahadeoPrasad v.StateofWestBengal, AIR1954 SC724
 60. AkhilKishoreRamv.Emperor,AIR1938Pat. 185
 61. ShriBhagwanS.S.V.V.Maharajv.Stateof A.P.,AIR1999SC2332

BOOKS AND ARTICLES

1. Ratanlal & Dheerajlal, *The Indian Penal Code*, Lexis-Nexis Butterworths, 2010.
2. J.C. Smith, *Smith & Hogan Criminal Law*, Butterworth, London, (2002)
3. J.W. Cecil Turner, *Kenny's Outlines of Criminal Law*, Universal Law Publishing Co., Indian Reprint, (2002)
4. Andrew Ashworth, *Principles of Criminal Law*, Oxford University Press, New York, (1999)
5. Dennis Baker, *Glanville Williams: Textbook of Criminal Law*, 2012
6. K.N. Chandrasekharan Pillai, *General Principles of Criminal Law*, Eastern Book Co., (2011)
7. R.C. Nigam, *Law of Crimes - Principles of Criminal Law*, Vol. I, Asia Publishing House, 1965
8. K.D. Gaur, *Cases and Materials*, Eastern Book Co., (2009)
9. K.D. Gaur, *A Text Book on Indian Penal Code*, (7th Edn., 2020).
10. *Essays on the Indian Penal Code - Prof. K.N. Chandrasekharan Pillai & Shabistan Aquil*, Indian Law Institute (2005)
11. K.I. Vibhute (Rev.), *P.S.A. Pillai's Criminal Law*, (10th ed., 2008)
12. V.B. Raju, *Commentary on Indian Penal Code, 1860 (Vol. I & II)* (4th ed., 1982)



PUBLIC INTERNATIONAL LAW (CORE PAPER)
SEMESTER IV | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DEC.-2024)

Faculty Name	Dr. Mohd. Atif Khan, Dr. Anita Singh & Dr. Ankit Singh	Year/ Semester	3/V
Course Name	Public International Law	No. of Credits	4
Course Code	NA	Session Duration	1 hour
No of Contact Hours	60 Lectures	Pre-requisite	NONE
Introduction, Course Objective & Pedagogy	<p>This course will provide a broad overview of public international law and its various aspects in present complex and interdependent world. It also covers current challenges of the international legal system. Student will learn the foundational questions about the nature of international law, its origin development, various theories working behind international law. It also includes the areas like subjects of international law, foundation of a state and sovereignty and how international law interacts with municipal law. Course further develops the understanding of students to understand the jurisdiction, state responsibility, state succession, interpretation of treaties and the status of individual. Course also includes the problems related with asylum and extradition.</p> <p>The main objective of this course is to acquaint the learner with the contemporary trends and transitioning jurisprudence attached to international political regime:</p> <p>CO1 - To impart theoretical knowledge relating to concept and scope of public international law; CO2 - To facilitate conceptual understanding of sources and subjects of international law; CO3 - To develop an analytical understanding of the relation between municipal law and international law CO4 - To develop critical thinking about the concept of state and other phenomena of international politics CO5 - To build a comprehensive understanding of the relation between individuals and public international law</p> <p>This subject requires teaching to be a combination of theoretical foundation with practical application. The contact hours will be utilized in catering a blend of discussion, deliberation, and brainstorming sessions. Learners will be encouraged to undertake explorative research work into various avenues of public international law.</p>		

LEARNING OUTCOMES: After successful completion of the course, following outcomes are expected to benefit the learners:

- LO1** – Understand the scope and nature of public international law and its contemporary relevance
- LO2** – Examine various jurisprudential theories attached to the concept of international law

L03 – Develop a comprehensive knowledge about sources of international law and functioning of international institutions

L04 – Analyze the concept of state, recognition and succession in the realm of public international law

L05 – Develop a critical understanding of the relationship between individuals and international law

L06 – Equipped with skills and knowledge to formulate and synthesize new ideas and undertake research on pertinent issues relating to the domain

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	INTRODUCTION	1-12
2	SOURCES AND SUBJECTS OF PUBLIC INTERNATIONAL LAW	13-21
3	RELATION BETWEEN MUNICIPAL LAW AND INTERNATIONAL LAW	22-35
4	STATE: SOVEREIGNTY AND JURISDICTION	36-44
5	RECOGNITION AND SUCCESSION UNDER PUBLIC INTERNATIONAL LAW	45-52
6	INDIVIDUALS AND PUBLIC INTERNATIONAL LAW	53-57
7	EMERGING TRENDS IN PUBLIC INTERNATIONAL LAW	57-60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 INTRODUCTION	1. Public International Law: Meaning, Scope and Definitions and Development 2. Theories of International Law: Naturalist, Positivist 3. International Law as Positive Morality
Module 2 SOURCES AND SUBJECTS OF PUBLIC INTERNATIONAL LAW	1. Treaties and Conventions: <i>Pacta Sunt Servanda</i> 2. Customs 3. General Principles of Law: <i>Jus Cogens</i> 4. Judicial Decisions: <i>ex aequo et bono</i> 5. Other Sources 6. Subjects of International Law: States, Organizations, Individuals
Module 3 RELATION BETWEEN MUNICIPAL LAW AND INTERNATIONAL LAW	1. Theories: Monist, Dualist, Specific Adoption, Transformation and Delegation 2. Indian Constitution and International Law 3. Indian Judiciary on International Law
Module 4 STATE: SOVEREIGNTY AND JURISDICTION	1. Concept of State 2. State Sovereignty 3. State Territory: Land, Water and Air 4. State Jurisdiction: Civil and Criminal
Module 5 RECOGNITION AND SUCCESSION UNDER PUBLIC INTERNATIONAL LAW	1. Recognition of States: <i>De Facto</i> and <i>De Jure</i> 2. Theories of Recognition: Constitutive, Declarative and Evidentiary 3. Collective Recognition 4. Recognition of Insurgency and Belligerency 5. State Succession: Concept, Kinds and Theories of Succession
Module 6	1. Acquisition and Loss of Nationality: Statelessness,

INDIVIDUALS AND PUBLIC INTERNATIONAL LAW	Refugees 2. Asylum and Extradition
Module 7 EMERGING TRENDS IN PUBLIC INTERNATIONAL LAW	1. Climate Change and International Law 2. Functioning of International Organizations 3. Cyber-terrorism and International Law 4. Drug Trafficking, Human Trafficking and other International Crimes

READINGS:

CASE LAWS:

- *United Kingdom of Great Britain and Northern Ireland v. Albania* (Corfu Channel Case), 1947-49
- *The Republic of Nicaragua v. The United States of America*, 1986
- *Colombia v. Peru* (Asylum case), 1950
- *A.M. Luther v. James Sagor & Co.*, 1921
- *The North Sea Continental Shelf Cases* (Germany/Denmark; Germany/Netherlands), 1969
- The Lotus Case (*France vs Turkey*), 1927
- *Right of Passage over Indian Territory Case, Portugal v India*, [1960] ICJ Rep 6
- *U.S v. Alvarez Machain* (1992)
- *KTMS Abdul Cader v. UOI* (AIR 1977)
- *Anglo-Norwegian Fisheries Case (Norway v. UK)*, 1951
- *The Paquette Habana Case (Paquette Habana v. US)*, 1900
- *Govt. of Republic of Spain v. Arantzazu Mendi*, 1939

Note: The above list of cases is not exhaustive in nature. More case laws will be discussed in course of the curriculum.

BOOKS

- Malcolm Nathan Shaw, *International Law*, Cambridge University Press, 2003
- Tim Hillier, *Sourcebook on Public International Law*, Routledge, 1998
- Ian Brownlie, *Principles of Public International Law*, Oxford University Press, 2008
- Joseph Gabriel Starke, Ivan Anthony Shearer, *Starke's International Law*, Butterworths, 1994
- Lassa Oppenheim, Robert Jennings and Arthur Watts, *Oppenheim's International Law*, Oxford University Press, USA, 2008
- Ian Brownlie, *Basic Documents in International Law*, Oxford University Press, 2008
- Gideon Boas, *Public International Law*, Edward Elgar, 2012.
- Anthony Aust, *Handbook of International Law*, 2nd Edition, Cambridge University Press, 2010
- William R. Slomanson, *Fundamental Perspectives on International Law*, Sixth Edition, Wadsworth, Cengage Learning, 2011.
- David Armstrong (ed.), *Routledge Handbook of International Law*, 2009.

KEY INTERNATIONAL INSTRUMENTS

- UN Charter
- Statute of ICJ
- Vienna Convention on the Succession of States in respect of Treaties, 1978
- UN Conference on the Law of the Sea, 1982
- Vienna Convention on the Law of Treaties, 1969
- Refugee Convention 1951
- Montevideo Convention, 1933 (Convention on Rights and Duties of States)
- Tokyo Convention, 1963 (The Convention on Offences and Certain Other Acts Committed on Board Aircraft)
- Hague Convention, 1970 (convention for the suppression of unlawful seizure of aircraft)
- Montreal Convention, 1971
- Single Convention of Narcotic Drugs, 1961



LABOUR LAW - II
SEMESTER V
SYLLABUS (SESSION: JUL-DEC 2024)

Faculty Name	Dr. Atul Jaybhaye	Year/ Semester	III/V
Course Name	Labour Law – II	No. of Credits	4
Course Code	NA	Session Duration	1 Hour
No of Contact Hours	60 lectures	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>The empowerment of workers is essential for a prosperous and self-reliant India. Despite 74 years of independence, workers in the unorganized sector lack access to social security benefits. Many labour laws have their roots in the British colonial era. However, with changing times, many of them have become ineffective or irrelevant. Instead of protecting the interests of workers, these provisions have become burdensome for them.</p> <p>The web of legislation was such that workers had to fill out four forms to claim a single benefit. Therefore, the present Government has repealed the non-useful Labour Laws. Now 29 Labour Laws have been codified into 4 Labour Codes. To ensure workers’ right to minimum wages, the Central Government has amalgamated 4 laws in the Wage Code, 9 in the Social Security Code, 13 in the Occupational Safety, Health and Working Conditions Code, 2020, and 3 in the Industrial Relations Code.</p> <p>The current syllabus is designed to help students learn the new changes introduced by these new codes. The teaching methods will include lecture-cum-discussion, group discussion, case analysis, and research project work.</p> <p>C01- To introduce the basic philosophy of labour laws about Wages, Social Security, Safety, Health, and Welfare, etc.</p> <p>C02 -To understand the industrial relations policy and critically evaluate the legal framework in relation to the Payment of Wages, Social Security Protections, Safety, Health, and Welfare measures etc. and</p> <p>C03- To enable students to acquire a critical understanding of various legal rules relating to remuneration, bonus, disablement compensation, retirement benefits, maternity benefits, and enforcement mechanisms under the above laws.</p>		

LEARNING OUTCOMES: After the successful completion of the Course Curriculum, a student will be able to:

LO1- Know and understand the concept of social security and allied laws.

LO2 – Analyze the legal framework in relation to the Payment of Wages, Social Security Protections etc.

LO3 – List out the critical understanding of various legal rules relating to remuneration, bonus, disablement compensation, retirement benefits, maternity benefits, etc.

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	CONCEPTUAL FRAMEWORK OF SOCIAL SECURITY	8
2	LAW RELATING TO SOCIAL SECURITY (THE CODE ON SOCIAL SECURITY, 2020)	18
3	THE CODE ON SOCIAL SECURITY, 2020 (OFFENCES AND PENALTIES)	4
4	THE CODE ON WAGES, 2019	16
5	THE CODE ON WAGES, 2019 (OFFENCES AND PENALTIES)	4
6	THE CODE FOR OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS, 2020	10

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 CONCEPTUAL FRAMEWORK OF SOCIAL SECURITY	<ol style="list-style-type: none"> 1. Evolution and the concept of social security 2. Objectives and need for social security 3. Social security welfare schemes 4. Conventions on social security 5. Role of the International Labor Organization in promoting social security
Module 2 LAW RELATING TO SOCIAL SECURITY (THE CODE ON SOCIAL SECURITY, 2020)	<p>Employees' Compensation (Chapter VII)</p> <ol style="list-style-type: none"> 1. Objectives and scope 2. Liability of Employer to pay compensation 3. Doctrine of Notional Extension & Defenses 4. Amount and distribution of Compensation 5. Appointment of competent authority 6. Powers and Procedure of competent authority <p>Employees' State Insurance (Chapter IV)</p> <ol style="list-style-type: none"> 1. Objectives and Scope 2. Employees State Insurance Fund 3. Kinds of benefits, eligibility, and Conditions 4. Constitution of Employees' Insurance Court and its powers <p>Employees Provident Fund (Chapter III)</p> <ol style="list-style-type: none"> 1. Objectives and Scope 2. Employees' Provident Fund Organisation 3. Central Board and its Role 4. Schemes 5. Funds <p>Maternity Benefit (Chapter VI)</p> <ol style="list-style-type: none"> 1. Objectives and scope 2. Right to payment of maternity benefit 3. Constitutional perspectives on maternity benefit 4. Payment of medical bonus 5. Leave for miscarriage 6. Forfeiture of maternity benefit <p>Gratuity (Chapter V)</p> <ol style="list-style-type: none"> 1. Objectives and scope 2. Rules as to payment of gratuity 3. Continuous service 4. Determination of the amount of Gratuity 5. Competent Authority <p>Social security for unorganized workers, Gig Workers, and Platform workers (Chapter IX)</p> <ol style="list-style-type: none"> 1. Objectives and scope 2. Framing of schemes for unorganised workers 3. Registration of unorganized workers 4. Schemes for gig and platform workers

Module 3 THE CODE ON SOCIAL SECURITY, 2020 (OFFENCES AND PENALTIES)	Offences and Penalties (Chapter XII) 1. Penalty for failure to pay contributions etc. 2. Cognizance of offences 3. Compounding of offences
Module 4 THE CODE ON WAGES, 2019	Minimum Wages(Chapter II) 1. Objectives and scope 2. Concept of Wage and its types - Living wage, fair wage, and minimum wage 3. Constitutional perspectives on minimum wages and its validity 4. Components, Procedure for fixation and revising minimum wage, floor wage etc. Payment of Wages, (Chapter III) 1. Objectives and scope 2. Mode of payment of wages 3. Time limit for payment of wages 4. Deductions and fines Payment of Bonus (Chapter IV) 1. Objectives and scope 2. Eligibility for payment of bonus 3. Disqualification for payment of bonus 4. Time limit for payment of bonus 5. Adjudication - Payment of Dues, Claims, and Audit (Chap. VI)
Module 5 THE CODE ON WAGES, 2019 (OFFENCES AND PENALTIES)	Offences and Penalties (Chapter VIII) 1. Cognizance of offences 2. Penalties for offences 3. Composition of offences 4. Inspector-cum-facilitator (Chap. VII)
Module 6 THE CODE FOR OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS, 2020	1. Objectives and scope 2. Duties of employer and employee – Chap. III 3. Health, safety, and working conditions – Chap. V 4. Welfare provisions- Chap. VI 5. Hours of work and annual leave with wages – Chap. VII

General Readings:

- Report of the National Commission on Labour (1969).
- Report of the Second National Commission on Labour (2002)
- Report of the Committee on Fair wage (1948)
- Report of the Expert Committee on Determining the methodology for fixing the National Minimum Wage (2019).

Prescribed books

- Srivastava, S C, Industrial relations and labour laws. – New Delhi: Vikas Publishing House Pvt. Ltd., (2020)
- V.G. Goswami, Labour and Industrial Laws, Central Law Agency, 11th edition (2019)
- S.N. Mishra, Labour and Industrial Laws with latest Amendments, Central Law Publication, 29th Edition, 2021
- P. L. Malik's Handbook of Labour and Industrial Law, Eastern Book Company, 19th Edition, 2021
- Dr. Bhagyashree Deshpande, New Labour and Industrial Laws, Central Law Publications, 1st Edition 2022.

Reference books

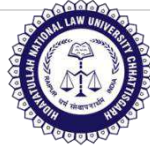
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- Dr. AM Sharma "Aspects of labour welfare and social security, Himalaya Publishing House, Delhi, 2003
- Mishra BN "International Social Security Systems, Anmol Publication Private Limited, Delhi, 1993

Cases:

- S. S. Manufacturing v. Bai Valu Raja, AIR 1958 SC 881
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- Greaves Cotton and co.Ltd. v.Workmen AIR 1964 SC 639.
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- Metal Box Company of India Ltd. V.Their workmen, AIR 1969 SC612.
- Gopalan V.Angamali Chit Fund AIR 1977 KER 120.
- Allahabad Bank and Others v. All India Allahabad Bank Retired Employees Association and others (2010) 1 LLJ 342 (GUJ.).
- Express Newspapers v UOI, AIR 1958 SC 567.
- Bank of India v.TS.Kelawala and others 1990 II LLJ 39 SC
- ESIC V. C. Sasendan,2002 SCC (L&S)90
- New Assurance Co V. Shiva Singh 2002 9SCC.
- Jay Engineering Works Ltd. Union of India, AIR 1963 SC1480
- The Workmen v The Management of Reptakos Brett & Co. Ltd., AIR 1992 SC 504
- Birla Institute of Technology v State of Jharkhand and Others, (2019) 4 SCC 513
- B.E.S.T. Undertaking v Agnes, (1964) 3 SCR 930
- Royal Western India Turf Club Ltd. v E.S.I. Corporation, 2016 (4) SCC 521
- Municipal Cooperation of Delhi v Female Workers (Muster Roll) & Anr, 2000 SCC (L&S) 331
- Balwant Rai Saluja v Air India Ltd., (2014) 9 SCC 407
- Madan Mohan Verma v. Mohan Lal, 1993 II LLJ 322 All

Online Articles/Blogs/Reports:

- Shahra Razavi, *Making the Right to Social Security a Reality for All Workers*, <https://link.springer.com/article/10.1007/s41027-022-00378-6>
- Archismaan Tyagi and Mehu Mohan, *Position of Maternity Benefits-A Comparative Analysis of The Maternity Benefits Act, 1961 And the Social Security Code, 2020*, <https://articles.manupatra.com/article-details/POSITION-OF-MATERNITY-BENEFITS-A-COMPARITIVE-ANALYSIS-OF-THE-MATERNITY-BENEFITS-ACT-1961-AND-THE-SOCIAL-SECURITY-CODE-2020>
- Suchi Sharma, *Constitutional Validity of Minimum Wages Act*, https://www.academia.edu/38617952/Constituional_Vailability_of_Minimum_Wages_Act
- Zahara Kanchwalla, *New Wage Code a shot in the arm for employees* <https://timesofindia.indiatimes.com/blogs/voices/new-wage-code-a-shot-in-the-arm-for-employees/>
- Raavi Birbal, *Highlights Of News Labour Codes* <https://www.livelaw.in/columns/labour-codes-code-on-wages-2019-industrial-relations-code-2020-code-on-social-security-code-occupational-safety-health-and-working-conditions-code-202957?infinite-scroll=1>



JURISPRUDENCE I
SEMESTER V | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DECEMBER), 2024

Faculty Name	Dr. Kaumudhi Challa Ms. Apurva Sharma	Year/ Semester	3 rd /V th
Course Name	Jurisprudence I	No. of Credits	4
Course Code	NA	Session Duration	1 Hour
No of Contact Hours	60	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>Law is considered not merely as a trade to be learnt, but as an intellectual pursuit which is to be understood, questioned, criticized and applied in a pragmatic manner. Therefore, there is a need to think about the nature and function of law, the legal system and the legal profession. In this context, the study of jurisprudence is of utmost importance for a good lawyer because it helps to develop an understanding of law, improves the questioning ability and the capacity to think independently.</p> <p>The term jurisprudence is derived from the Latin phrase <i>Jurisprudentia</i> which means the study of law or the knowledge or science of law. It deals with the basic question, “what is law” which is not only interesting but is also a challenging question to the scholars and academicians a like and is in fact the central question of the whole discipline of law. Through the ages, different Jurists have tried to answer this enigmatic question as per the times and their perspective and yet the answer remains elusive. This paper of Jurisprudence-I attempts to explain “what is law” with the help of various legal theories and approach of Jurists and examines their practical application in present times.</p> <p>The objective of this course is to introduce important ideas of selected jurists so as to help the students or budding lawyers to think critically and creatively about law and its role in the contemporary society. This course introduces the four main Schools of Jurisprudence i.e. the Natural Law School, Analytical Positivist School, Historical School and Sociological School. It also deals with certain central issues like law and justice, law and morality and realist movement in order to acquaint the students with the nature of law and its role in contemporary society. Course Objective is to develop an understanding about:</p> <p style="padding-left: 40px;">C01- nature and significance of Jurisprudence which is often called as ‘<i>the eye of law</i>’ or the ‘<i>grammar of law</i>’; C02 - the basic question “what is law”; C03-Schools of Jurisprudence i.e. the Natural Law School, Analytical Positivist School, Historical School and Sociological School as well as the Realists Movement; C04-relevance of the legal theories in modern time; C05- concepts like law, morality, equity, justice, rights, duties <i>etc.</i></p> <p>This subject requires teaching to be a combination of theoretical foundation with practical application wherein students will be engaged in relating relevant judgments with the jurisprudential theories. The contact hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions. The enrolled students will be encouraged to participate in classes via minor assignments in the form of quiz, MCQs or addressing an issue based on facts.</p>		

LEARNING OUTCOMES: Through the curriculum, the students will be acquainted with the nuances of jurisprudence and views of Jurists whose contribution to law is vast. At the end of the course, students will be able to:

LO1- Trace the development of law from the earliest era to the modern societies

LO2 – Understand the various schools of Jurisprudence and the theories given by different jurists

LO3 - Figure out the difficult concept of justice, morality, law, etc.

LO4- Relate the application of theories with reasoning with the help of numerous case laws

LO5 - Understand the multi-disciplinary nature of law and its relevance in present times

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	INTRODUCTION	1-2
2	LAW, JUSTICE, AND MORALS	3-10
3	NATURAL LAW SCHOOL	11-18
4	ANALYTICAL POSITIVISM	19-28
5	HISTORICAL SCHOOL OF LAW	29-34
6	SOCIOLOGICAL SCHOOL OF LAW	36-48
7	THE REALISTS MOVEMENT	49-60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 INTRODUCTION	<ol style="list-style-type: none"> 1. Jurisprudence <ol style="list-style-type: none"> a. Meaning and Significance b. Nature and Definitions c. Scope of Jurisprudence 2. Relation of Jurisprudence with Other Disciplines 3. Jurisprudence vis-a-vis Legal Theory
Module 2 LAW, JUSTICE, AND MORALS	<ol style="list-style-type: none"> 1. Justice <ol style="list-style-type: none"> a. Meaning and Significance b. Relationship between Law and Justice, Theories by Aristotle, Prof. H. L.A. Hart, John Rawls, Prof. Amartya Sen 2. Morals <ol style="list-style-type: none"> a. Meaning, Origin, Importance b. Distinction between Law and Morals c. Relationship between Law and Morals d. Legal Enforcement of Morals e. Hart-Devlin Debate
Module 3 NATURAL LAW SCHOOL	<ol style="list-style-type: none"> 1. Introduction and Central Features of Natural School; 2. Origin and Development of Natural Law: <ol style="list-style-type: none"> a. <i>Ancient Period</i>- Greek Philosophers; Roman Philosophers b. <i>The Middle Ages</i>- St. Thomas Aquinas c. <i>Renaissance Influence on Natural Law</i>; Social Contract Theories- Grotius, Hobbes, Locke, Rousseau d. <i>Decline of Natural Law Theories- Reasons</i> e. <i>Revival of Natural Law</i>- Reasons for Revival, Theories of: Stammler, Fuller, Finnis, H.L.A. Hart, Hart- Fuller Debate 3. Natural Law and its Application in India
Module 4 ANALYTICAL POSITIVISM	<ol style="list-style-type: none"> 1. Introduction and Central Features of Analytical Positivism 2. Theories of Jurists: <ol style="list-style-type: none"> a. Jeremy Bentham- Theory of Utility and its Merits and Criticisms b. John Austin- Types of law, Law as Command of Sovereign; Merits and Criticisms of the Theory; Application of Austin's Theory in Contemporary Times c. Hans Kelsen - Pure Theory of Law, Grund norm; Merits and Criticisms of the Theory, Application of Kelsen's theory in contemporary times

	<p>d. H.L.A. Hart- Law as a System of Rules- Primary and Secondary Rules; Rule of Recognition, Merits and Criticisms of the Theory; Application in Modern Times</p> <p>e. Hart-Dworkin Debate</p>
Module 5 HISTORICAL SCHOOL OF LAW	<p>Introduction and Central Features of Historical School;</p> <p>Theories of Jurists:</p> <ol style="list-style-type: none"> a. Karl Von Savigny -Volksgiest Theory(Merits and Demerits of the Theory) b. Henry Maine-Stages of Law; Theory of Status to Contract; (Merits and Demerits of the Theory) <p>Historical School and Anthropology- Inter-relation</p>
Module 6 SOCIOLOGICAL SCHOOL OF LAW	<ol style="list-style-type: none"> 1. Introduction and Central Features of Sociological School 2. Theories of Jurists <ol style="list-style-type: none"> a. Ehrlich- Living Law Theory b. Ihering - Purpose of Law, Interest Theory c. Duguit- Social Solidarity Theory d. Roscoe Pound - Theory of Social Engineering; Jural Postulates; Application of Social Engineering in Modern Times 3. Merits and Criticisms of above Theories
Module 7 THE REALISTS MOVEMENT	<ol style="list-style-type: none"> 1. American Realism- Meaning and Central Features 2. Theories of Jurists: <ol style="list-style-type: none"> a. Oliver Holmes (Prediction Theory/Badman Theory) b. Jerome Frank (Skepticism, Father Complex Theory) c. Carl N. Llewellyn (Law Jobs Theory) 3. Scandinavian Realism - Meaning and Central Features 4. Theories of Jurists: Axel Hagerstrom <ol style="list-style-type: none"> a. Prof. Olivecrona b. Alf Ross 5. Criticism and Contribution of American Realism and Scandinavian Realism to Jurisprudence

READINGS:

A. BOOKS AND ARTICLES

1. J. Austin, *Lectures on Jurisprudence*, 5thEd., R. Campbell, John Murray, 1885
2. J. Bentham, *An Introduction to the Principles of Morals and Legislation* ,(Eds. J.H.BurnsandH.L.A.Hart),TheAtholonePress,1970
3. E.Bodenheimer, *Jurisprudence*,HarvardUniversityPress,1962
4. Devlin,Lord:*TheEnforcementofMorals*,1965
5. Fuller,Lon:*TheMoralityofLaw*,1969
6. H.L.A. Hart, *Law,LibertyandMorality*,1963
7. H.L.A. Hart, *TheConceptofLaw*,1961
8. R.W.M. Dias, *Jurisprudence*, Butterworths, London,1976
9. Lord Lloyd: *Introduction to Jurisprudence*,Stevens and Sons Ltd., London, 1979
10. W.Friedmann, *Legal Theory*, Stevens and Sons Ltd., London, 1960
11. H.L.A. Hart:*EssaysinJurisprudenceandPhilosophy*,Oxford,1983
12. H.J.S.Maine,*AncientLaw*(EditedbyF.Pollock)
13. G.W.Paton,*ATextbookofJurisprudence*
14. Savigny,F.K.Von, *OntheVocationofOurAgeforLegislationandJurisprudence*
15. C.K.Allen,*LawintheMaking*,6thEd.Oxford,1958
16. B.N.Cardozo,*TheGrowthoftheLaw*,YaleUniversityPress,1924
17. R. Pound, *An Introduction to the Philosophy of Law*, Yale University Press, 1922
18. J.Stone, *SocialDimensionsofLawandJustice*,StevensandSonsLtd.,1966
19. K.N. Llewellyn, *Jurisprudence:RealisminTheoryandPractice*,UniversityofChicagoPress,1962
20. K. Olivecrona, *Interpretations of Modern Legal Philosophies*, Oxford University Press,NewYork,1947
21. P.J.Fitzgerald,*SalmondonJurisprudence*(12thEdition)UniversalLawPublishers
22. WayneMorrison, *JurisprudencefromtheGreektPost-Modernism*, 1997.

B. ONLINE AVAILABLE BOOKS (In HNLU Digital Library/Open Access Platform)

1. Jurisprudence And Legal Theory : Dr. Mahajan V. D.
<https://archive.org/details/in.ernet.dli.2015.553373>
2. Jurisprudence and Legal Theory: Chris C. Wigwe (2011)
[\(PDF\) Jurisprudence ,and Legal Theory \(researchgate.net\)](#)
3. The theory of personhood: A. J. Kurki
<https://fdslive.oup.com/www.oup.com/academic/pdf/openaccess/9780198844037.pdf>
4. Reading material by e-PGPathshala (inlibnet.ac.in)

C. ONLINE ARTICLES/BLOGS/REPORTS:

1. "Jurisprudence, Interpretation And General Laws", Study Material, Executive Program, ICSI
[Jurisprudence Interpretatio and GeneralLaws.pdf \(icsi.edu\)](#)
2. "Natural Law, Human Rights And Justice Some Reflections On Finnis's Natural Law Theory", B.C. Nirmal, (15) [NATURAL LAW, HUMAN RIGHTS AND JUSTICE SOME REFLECTIONS ON FINNIS'S NATURAL LAW THEORY | B.C. Nirmal - Academia.edu](#)
3. "Law and Morality", Arthur Scheller Jr , [Law and Morality \(marquette.edu\)](#)
4. "The Relation Between Law and Morality", Emima Alistar Hîrlav, [Microsoft Word - 53Hirlav Emima-RAIS-completat.doc \(ssrn.com\)](#)
5. Taking Law Seriously: Starting Points of the Hart/Devlin Debate,(PDF) [Taking Law Seriously: Starting Points of the Hart/Devlin Debate* \(researchgate.net\)](#)
6. The Schools of Jurisprudence, Their Places in History and Their Present Alignment, Nathan issacs, Harvard Law Review, 1918, available on <https://www.jstor.org/stable/1327078>
7. Theories of Law, Professor Roscoe Pound, Yale Law Journal, available on [THEORIES OF LAW \(yale.edu\)](#)
8. Realism in Legal Theory, Australian Catholic University, Available on <https://www.cambridge.org/core>

D. BLOGS/CHANNELS/PODCASTS:

1. Lecture on Jurisprudence, [Michael J. Sandel Lecture on Jurisprudence: Justice, Neutrality and Law](#)
2. Jeffrey Kaplan, Assistant Professor of Philosophy at the University of North Carolina at Greensboro, Online Lectures. <https://www.jeffreykaplan.org/youtube>

E. CASE LAWS :

1. Animal Welfare Board of India Vs. A. Nagaraja and Others [(2014) 7 SCC 547]
2. Baby Manji Yamada Vs. Union of India and Another (2008) 13 SCC 518
3. Diamond Vs. Chakrabarty, 447 U.S. 303 (1980)
4. Dobbs v. Jackson Women's Health Organisation (JWHO), June 24th, 2022
5. I. C. Golaknath and Ors. Vs. State of Punjab and Anrs. 1967 AIR 1643, 1967 SCR (2) 762
6. Indian Young Lawyers Association & Ors. Vs. State of Kerala & Ors. Writ petition (Civil) No. 373 of 2006, (SC decision on 28 September 2018)
7. Justice K.S. Puttaswamy (Retd.) and Anr. Vs. Union of India and Ors. (2017) 10 SCC 1 ; 2017 SCC OnlineSC 996
8. Kesavananda Bharati Sripadagalvaru & Ors. Vs. State of Kerala & Anr. (Writ Petition (Civil) 135 of 1970)
9. M.C. Mehta Vs. Union of India AIR 1987 SC 965 (Oleum Gas Leak Case)
10. Maneka Gandhi Vs. Union of India AIR 1978 SC 597
11. Minerva Mills Ltd. & Ors. Vs. Union of India & Ors. AIR 1980 SC 1789
12. Mohd. Ahmed Khan Vs. Shah Bano Begum and Ors [Shah Bano Case] AIR 1985 SC 945
13. Mohd. Noor Vs. Mohd. Ibrahim, AIR 1995 SC 398.

14. Mohammed Salim Vs. State of Uttarakhand Writ Petition (PIL) No. 126 of 2014 (December 5, 2016 and March 20, 2017)
15. Moore Vs. Regents of the University of California (decided on 9 July 1990 Supreme Court of California)
16. Navtej Singh Johar & Ors. Vs. Union of India through Secretary Ministry of Law and Justice 2018 INSC 790 decided on 6 September 2018
17. Naz Foundation Vs. Govt. of NCT of Delhi 160 Delhi law Times 277 (Decided on 2 July 2009)
18. Rame Gowda vs. M. Varadappa Naidu, AIR 2004 SC 4609.
19. Roe V. Wade, 410 U.S. 113(1973)
20. Rylands Vs. Fletcher, UKHL 1, L.R. 3 H.L. 330
21. Suresh Kumar Koushal Vs. Naz Foundation Civil Appeal No. 10972 of 2013, (Decided on 11 December 2013)
- 22. Shayara Bano Vs. Union of India [(2017) 9 SCC 1]**
23. Shiromani Gurudwara Prabandhak Committee, Amritsar Vs. Shri Som Nath Dass & Ors., 2000. 137
24. The State Trading Corporation of India Ltd. & Ors. Vs. The Commercial Tax Officer, Visakhapatnam & Ors, AIR 1963 SC 1811; 1964 SCR (4) 89.
25. X Vs. the Principal Secretary Health and Family Welfare Department & Another (2022) 2022 SCC OnLine SC 1321



CORPORATE LAW - I (CORE PAPER)
SEMESTER V | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY - DECEMBER, 2024)

Faculty Name	Mr. Mayank Shrivastava	Year/ Semester	3/V
Course Name	Corporate Law - I	No. of Credits	4
Course Code	NA	Session	1 Hour
		Duration	
No of Contact Hours	60 hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>Corporate Law – I being the primary step of imparting corporate knowledge to the students of law deals with the legal structure prescribed for the corporate entities in India. It provides for all basic requirements that encompass a legitimate company as per Indian Corporate Legislation. The course begins with the evolution of a corporate entity and continues to enlighten the students till the death of the corporate personality (including corporate law II). It is not only restricted to the rules and regulations, it also paves the way to have a deep understanding of the universally accepted principles that assist in the smoothy conduct of a company at multiple levels.</p> <p>Understanding corporate law can be said to be the need of this hour as litigation and advocacy in corporate sector has become one of the most sought areas by the students of law. This syllabus creates a way ahead to all other specialized areas in the field of corporate law.</p> <p>The main objective of corporate law - I is to provide basic knowledge about incorporation and conduct of a company. Further Course Objectives are to develop an understanding about:</p> <ul style="list-style-type: none"> C01- To understand the Basic structure and components of corporate Law; C02 - To know the basics and preliminary concept of corporate world; C03 - To Understand the formation of a corporate personality and segregation of management from ownership; C04 - The object, process, and rules of preparing the charter documents and issue-related documents required by a company; C05 - To ascertain the ways of funding that a company has; C06- The emerging areas of study and research in Corporate Finance. 		

	This subject requires teaching to be a combination of theoretical foundation with practical application. The contact hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions. The enrolled students will be encouraged to participate in classes via minor assignments in the form of quiz, MCQs or addressing an issue based on facts.
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LEARNING OUTCOMES: Through the curriculum, the students will be introduced to the essentials of Corporate Law. At the end of the course, students will be able to:

LO1- Understand the fundamentals of Corporate Law and the essential doctrines governing it;

LO2 – Know the steps involved in the process of incorporation of a company and the essential requirements.

LO3 - Analyze the legal features of a company and their implications in business;

LO4 – Acknowledge the legal framework of Corporate Law comprising of the Companies Act, Rules, SEBI Regulations, Case Laws and Regulatory practices

LO5 - Elaborate on the concept and issues with emerging areas in corporate law

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	INTRODUCTION TO CORPORATE LAW	1- 13
2	INCORPORATION AND INCIDENTAL MATTERS	14 – 27
3	CHARTER DOCUMENTS	28 – 40
4	PROSPECTUS	41 – 47
5	COMPANY’S CAPITAL AND CORPORATE FINANCE	48 – 60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 INTRODUCTION TO CORPORATE LAW	<ul style="list-style-type: none"> • Meaning of a company and Legal framework in India • Features and kinds of companies • Concept of Separate Legal Entity • Lifting or piercing of Corporate Veil • Definition and key terms: Officer in Default, KMP, etc.
Module 2 INCORPORATION AND INCIDENTAL MATTERS	<ul style="list-style-type: none"> • Requirements with respect to formation of company • Role of Registrar and other authorities • Procedure and consequences of Incorporation • Formulation of companies with charitable objects

	<ul style="list-style-type: none"> • Promoters: position and responsibilities • Pre-incorporation Contract and its enforceability
Module 3 CHARTER DOCUMENTS	<ul style="list-style-type: none"> • Form and contents of Memorandum of Association • Doctrine of Ultra Vires and related cases • Doctrine of constructive notice and exceptions • Alteration of Memorandum of Association • Form and contents of Articles of Association • Doctrine of Indoor Management and exceptions • Alteration of Articles of Association • Company's responsibility under MOA, AOA, and shareholders' agreement
Module 4 PROSPECTUS	<ul style="list-style-type: none"> • Prospectus – Meaning, Issue, and Contents. • Kinds of Prospectus – Abridge prospectus, Shelf prospectus, Red-herring prospectus, Deemed prospectus. • Misstatements in a prospectus, scope of the untrue statement. • Liability of Mis-statements in the prospectus
Module 5 COMPANY'S CAPITAL AND CORPORATE FINANCE	<ul style="list-style-type: none"> • Meaning of shares, debentures, and securities • Kinds of Share Capital and nature of shares or debentures • Issue and allotment of securities • Further issue of securities: Private placement and public offer • Debenture trust deed and debenture trustee • Debenture redemption reserve • Issue of bonus shares and sweat equity shares • Transfer of shares: Restriction, Procedure, and consequences • Variation of shareholders' rights

READINGS:

STATUTES, RULES, AND REGULATIONS:

1. Companies Act, 2013
2. Securities and Exchange Board of India Act, 1992
3. Reserve Bank of India Act, 1934
4. Depository Act, 1996
5. Specific Relief Act, 1963
6. Companies (Incorporation) Rules, 2014
7. Companies (Share Capital and Debentures) Rules, 2014
8. Companies (Prospectus and Allotment of Securities) Rules, 2014
9. Companies (Management and Administration) Rules, 2014
10. Companies (Miscellaneous) Rules, 2014
11. Company Law Committee Report, 2022
12. Securities and Exchange Board of India (Share Based Employee Benefits and Sweat Equity) Regulations, 2021
13. Securities and Exchange Board of India (Debenture Trustees) Regulations, 1993

CASE LAWS:

1. Salomon v. Salomon & Co. Ltd. (1897) AC 22 (HL)
2. State Trading Corporation of India Ltd. v. CTO (1964) 4 SCR 99
3. Tata Engineering and Locomotive Co. Ltd. v. State of Bihar (1964) 6 SCR 885
4. Daimler Co. Ltd. v. Continental Tyre & Rubber Co. Ltd. [1916-17] All ER Rep. 191
5. Lee v. Lee's Air Farming Ltd. [1960] 3 All ER 420

6. Re Sir Dinshaw Maneckjee Petit Bari AIR 1927 Bom. 371
7. CIT v. Sri Meenakshi Mills Ltd. (1967) 1 SCR 934 : AIR 1967 SC 819
8. Workmen v. Associated Rubber Industry Ltd. (1985) 4 SCC 114
9. Gilford Motor Co. Ltd. v. Horne (1933) Ch. 935 : [1933] All Er Rep. 109(CA)
10. Subhra Mukherjee v. Bharat Cooking Coal Ltd. (2000) 3 SCC 312
11. Erlanger v. New Sombrero Phosphate Co. (1874-80) All ER Rep. 271
12. Ashbury Railway Carriage and Iron Co. Ltd. v. Riche [1874-80] All E.R. Rep. 2219
13. Cotman v. Brougham [1918-19] All E.R. Rep. 265(HL)
14. Re Jon Beauforte (London) Ltd. [1953] 1 Ch. 131
15. Bell Houses Ltd. v. City Wall Properties Ltd. [1966] 2 All ER 674
16. Re Introductions Ltd. v. National Provincial Bank Ltd. [1969] 1 All E.R. 887
17. A Lakshmanaswami v. Life Insurance Corporation of India AIR 1963 SC 1185
18. Royal British Bank v. Turquand [1843-60] All ER Rep. 435
19. Freeman and Lockyer v. Buckhurst Park Properties Ltd. [1964] 1 All E.R. 630
20. Kotla Venkataswamy v. Chinta Ramamurthy AIR 1934 Mad. 579
21. Handerson v. Lacon (1867) L.R. 5 Eq. 241
22. New Burnswick Canadian Railway Company v. Muggerdge (1860) 1 Dr & Sm 381

BOOKS AND ARTICLES

- Taxmann's *Company Law Manual: A Compendium of Companies Act, 2013 alongwith relevant rules*, 17th Edition, 2022
- A Ramaiya *Guide to Companies Act* 19th Edition (2020), LexisNexis
- GK Kapoor & Sanjay Dhamija, *Company Law – A comprehensive textbook on Companies act, 2013* 24th Edition (2022), Taxmann
- Taxmann, *Everything you need to know about Company Law* available at HNLU E-library (<https://www.taxmann.com.elibraryhnluremotexs.in/research/company-and-sebi/all-about/all-about-companies-act>)
- Avtar Singh *Company Law* 17th Edition (2022) Eastern Book Company (HNLU E-library) available at (https://www.ebcwebstore.com.elibraryhnluremotexs.in/product_info.php?products_id=99102362)
- Taxmann *Corporate Laws (Set of 2 Volumes)* 4th Edition (2021) Taxmann
- Dr. Sanjeev Gupta *Bharat's Company Law Procedures and Compliances (A set of 2 Volumes)* 2nd Edition (2021), Bharat Publications
- T.P. Ghosh *Guide to Company Law Committee Report* 1st Edition (2016) Taxmann
- T.P. Ghosh *Companies Act 2013* Taxmann
- Dr. H K Saharay *Company Law* 7th Edition (2018) Universal Law Publishers
- Nicholas Bourne *Bourne on Company Law* 7th Edition, Routledge
- Salim Sheikh *Company Law Handbook 2015 (Professional)* Bloomsbury
- Garg and Rohtagi *Handbook for NGOs and NPOs*, Taxmann
- Gower and Worthington *Gower and Davies Principles of Modern Corporate Law* (2012), Sweet & Maxwell
- Rinita Das *Company Law* 1st Edition (2022), Eastern Book Company available at HNLU e-database
- Louise Gullifer, Jennifer Payne, *Corporate Finance Law Principles and Policy*, Bloomsbury (2020).
- N. Gopalsamy, *Capital Market- The Indian Financial Scene*, Infinity Press, 2017.
- Reinier Kraakman, John Armour, et al., *The Anatomy of Corporate Law: A Comparative and Functional Approach*, Oxford Scholarship Online.
DOI:10.1093/acprof:oso/9780198739630.001.0001
- Murray A Pickering, *The Company as a Separate Legal Entity*, The Modern Law Review, (HNLU E-library) available online at

https://www.jstor.org.elibraryhnluremotexs.in/stable/pdf/1093759.pdf?refreqid=fastly-default%3Ae504fed8f5fea6861bf64ea8eee4c10f&ab_segments=0%2F5YC-6451%2Fcontrol&origin=search-results&acceptTC=1

- Gaurav N Pingle, *Committee recommends progressive and pragmatic amendments to Company Law*, Taxmann (HNLU E-library) available at <https://www.taxmann.com.elibraryhnluremotexs.in/preview-document?categoryName=company-and-sebi&fileId=10501000000021564&subCategory=experts-opinion&searchText=company%20law>
- Prashant Pranjal & Trisha Singhvi *The Concept of “one person company” in Companies Act, 2013* (HNLU E-library) available at <https://www.taxmann.com.elibraryhnluremotexs.in/preview-document?categoryName=company-and-sebi&fileId=10501000000010746&subCategory=experts-opinion&searchText=promoters%20liabilities>

REGULAR READINGS

- Top Stories on Company and SEBI Laws, Taxmann (HNLU E-library) available at <https://www.taxmann.com.elibraryhnluremotexs.in/research/company-and-sebi>
- Company Law – Case Laws, Taxmann (HNLU E-library) available at <https://www.taxmann.com.elibraryhnluremotexs.in/research/company-and-sebi/caselaws>
- Company Law – Circulars and Notifications, Taxmann (HNLU E-library) available at <https://www.taxmann.com.elibraryhnluremotexs.in/research/company-and-sebi/circular-notifications>
- Latest Stories in Company and Tax Laws, Taxmann (HNLU E-library) available at <https://www.taxmann.com.elibraryhnluremotexs.in/research>
- SCC Online Blog, SCC Online (HNLU E-library) available at <https://www.sconline.com/blog>
- Case Briefs, SCC Online (HNLU E-library) available at <https://www.sconline.com/blog/post/category/casebriefs/>
- Articles and Latest Updates, Corporate Law Adviser E-library available at <https://www.claonline.in/#parentHorizontalTab3>

*The list of materials is not exhaustive.



PRINCIPLE OF TAXATION LAW (COMPULSORY PAPER)
SEMESTER V | B.A.LL.B. (Hons.)
SYLLABUS (SESSION: JULY-DECEMBER 2024)

Faculty Name	Dr. Anindhya Tiwari Dr. Archana Gharote	Year/ Semester	3 rd / 5 th
Course Name	PRINCIPLES OF TAXATION LAW	No. of Credits	4
Course Code	NA	Session Duration	1 Hour
No of Contact Hours	50 Lectures + 10 Tutorials = 60 hours	Pre- requisite	1. Corporate Law 2. Law of Contract 3. Law relating to Partnership 4. Merchantile law
Introduction, Course Objective & Pedagogy	<p>Income Tax holds its importance because it is one of the major sources of revenue for the government, and hence tends to support the running of our government. Thus, it helps meet the funds required to raise the infrastructure and develop the country.</p> <p>The legislative framework and judicial pronouncements on the tax laws are constantly evolving along with globalization, economic shifts, and different operational adjustments. The tax laws of the country undergo significant changes every year on the passing of Annual Finance Act. Apart from the amendments coming out every year through the Finance Act, various circulars/notifications/clarifications are also issued by the regulating bodies, i.e., Central Board of Direct Tax (CBDT) and Central Board of Indirect Taxes and Customs (CBIC) for implement the different provisions of the Act and further clarifying the scope of some provisions.</p> <p>The Income Tax Act, 1961 provides for levy, administration, collection and recovery of income tax. It further provides progressive rate schedule, exemption limits, and incorporates number of incentive provisions.</p> <p>CO1-To understand the basic concepts of principles of taxation law.; CO2 - To assess the income tax liability of individual; CO3- To provide students with the critical faculties necessary in an academic environment, on the job, and in an increasingly complex</p>		

	<p>and interdependent world;</p> <p>CO4- To assist students in the development of intellectual flexibility and creativity so that they may engage in life-long learning;</p> <p>CO5- To interpret and apply the provisions of the direct & indirect taxes critically.</p> <p>This subject requires teaching to be a combination of theoretical foundation with practical application. The contact hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions. The enrolled students will be encouraged to participate in classes via minor assignments in the form of quiz, MCQs or addressing an issue based on facts.</p>
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LEARNING OUTCOMES:

L01- The student will understand and demonstrate the conceptual and working knowledge of the principles of taxation laws.

L02 – Students would be able to apply critical and practical approaches to the reading and analysis of various provisions of tax laws

L03 - Students would be familiar with the basics of computation of direct & indirect taxes

BRIEF COURSE OUTLINE:

Modules	Topics	Sessions
1	Tax – At a Glance	8
2	Taxation and Constitution of India	8
3	Tax Authorities and Tax Administration	6
DIRECT TAX		
4	Meaning and Concept of Income & Incomes which do not Form Part of Total Income	10

5	Various Heads of Income under the Income Tax Act, 1961	18
6	Deductions from Gross Total Income and Rebate & Relief	5
INDIRECT TAXATION		
7	Goods and Services Tax (GST) – An Overview	5

DETAILED COURSE OUTLINE:

Modules	Particulars	Sessions
Module 1 TAXES- AT A GLANCE	TAXES – AT A GLANCE History of Taxation in India Classification of Taxation Difference between Direct Tax and Indirect Tax Characteristics of Tax, Fee and differences between both Meaning of Tax, Cess and Surcharge Objectives of Taxation Canons of Taxation by Adam Smith and Additional/Modern Canons Tax Structure in India Basic Concept of Tax Avoidance, Tax Evasion and Tax Planning and its distinction Effect of Tax Avoidance and Tax Evasion	8
Module 2 TAXATION AND CONSTITUTION	Taxation and Constitution of India Taxation under 265 of Constitution Article 14 and Taxation Distribution of Taxing Powers between the Union and the States Taxation and Freedom to carry on Trade and Commerce	8
Module 3 TAX AUTHORITIES AND TAX ADMINISTRATION	TAX AUTHORITIES AND TAX ADMINISTRATION Introduction Appointment of Tax Authorities GST Council Power of Search and Seizure under Section 132 Test of 'Reason to believe'	6
Module 4 MEANING,	MEANING AND CONCEPT OF INCOME & INCOMES WHICH DO NOT FORM PART OF TOTAL INCOME	

CONCEPT OF INCOME AND RELATED TERMS	Introduction Important Definitions: (i) Assessee [Section 2(7)] (ii) Assessment Year [Section 2(9)] (iii) Previous Year [Section 3] (iv) Income [Section 2(24)] (v) Person, (vi) Improvement	10
	Residential Status of Assessee Scope of Total Income Charge of Income Tax Agricultural Income and Its Tax Treatment Incomes which do not form Part of Total Income	
Module 5 VARIOUS HEADS OF INCOME UNDER THE INCOME TAX ACT, 1961	VARIOUS HEADS OF INCOME UNDER THE INCOME TAX ACT, 1961 PART I – INCOME UNDER THE HEAD “SALARIES” Introduction Basis of Charge Meaning and Characteristics of Salary Relationship of Employer and Employee Allowances and Perquisites Deductions from Gross Salary PART II – INCOME UNDER THE HEAD HOUSE PROPERTY Basics of Charge Determination of Annual Value Concept of Deemed Ownership PART III – PROFIT AND GAINS FROM BUSINESS / PROFESSION Meaning of terms ‘Business’ or ‘Profession’ Income Chargeable to Tax under the Head Business or Profession (Section 28) Scheme of Deductions and allowance Expenses which are not allowed PART IV – INCOME FROM CAPITAL GAINS Capital Gains Capital Asset Short-term & long-term Assets PART V – INCOME FROM OTHER SOURCES Income Chargeable Under the Head ‘Income from Other Sources’ Income from Family Pension	18

	Taxation of Dividends	
Module 6	DEDUCTIONS FROM GROSS TOTAL INCOME AND REBATE & RELIEF	5
DEDUCTIONS, REBATE AND RELIEF	Introduction	
	Important Deductions	
	Relief and Rebate in Respect of Income-Tax	
	GOODS AND SERVICES TAX (GST) – AN OVERVIEW	
Module 7 GST	Constitutional Background of GST	5
	The Constitution (One Hundred and First) Amendment Act and General Features of Goods and Service Tax dealt under this Amendment.	
	Basic concept of GST	

RECOMMENDED TEXT BOOK:

1. Dr. Vinod K. Singhanian & Dr. Kapil Singhanian, Direct Taxes Law and Practice by Taxmann Publications.
2. Dr. Girish Ahuja & Dr. Ravi Gupta, Direct Taxes Law and Practice by Wolters Kluwer India Pvt. Ltd., 2019.

REFERENCES:

1. Dr. Girish Ahuja & Dr. Ravi Gupta, Direct Taxes Ready Reckoner with Tax Planning, Wolters Kluwer India Pvt. Ltd.
2. Dr. Vinod K Singhanian & Monica Singhanian, Taxmann's Students' Guide to Income Tax Including GST - Problems & Solutions, 21st Edition 2020-21.
3. Sampath Iyengar, Law of Income Tax, Bharath Law House, New Delhi.
4. Kanga and Palkiwala, The Law and Practice of Income Tax, LexisNexis.
5. S. Bhattacharya & H.R. Garg, Handbook of Direct Taxes (2010) Eastern Law House, Calcutta.
6. Vinod k Singhanian- Direct Taxes.
7. A C Sampath Iyengar, The Law of Income Tax, Bharat Law House.
8. Dinesh Vyas, "The Law and Practice of Income Tax", (9th Edn. Vol. II 2004), Lexis Nexis Butterworths, New Delhi
9. Dr. Klaus Vogel, KLAUS VOGEL ON DOUBLE TAXATION CONVENTIONS, Kluwer Law International, 3rd edn., 2005.
10. Dr. Klaus Vogel, KLAUS VOGEL ON DOUBLE TAXATION CONVENTIONS, Kluwer Law International, 3rd edn., 2005.
11. Mukesh Bhutani, TRANSFER PRICING AN INDIAN PERSPECTIVE, Lexis Nexis Butterworths, 2nd edn, 2007.
12. Rani N. R., INSIGHTS INTO THE BASICS OF INTERNATIONAL TAXATION, Young Global Publications, 2012.
13. Roy wilson, brian galpin, peter benson maxwell, maxwell on the interpretation of statutes, 42 (11th edition, london: sweet & maxwell) (1962).

WEBSITES:

1. <https://www.finmin.nic.in/>
2. <https://dor.gov.in/>
3. <http://financialservices.gov.in/>
4. <http://www.indiataxlaw.com/>
5. <https://www.icsi.edu/home/>
6. <https://www.icaai.org/>
7. <https://gstcouncil.gov.in/>
8. <https://www.cbic.gov.in/>

CASES:

- ☐ Amritlal v. Union of India, AIR 1964 SC 648
- ☐ Applicant A v. Minister for Immigration and Ethnic Affairs, (1997) 7 ALJR 381
- ☐ Arabian express lines ltd v. Union of India, (1995) 212 ITR 31 (Guj.)
- ☐ Attorney General v. HRH Prince Augustus, [1957] 1 All ER 49
- ☐ Attorney-General for Canada v. Attorney General for Ontario, [1937] AC 326
- ☐ Attorney-General vs. Carlton Bank, [1899] 2 QB 158
- ☐ Authority of Advanced Ruling, New Delhi, P. No. 13 of 1995 [1997] 94 Taxman 171 (AAR - New Delhi)
- ☐ B4U International Holdings Ltd v. Deputy Commissioner of Income Tax (IT), [2012] 52 SOT 545/21 taxmann.com 529 (Mum.)
- ☐ Babaji Kondaji Garad v. Nasik Merchants Co-operative Bank Ltd. AIR 1984 SC192
- ☐ Baleshwar Bagarti v. Bhagirathi Dass, [1908] I.L.R. Cal. 701
- ☐ Bengal ImmunityCo. v. St. of Bihar AIR, 1955 SC 661
- ☐ Bhim Sen Khosla v Commissioner of Income Tax, (1982) 133 ITR 667 (Del)
- ☐ Bishambhar Dayal Chandra Mohan v. State Of Uttar Pradesh & Ors, AIR1982 SC32
- ☐ Buchanan & Co. v. Babco Ltd., [1978] AC 141
- ☐ Bulmer Ltd. v. S.A. Bollinger, [1972] 2 All ER 1226
- ☐ C.I. T. v. Vishakhapatnam Port Trust, (1983) 144 ITR (AP)
- ☐ Canadian Pacific Ltd. v. The Queen, 76 D Tax 6120
- ☐ Case concerning the Polish Postal Service in Danzing, (P.C.I.J.) Series B. No. 11, p.39
- ☐ Central India Spg. & Wvg. & Mfg. Co. Ltd. v. Municipal Committee AIR 1958 SC341
- ☐ Chertsey, UDC v. Mixnam's Properties, [1942] 2 All ER 627
- ☐ Chong v. Commissioner of Taxation, (2000) FCA
- ☐ CIR v. Hang Seng Bank Ltd. [1991] 1 AC 306 (PC)
- ☐ CIR v. HK-TVB International Ltd. [1992] 3 WLR 439 (CA)
- ☐ CIR v. N.V. Philips, (1955) NZLR 868
- ☐ CIR v. United Dominions Trust Ltd., [1973] 1 NZTC 61,028 92
- ☐ CIT v. Chunilal B. Mehta [1938] 6 ITR 521 (PC)

- ❑ CIT v. Davy Ashmore India Ltd., [1991] 190 ITR 626 (Cal.)
- ❑ CIT v. J.H. Gotla, [1985] 156 ITR 323 (SC)
- ❑ CIT v. P.V.A.L. Kulandagan Chettiar, [2004] 267 ITR 654 (SC)
- ❑ CIT v. R.M. Muthaiah, [1993] 202 ITR 508 (Kar.)
- ❑ CIT v. Siemens Aktiongesellschaft, [2009] 177 Taxman 81 (Bom.)
- ❑ CIT v. V.R.S.R.M. Firm and Arabian Express Lines Ltd. (1994) 208 ITR 400 (Mad.)
- ❑ Collco Dealings Ltd. v. CIR, [1961] 1 All ER
- ❑ Commissioner for Inland Revenue v Lever Bros & Unilever Limited, 1946 AD441, 14 SATC 1
- ❑ Commissioner Income Tax v. VikramCottonMills Ltd., [1977] 106 ITR 829 (All.)
- ❑ Commissioner of Excess Profits Tax, Bombay City v. ShriLakshmiSilk Mills Ltd., [1951] 20 ITR 451 (SC)
- ❑ Commissioner of Income Tax v. Davy Ashmore India Ltd, (1991) 190 ITR626 (Cal.)
- ❑ Commissioner of Income Tax v. Shahzada Nand&Sons, [1966] 60 ITR 392 (SC)
- ❑ Commissioner of Income Tax, International Taxation v. Samsung Electronics Pvt. Ltd., [2011] 203 Taxman 477/16 taxmann.com 141 (Kar.)
- ❑ Commissioner of Taxation v. Lamesa Holdings, (1997) 785 FCA
- ❑ Corocraft Ltd. v. Pan American Airways Inc., [1968] 3 WLR 1273
- ❑ Corstar v. Eurymedon, [1938] 1 All ER 122 (CA)
- ❑ Crown Forest Industries Ltd. v. The Queen, [1995] 2 SCR 802 (Canada)
- ❑ Cudd Pressure Control Inc. v. The Queen, [1999] CTC 1 (Canada)
- ❑ DCIT v. Torquoise Investment and Finance Ltd, (2008) 300 ITR 1(SC)
- ❑ Derry v. Peek, [1889] 14 App. Cas. 337
- ❑ Deshbandhu Gupta & Co. v. Delhi Stock Exchange Association Ltd., [1979]

PRESCRIBED LEGISLATION:

1. Income-Tax Act, 1961
2. The Constitution Of India 1950
3. The Model Convention With Respect To Taxes On Income And On Capital
4. U. N. CONVENTION, Vienna, 23rd May, 1969
5. United States Internal Revenue Service (2010)
6. Vienna Convention on the Law of Treaties 1969
7. Vienna Convention on the Law of Treaties, 1980
8. ADEN RULES 1953
9. Articles Of The Model Convention With Respect To Taxes On Income And On Capital
10. Guidelines For Providing Training By Shipping Companies For Tonnage-Tax Scheme Under Chapter Xii-G Of Income-Tax Act
11. Income Tax Act 1961
12. OECD Model Convention
13. United Nations Model Double Taxation Convention between Developed and Developing Countries.