



Semester - VI

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LABOUR LAW-II

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objective: Labour Laws provide provisions for equitable distribution of profits and benefits emerging from industry, between industrialists and workers and affording protection to the workers against harmful effects to their health safety and morality.

UNIT- I

THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946

- Application-Main Features of the Act-Definitions-Industrial Establishment-Standing Orders etc.
- Submission of Draft Standing Orders-Duration and Modification-Powers of Certifying Officer

UNIT- II

THE FACTORIES ACT, 1948

- Introduction-Definitions: Factory, Hazardous Process, Manufacturing Process, Worker & Occupier-Approval-Licensing and Registration of Factories-Duties of the Occupier and Manufacturer-Powers of Inspectors
- Provision Relating to Health and Safety in Factories Act, 1948-Provisions Relating to Hazardous Process-Welfare Provisions-Employment of Young Persons

UNIT- III

THE MINIMUM WAGES ACT, 1948

- **The Minimum Wages Act, 1948:** Object & Constitutional Validity-Theories of Wages- Concept of Wages- Minimum Wage-Fair Wage-Living Wage-Components of Wages
- **Minimum Wages:** Principle of Fixation and Revision of Minimum Wage-Procedure for Fair Wages and Living Wages-Protection of Wages-Authorized Deductions-Remedial Measures

UNIT- IV

**THE EQUAL REMUNERATION ACT, 1976 &
EMPLOYEE'S STATE INSURANCE ACT, 1948**

- **Equal Remuneration Act, 1976:** Same Work or Work of Similar Nature-Obligations of Employer-Remedial Measures
- **The Employee's State Insurance Act, 1948:** Application & Scope-Constitution Validity-Definitions-Employee, Family & Dependent-Employment-Injury-Workmen

UNIT- V

PROTECTION OF THE WEAKER SECTORS OF LABOUR

- Unorganised Labour
- Bonded Labour Legislation-Abolition of Bonded Labour-Implementation of the Act-Contract Labour-Abolition and Absorption-Labour Standards and WTO

Suggested Readings

1. A. J. Fonseca: *Wage Determination and Organised Labours in India*, Oxford University Press, New York.
2. A. N. Buch, S.T. Salilallt & S.S. Mehta: *Sweat of Labour Economics for Trade Unions*, Himalaya Publishing House, Bombay.
3. Meenu Agrawal: *Economic Reforms, Unemployment and Poverty*, New Century Publications, New Delhi.
4. C. B. Mamoria and Mamoria: *Dynamics of Industrial Relations in India*, Himalaya Publishing House, Mumbai.
5. C. R. Mc Connell & S. L. Brue: *Contemporary Labour Economics*, Mc Grow- Hill, New York.
6. Dr. S.R. Myneni: *Labour Laws*, Asia Law House, Hyderabad.
7. Dr. T. N. Bhagoliwal: *Economics of Labour and Industrial Relations*, Sahitya Bhavan Publications, Agra.
8. E. A. Ramaswamy: *The Worker and Trade Union*, Allied Publishers, New Delhi.
9. Indrani Mukherjee: *Industrial Workers in a Developing Society*, Mittal Publications, New Delhi.
10. Jwitesh Kumar Singh: *Labour Economics-Principles, Problems and Practices*, Deep & Deep Publications Pvt. Ltd., New Delhi.
11. K. K. Bagin & N. Gope: *State, Labour and Development*, Abhijeet Publication, New Delhi.
12. Mavi Anupreet Kaur: *Educated Unemployed*, Deep & Deep Publication, New Delhi.
13. Pramod Verma: *Labour Economics and Industrial Relations*, Tata McGraw Hill Publishing Co. Ltd., New Delhi.
14. S. N. Misra: *Labour & Industrial Law*, Central Law Publication, Allahabad.
15. S. D. Punekar: *Labour Welfare, Trade Unionism and Industrial Relations*, Himalaya Publishing House, Bombay.

16. S. C. Srivastava: *Industrial Relations and Labour Laws*, Vikas Publishing House, Noida.
17. T. S. Papola, P. P. Ghose and A. N. Sharma (ed.): *Labour Employment and Industrial Relations in India*, B. R. Publishing Corp., New Delhi.
18. V. B. Karnik: *Indian Trade Union-A Survey*, Popular Prakashan, Mumbai.
19. V. V. Giri: *Labour Problems in Indian Industry*, Asia Publishing House, Bombay.
20. Y. S. Purohit: *Industrialising Economy and Labour Market in India*, Mittal Publication, New Delhi.

TAX LAW-I

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objective: Taxes are divided into two kinds; (1) Direct tax and (2) Indirect Tax. Direct Taxes are paid directly to the Government by individuals liable to pay Income Tax. Indirect Taxes are paid to the government by one person but he recovers the same from another person i.e. Goods and Services Tax (GST). Objectives of Income Tax are raising revenue, redistribution of income and preventing concentration of wealth in few hands, promoting economic growth with stability. Objectives of Goods and Services Tax are elimination of multiple taxes and elimination of cascading effect, fostering common market across the country, improving GDP rate and boost our economy.

UNIT- I

INCOME & EXPENDITURE

- **Definition:** Income-Previous Year-Assessment Year-Casual Income-Receipts-Capital and Revenue
- **Expenditure:** Capital and Revenue-Tax free Income-Agricultural Income-Residential Status of Individual Company-HUF and Partnership Firm-Tax Planning and Tax Management-Tax Avoidance and Tax Evasion-Distinction between Tax, Fee and Cess-Taxing Power and Constitutional Limitations

UNIT- II

INCOME TAX I

- **Income from Salaries:** Meaning and Scope-Perquisites-Valuation of Perquisites-Profits in lieu of Salary-Norms of Salary Income- Tax treatment of different forms of Salary Income, Allowances-Deduction and Reliefs-Allowances-TDS

- **Income from House Property:** Deemed Owner-Annual Value-Computation of Income of a Let out or Self-Occupied House Property-Deductions & Reliefs

UNIT- III

INCOME TAX II

- **Profits and Gains from Business or Profession:** Meaning of Business-Principles Governing Assessment of Business Income-Deduction-Scheme of Deduction and Allowance-Principles Governing Admissibility of Deduction-Losses deductible from Business Income-Losses not deductible from Business Income
- **Capital Gains:** Meaning of Capital Gains and Capital Assets-Types of Capital Assets-Transfer Meaning-Long Term and Short-Term Transfer

UNIT- IV

INCOME TAX III

- **Income from Other Sources:** Chargeability-Incomes-Chargeable to Tax under Section 56(2) and 56 (1); Interest on Kisan Vikas Patra-Indira Vikas Patra-National Saving Certificates -Social Security Certificates; Deductions-Amount not Deductible
- **Income of Other Persons included in Assessee's Total Income:** Meaning of Transfer-Clubbing of Income-Income of Minor child, conversion of self-acquired property into joint family property & subsequent partition

UNIT- V

INCOME TAX IV

- **Income Tax Authorities:** Powers and Functions-Procedure for Assessment-Filing of Return-Self Assessment-Best Judgment Assessment-Re-Assessment

- **Offences and Penalties:** Search and Seizure-Set off and Carry Forward Losses-Tax treatment of Hindu Undivided families

Suggested Readings

1. B. B. Lal and N. Vashist: *Direct Taxes, Income Tax, Wealth Tax and Tax Planning*, Darling Kindersley (India) Pvt. Ltd., Delhi.
2. Balram Sangal and Jagdish Rai Goel: *All India VAT manual (4 Vols.)*, Commercial Law Publishers (India) Pvt. Ltd., Delhi.
3. Dr. H. C. Mehrotra and Dr. S.P. Goyal: *Direct Taxes (with Tax Planning)*, Sahitya Bhawan, Agra.
4. Dr. V. K. Singhania: *Students Guide to Income-Tax including Service Tax/VAT*, Taxmann Publications Pvt. Ltd., New Delhi.
5. Girish Ahuja and Ravi Gupta: *Professional Approach to Direct Taxes Law & Practice*, Bharat Publications, New Delhi.
6. Girish Ahuja and Ravi Gupta: *Systematic Approach to Income-Tax, Service Tax and VAT*, Bharat Law House, Jaipur.
7. J. K. Mittal: *Law, Practice & Procedure of Service Tax*, CCH India, (Walters Kluwer (India) Pvt. Ltd.), New Delhi.
8. Sampath Iyengars: *Law of Income Tax*, Bharat Law House Pvt. Ltd., Jaipur.
9. V. S. Datey: *Service Tax Ready Reckoner*, Taxmann Publications, New Delhi.
10. V. S. Datey: *Indirect Taxes Law and Practice*, Taxmann Publications, New Delhi.
11. Vikas Mundra: *Tax Laws and Practices*; Law Point Publications, Kolkata.

ENVIRONMENTAL LAW

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objective: The environmental pollution and degradation of biodiversity has become one of the biggest hazards not only to human existence but also to the existence of all the gifts that nature has bestowed on mankind. Unless immediate and urgent steps are taken to control environmental pollution, a bleak and terrible future awaits the humanity. This fact has accelerated the emergence of different legal and governmental measures at national and international level for prevention of environmental pollution. This course aims to create awareness among the students about the legislative measures for protection of environment and spirit of Indian Constitution for protection of environment. It also provides the opportunities to the students to understand the activist role played by Indian Judiciary in protection of environment and evolution of different principles such as polluter pay principle, precautionary principle, inter-generational equity and sustainable development.

UNIT- I

ENVIRONMENT & SUSTAINABLE DEVELOPMENT

- Environment & Sustainable Development: Conceptual & Theoretical Framework
- Sustainable Development: International & National Legal Response: Report of the World Commission on Environment and Development (WCED), Our Common Future, (Brundtland Report), 1987-Caring for Earth Document-World Summit on Sustainable Development (WSSD), 2002 (Johannesburg Summit)- Plan of Implementation, Johannesburg Declaration-Rio+20; Environmental Principles-Precautionary Principle-Polluter Pays Principle-Inter-generational Equity-Intra-generational Equity-Common but Differentiated Responsibilities; Implementation of Sustainable Development-International Measures-UN Commission on Sustainable Development, 1992-WTO Committee on Trade and Environment National Measures-Implementation of Sustainable Development in India

- Environmental Policy in India: Historical & Contemporary Perspective: Environmental Policy Instruments- The National Forest Policy, 1988- The National Water Policy, 2002-The Wildlife Conservation Strategy, 2002- The National Environment Policy, 2006
- Classical & Common Law Remedies for Environmental Protection: Criminal & Tortious Dimensions

UNIT- II

CONSTITUTION & ENVIRONMENT

- **Constitutional Dimensions of Environment:** Federal Framework-Right to Environment-Constitutional Operationalisation of Fundamental Right to Pollution Free Environment-Articles 14, 19(1) (g), 21, 48-A and 51-A (g) of the Constitution-Environmental Law Making-Parliamentary power under Article 253 to amend law made under Article 252-Constitutional Status of Fundamental Environmental Principles: Precautionary Principle, Polluter Pays Principle, Inter-generational Equity, Intra-generational Equity, Public Trust Doctrine.
- **Human Rights to Environment:** Right-Duty Perspective; Human Right to Environment v. Right to Development; World Charter for Nature, 1982
- **Regulation of Hazardous Industries:** Legal & Institutional Framework-The Hazardous Wastes (Management and Handling) Rules, 1989 as amended in 2000 and 2003.
- **Environmental Liability Principles:** Emerging Trends-Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989; Basel Protocol on Liability and Compensation, 1999; Stockholm Convention on Persistent Organic Pollutants, 2001

UNIT-III

LAW & ENVIRONMENT I

- **Environment Protection Act, 1986:** Salient Features- Regulatory Mechanism- Enforcement & Working of the Act
- **Water Act, 1974:** Salient Features-Regulatory Mechanism- Enforcement & Working of the Act- The Water Cess (Prevention and Control of Pollution) Act, 1977
- **Air Act, 1981:** Salient Features- Regulatory Mechanism- Enforcement & Working of the Act
- **Noise Pollution Rules, 2000:** Salient Features-Regulatory Mechanism- Enforcement & Working of the Act

UNIT-IV

LAW & ENVIRONMENT II

- **Forest Protection Laws:** Forest Policy-Salient Features of Forest Conservation Act, 1980-Regulatory Mechanism & Enforcement-Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Forest Rights Act)
- **Wildlife Protection Law:** Wildlife Policy in India-Salient Features of Wildlife Protection Act, 1972-Enforcement & Working of the Act
- **The Biological Diversity Act, 2002:** Regulation Biological Diversity and Legal Order-Bio-diversity and Legal Regulation-Utilization of flora and fauna-Experimentation on Animals -Legal and Ethical issues -Genetic Engineering
- **Environmental Planning for Sustainable Urban and Rural Environment:** Master Plans, Zoning, Health and Sanitation-73rd and 74th Amendments to the Constitution- Displacement, Resettlement and Rehabilitation

UNIT- V

ENVIRONMENTAL ADVOCACY & LITIGATION

- **Environment Impact Assessment:** Law & Practice-Public Participation & Environment Protection
- Environmental Dispute Resolution-The National Green Tribunal Act, 2010
- Environmental Advocacy & Litigation- Environmental Justice-Access to Environmental Justice
- **Environmental Remedies:** Administrative, Statutory and Constitutional Remedies

Suggested Readings

1. Armin Roseneranz *et.al*: *Environment Law and Policy in India*, South Asia Books, New Delhi.
2. Dr. N. V. Pranjape: *Environmental Laws and Management in India*, Thomson Reuters, Delhi.
3. Indrajit Dube: *Environmental Jurisprudence-Polluter's Liability*, LexisNexis India, Gurgaon.
4. K. Thakur: *Environmental Protection, Law and Policy in India*, Eastern Book Company, Lucknow.
5. M. R. Grag, V.K. Bansal & N. S. Tiwana: *Environmental Pollution and Protection*, Deep & Deep Publishers, New Delhi.
6. Md. Zafar Mahfooz Nomani: *Environment Impact Assessment Laws*, Satyam Law International, New Delhi.
7. Md. Zafar Mahfooz Nomani: *Legal Control of Radiation Pollution*, Regency Publications, New Delhi.
8. Md. Zafar Mahfooz Nomani: *Natural Resources Law and Policy*, Uppal Publishing House, New Delhi.

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9. Md. Zafar Mahfooz Nomani: *Right to Health: A Socio-Legal Perspective*, Uppal Publishing House, New Delhi.
10. P. Leelakrishnan: *Environmental Law Case Book*, LexisNexis India, Gurgaon.
11. P. Leelakrishnan: *Environmental Law in India*, LexisNexis India, Gurgaon.
12. Partha Pratim Mitra: *Wild Animal Protection Laws in India*, LexisNexis India, Gurgaon.
13. Patricia W. Birnie & Alan E. Boyle: *International Law and the Environment*, Eastern Book Company, Lucknow.
14. Sumeet Malik: *Environmental Law*, Eastern Book Company, Lucknow.
15. Surendra Malik & Sudeep Malik: *Supreme Court on Environmental Law*, Eastern Book Company, Lucknow.

INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objectives: Statutes are framed by the legislature with the help of legal experts in a very clear and express terms and it is perceived that there would be no room for their interpretation. It is, however, found that the Courts are busy in unfolding the meaning of terms and provisions of the statutes. Therefore, the duty of the judges is to interpret the statutes, so that their provisions would become meaningful and devoid of lacunas. Generally, the statutes are designed to meet and solve the problems of society. Different statutes are passed by the legislature dealing with different aspects of the society. Therefore, the purpose of this paper is to make the students understand how these statutes are interpreted by the Courts. The object of this paper is to provide the students exposure to different rules of interpretation. The paper also offers understanding of the principles of legislation in law making

UNIT-I

PRELIMINARY MATTERS

- **Introduction:** Concept of Statutes-Meaning of Interpretation and Construction; Interpretation of Statutes: Meaning-Need for Interpretation-Purpose and Broad Approaches of Interpretation-Function of the Judges; Understanding Statutes: Its Commencement, Operation, Repeal and Revival etc.
- **Intention Attributed to Expression:** Mandatory and Directory-Rules as to Waiver of Statutes and Against Statutes.

UNIT-II

RULES OF STATUTORY INTERPRETATION

- **Primary Rules:** Literal (Grammatical) Rule of Construction-Golden Rule of Construction-Mischief Rule (Heydon's Rule) of Construction-Harmonious Rule of Construction
- **Secondary Rule:** Construction *Expositio*-Construction in *Bonam Partem-Noscitur a Sociis*-*Expressio Unius* Rule-*Ejusdem Generis* Rule-*Redendo Singula Singulis*

UNIT-III

AIDES TO CONSTRUCTION

- **Internal (Intrinsic) Aides:** Title, Preamble, Heading, Marginal Notes, Schedule, Interpretation Clauses, Illustration, Explanation and Proviso.
- **External (Extrinsic) Aides:** Historical Setting-History Parliamentary Legislation- International Convention-Reference to Legislation-Objects and Reason of the Act-Dictionaries-Text Books.

UNIT- IV

INTERPRETATION WITH REFERENCE TO SUBJECT MATTER AND PURPOSE

- Beneficial and Restrictive Construction-Construction of Penal and Taxing Statutes
- **Constitutional Interpretation:** Meaning and Principles of Construction of Constitution-Constitutionality of Statutory Law

UNIT- V

**PRINCIPLES OF LEGISLATION AND PRESUMPTION IN STATUTORY
INTERPRETATION**

- **Law Making:** Legislature, Executive and Judiciary-Process of Law Making-
Relevancy of Each Steps-Draft-Bill-Act-Assent
- **Principle of Utility:** Presumption as to Validity and Territorial Operation-
Presumption as to Operation of Statutes (Prospective & Retrospective)-
Presumption Regarding Court's Jurisdiction

Suggested Readings

1. Amita Dhanda: *N S Bindra's Interpretation of Statutes*, LexisNexis India, Gurgaon.
2. Avtar Singh & Harpreet Kaur: *Introduction to Interpretation of Statutes*, LexisNexis India, Gurgaon.
3. Justice G P Singh (Revised by Justice A. K. Patnaik): *Principles of Statutory Interpretation (Also including the General Clauses Act, 1897)*, LexisNexis India, Gurgaon.
4. P. St. J. Langan: *Maxwell on the Interpretation of Statutes*, LexisNexis India, Gurgaon.
5. N. S. Bindra: *Interpretation of Statutes* LexisNexis India, Gurgaon.
6. P. M. Bakshi: *Statutory Interpretation of Statutes*, Orient Publishing Company, Orient Publishing Company.
7. P. S. Narayan: *Statutory Interpretation*, Asia Law House, Asia Law House, Hyderabad.
8. M. P. Tandon: *Interpretation of Statutes & Legislation*, Allahabad Law Agency, Allahabad.
9. Bawa & Roy: *Interpretation of Statutes*, Allahabad Law Agency, Allahabad.
10. A. B. Kafaltiya: *Interpretation of Statutes*, Universal Law Publishing Co Pvt. Ltd., New Delhi.

ADMINISTRATIVE LAW

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objective: Administration is an individual's interface with the State. Due to unprecedented rise in state intervention in an individual's life, the possibilities of accumulation of uncontrolled power and of arbitrariness in its exercise too have increased. This in turn has started adversely affecting legal rights granted to an individual by the law. Therefore, administrative law has been systematically developed as an instrument to ensure that the powers entrusted or delegated to the administrative authorities are exercised strictly in accordance with the law. Administrative law is essentially the law that exercises control over state functionaries which have increased over time for assumption of increased state responsibilities. The course structure of Administrative Law deals with legal framework governing public administration and the principles to control executive power to avoid arbitrariness. The course structure is designed to make students acquaint of various aspects of Administrative Law including quasi-legislative, quasi-judicial and other ministerial functions of administration and control thereof, delegated legislation, natural justice, administrative discretions and administrative tribunals.

UNIT- I

INTRODUCTION

- **Evolution and Development of Administrative Law:** Nature, Scope and Definition of Administrative Law-Constitutional Law and Administrative Law
- **Rule of Law:** *Droit Administratif* and Indian Perspective
- Separation of Powers

UNIT- II

ADMINISTRATIVE ADJUDICATION

- **Administrative Action:** Classification of Administrative-Functions: Pure Administrative, Quasi-Judicial and Quasi-Legislative.

- **Administrative Discretion:** Scope and Control
- **Administrative Adjudicatory Bodies:** Tribunals-Need, Nature, Jurisdiction and Procedure-Overview of Tribunals in India with Special Reference to Administrative Tribunals established under the Administrative Tribunals Act, 1985-Civil Courts *vis-à-vis* Tribunals-Legal Status and Jurisdictional Conflicts

UNIT- III

DELEGATED LEGISLATION

- Meaning, Reasons for Growth and Limits of Delegated Legislative Power.
- Constitutionality of Delegated Legislation, Power of Exclusion & Inclusion and Power to Modify Statute-Conditional Legislation and Delegated Legislation
- Controls over Delegated Legislation: Parliamentary Control , Procedural Control and Judicial Control

UNIT- IV

NATURAL JUSTICE

- Principles of Natural Justice
- *Audi Alterem Partem*-Rule against Bias-Reasoned Decision
- Consequences of Violation of the Principles of Natural Justice

UNIT- V

LAW OF WRITS, OMBUDSMAN & RTI

- Judicial Review of Administrative Actions
- Public Law Remedies (Writ Remedies)-Private Law Remedies
- **Transparency and Accountability in Governance:** Institution of *Lokpal* and *Lokayuktas* (Ombudsman)-The Right to Information Act, 2005- -Judicial Standards and Accountability

Suggested Readings

1. A. B. Kafaltiya: *Textbook on Administrative Law*, Universal Law Publishing, New Delhi.
2. Abhishek Baplawat: *Administrative Law*, Wisdom Press, New Delhi.
3. H. J. Abraham: *The Judicial Process*, Oxford University Press, New Delhi.
4. T. R. Andhyarjina: *Judicial Activism and Constitutional Democracy in India*, N.M. Tripathi Pvt. Ltd., Bombay.
5. Ashok H. Desai and S. Muralidhar: 'Public Interest Litigation: Potential and Problems' in B. N. Kirpal et. al. (eds.), *Supreme but not Infallible-Essays in Honour of the Supreme Court of India*, OUP, New Delhi.
6. C. K. Takwani: *Lectures on Administrative Law*, Eastern Book Company, Lucknow.
7. Rajeev Dhavan (ed.): *Litigation Explosion in India*, N.M. Tripathi, Bombay.
8. Dr. U. P. D. Kesari: *Administrative Law*, Central Law Publication, Allahabad.
9. Durga Das Basu & S P Sen Gupta: *Administrative Law*, Kamal Law House, Kolkata.
10. Elizabeth Giussani: *Constitutional and Administrative Law*, Sweet & Maxwell, London.
11. Granville Austin: *Working a Democratic Constitution-The Indian Experience*, Oxford University Press, New Delhi.
12. H. W. R. Wade & C. F. Forsyth: *Administrative Law*, Oxford University Press, UK.
13. I. P. Massey: *Administrative Law*, Eastern Book Company, Lucknow.
14. J. J. R. Upadhaya: *Administrative Law*, Central Law Agency, Allahabad.
15. M. P. Jain: *Locus Standi in the Evolving Indian Administrative Law*, Tripathi, Bombay
16. Ivory Jennings: *The Law and the Constitution*, University Press, London
17. K. C. Joshi: *Administrative Law*, Central Law Publication, Allahabad.
18. K. Thakker: *Administrative Law*, Eastern Book Company, Lucknow.

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19. Kailash Rai: *Administrative Law*, Central Law Publication, Allahabad
20. A. Kumari Krishna: *Judicial Activism: Need for Reforms*, ICFAI University Press
21. M. P. Jain and S. N. Jain: *Principles of Administrative Law*, LexisNexis Buttersworth Wadhwa, Nagpur.
22. Gobinda Mukhoty: *Locus Standi and Public Interest Litigation*, Indian Intellectual Publishing House New Delhi.
23. Neil Parpworth, *Constitutional and Administrative Law*, OUP, UK.
24. P. P. Craig: *Administrative Law*, Sweet and Maxwell, London.
25. Paras Diwan: *Administrative Law*, Allahabad Law Agency, Delhi.
26. Peter Cane: *Administrative Law*, Oxford University Press, UK.
27. Prof. Dr. M. C. Jain Kagzi: *The Indian Administrative Law*, Universal Law Publishing Company Pvt. Ltd. New Delhi.
28. S. P. Sathe: *Administrative Law*, LexisNexis Buttersworth Wadhwa, Nagpur.
29. S. P. Sathe: *Judicial Activism in India*, Oxford University Press, New Delhi.
30. Sampat Jain: *Public Interest Litigation*, Deep & Deep, New Delhi.
31. Tushar Kanti Saha: *Administrative Law*, Universal Law Publishing Company Pvt. Ltd., New Delhi.
32. V. N. Shukla: *Constitution of India*, Eastern Book Company, Lucknow.
33. Yashomati Ghosh: *Textbook on Administrative Law*, LexisNexis, Haryana.

Relevant Cases

1. *A. K. Kraipak v. Union of India*, AIR 1970 SC 150.
2. *A.N. Parsuraman v. State of Tamil Naidu*, AIR 1990 SC 40.
3. *A.T. Sharma v. A.P. Sharma*, AIR 1979 SC 1047.
4. *Amar Nath Chaudhary v. Braithwaite & Co. Ltd.*, (2002) 2 SCC 290.
5. *Ashok Kr. Yadav v. State of Haryana*, (1985)4SCC417.

6. *Atlas Cycle Industries Ltd. v. State of Haryana*, AIR 1979 SC 1149.
7. *Canara Bank v. V. K. Awasthy*, AIR 2005 SC 2090.
8. *CCSU v. Minister for Civil Services* [1984] 3 All ER 935.
9. *Center for PIL v. Union of India* (2012) 3 SCC 1 (2G Spectrum Case).
10. *Central Board of Secondary Education and Anr. v. Aditya Bandopadhyay and Ors.*, (2011) 8 SCC 497.
11. *Commr. of Police v. Goardhan Das Bhanji*, AIR 1952 SC 16.
12. *CPIO, Supreme Court of India v. Subhash C. Agrawal*, 2011 3MLJ 194 SC.
13. *Daryo v. State of Uttar Pradesh*, AIR 1961 SC 1457.
14. *DDA v. Joint Action Committee*, AIR 2008 SC 1343.
15. *Delhi Cloth & Gen Mills v. Union of India*, (1988) 1 SCC 66.
16. *H. Mukherjee v. S. K. Bhargva* 1996 4 SCC 542.
17. *Durgadas v. Union of India*, AIR 2002 SC 2639.
18. *Dwarka Pd. Laxmi Narain v. State of Uttar Pradesh*, AIR 1954 SC 224.
19. *Ekta Shakti Foundation v. Govt. of NCT of Delhi*, MANU/SC/3115/2006.
20. *Express Newspapers (P) Ltd. v. Union of India*, AIR 1986 SC 827.
21. *G. N. Nayak v. Goa University*, (2002) 2 SCC 712.
22. *G. Sadanandan v. State of Kerala*, AIR 1966 SC 1925.
23. *Govind Lal v. A.P.M. Committee*, AIR 1976 SC 263.
24. *Govt. of Madras v. J. S. Bassappa*, AIR 1964 SC 1873.
25. *H. L. Trehan v Union of India*, (1989) 1 SCC 764.
26. *Hira Nath Mishra v. Principal, Rajendra Medical College*, AIR 1973 SC 1260.
27. *Indian Railway Construction Co. Ltd v. Ajay Kumar*, (2003) 4 SCC 579.

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28. *J. K. Agarwal v. Haryana Seeds Development Corp. Ltd*, AIR 1991 SC 1221.
29. *Jacob Mathew v. State of Punjab* (2005) 6 SCC 1.
30. *K. C. Wora v. G. Annamanaidu*, AIR 1974 SC 1069.
31. *L. Chandra Kumar v. Union of India*, AIR 1997 SC 1125.
32. *Larsen & Turbo Ltd. v. Union of India*, AIR 2005 SC 4180.
33. *M.D. ECIL, Hyderabad v. B. Karunakar*, (1993) 4 SCC 77.
34. *Maharashtra State Seeds Corpn. Ltd. v. Haridas*, AIR 2006 SC 1480.
35. *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.
36. *Marbury v. Madison* 1803 5 US (1 Cranch) 137 US Supreme Court.
37. *MP Special Police Establishment & Anr v. State of MP & Ors.* 2004 8SCC 788.
38. *National Building Construction Co. v. S Raghunathan*, (1998)7 SCC 66.
39. *Navjyoti Corpn. Group Housing Society v. UOI*, (1992) 4 SCC 477.
40. *P. D. Agarwal v. State Bank of India*, 2006(5) SCALE 54.
41. *Pratap Singh v. State of Punjab*, AIR 1964 SC 72.
42. *Province of Bombay v. Khushal Das Advani*, AIR 1950 SC 222.
43. *R.S. Deodhar v. State of Maharashtra*, AIR 1974 SC 259.
44. *Raj Narain v. Chairman, Patna Administration Committee*, AIR 1954 SC 519.
45. *Ram Krishan Dalmia v. Shri Justice S. R. Tendolkar* AIR 1958 SC 538.
46. *Ram Manohar Lohia v. State of Bihar*, AIR 1966 SC 740.
47. *Re Delhi Laws Act*, AIR 1951 SC 332.
48. *S. D. Rai v. Ram Chandra Rai*, (2003) 6 SCC 675.
49. *S. N. Mukherjee v. Union of India*, (1990) 4 SCC 594.
50. *Secy. Ministry of Chemicals & Fertilizers v. Cipla Ltd.*, AIR 2003 SC 3078.

51. *Shri Rama Sugar Industries v. State of A.P* (1974) 1 SCC 534.
52. *State of Bombay v. K.P. Krishnan*, AIR 1960 SC 1223.
53. *State of Karnataka v. Union of India*, AIR 1978 SC 68.
54. *State of Punjab v. V. K. Khanna* (2001) 2 SCC 330.
55. *State of T.N. v. P. Krishnamurthy*, AIR 2006 SC 1622.
56. *State of Tamil Naidu v. S. Thangaval*, (1997) 2 SCC 349.
57. *State of U.P. v. Harendra Arora*, (2001) 6 SCC 392.
58. *State of Uttar Pradesh v. Jeet S Bisht & Anr*, 2007 (6) SCC 586.
59. *State of Uttar Pradesh v. Raj Narain and Ors*, 1975 (4) SCC 428.
60. *State of West Bengal & Ors v. Kamal Sengupta & anr*, JT 2008 (8) SC.
61. *State of West Bengal v. Ashish Kumar Roy*, AIR 2005 SC 254.
62. *Swadeshi Cotton Mills ltd. v. Union of India*, (1981) 1 SCC 664.
63. *T. Sudhakar Prasad v. Govt. of Andhra Pradesh & ors*, JT 2001(1) SC 204.
64. *T. K. Rangarajan v. State of T.N.*, AIR 2003 SC 3032.
65. *T.O. Estates P Ltd. v. U.T. Chandigarh*, 2003 (10) SCALE 1016.
66. *Tara Chand v. MCD* (1977) 1 SCC 472.
67. *Tata Cellular v. Union of India* (1994) 6 SCC 651.
68. *The Institute of Chartered Accountants of India v. Shaunak H. Satya and Ors* (2011) 8 SCC 781.
69. *Tilok Chand Moti Chand v. H.B. Munshi*, AIR 1970 SC 898 5.
70. *Union of India v. Malti Sharma*, 2006(2) SCALE 578.
71. *Union of India v. Tulsi Ram Patel*, (1985) 3 SCC 398.
72. *Ujjaim Bai v. State of Uttar Pradesh*, AIR 1962 SC 1621.

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73. *Vineet Narain v. Union of India* (1998) 1 SCC 226.

74. *Welfare Assn A.R.P, Maharashtra v. R.P. Gohil*, AIR 2003 SC 1266.

75. *Zahira Habibullah Shiekh v. State of Gujarat*, (2004) 4 SCC 158.

76. *Zee Telefilms v. Union of India*, (2005) 4 SCC 64.

CORPORATE LAW-I

((The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.))

Objective: The fast track growth of Liberalization, Privatization and Globalization augmented the requirement of overhauling of corporate laws in tune with international requirements. As a consequence, thereof, the different corporate laws are either introduced or amended/replaced by the Government of India. The object of the paper is to make the students understand the various aspects of corporate laws so that they can cope up with national and international requirements. The paper offers the students to introduce different fields, viz., corporate abuses, insider trading, merger, amalgamation & take-over, winding up of companies, competition law, foreign exchange etc.

UNIT- I

NATURE AND CONCEPT OF A COMPANY

- **Concept and Nature of Corporate Personality:** Advantages and Disadvantages of Company, Lifting of Corporate Veil, Consequences of Non-Compliance of the Provisions of the Companies Act in Matters of Incorporation
- **Kinds of Companies:** Foreign, Multinational and Transnational Corporations
- **Limited Liability Partnership:** Concept and Nature, Formation, Partners and their Mutual Rights and Liabilities-Designated Partners
- **Corporate Social Responsibilities of Companies:** Concept and Relevance, Emerging Trends in Corporate Social Responsibility-Legal Liability of Company-Civil, Criminal, Tortuous and Environmental

UNIT- II
FORMATION OF COMPANY

- **Promotion of Company:** Position and Liability of Promoters-Pre-Incorporation and Provisional Contracts-Process of Registration and Incorporation of Company
- **Memorandum of Association:** Clauses of Memorandum of Association and its Alteration-Binding Force of Memorandum of Association and Articles of Association-Articles of Association and Its Alteration-Relationship with Memorandum of Association
- **Prospectus:** Meaning and Contents-Statement in lieu of Prospectus-Remedies for Misrepresentation-Civil and Criminal liability
- **Doctrine of *Ultra Vires*:** Doctrine of Constructive Notice-Doctrine of Indoor Management

UNIT- III
SHARE CAPITAL AND SHARES

- Concept, Nature and Kinds of Shares and Share Capital
- **Issue and Allotment of Shares:** General Principles and Statutory Provisions related to Allotment-Issue of Shares at Premium and Discount
- Dematerialization and Re-materialization of Shares
- **Transfer and Transmission of Shares:** Buyback of Shares-Forfeiture and Surrender of Shares-Membership in a Company

UNIT- IV
BORROWINGS AND DIVIDEND

- **Debentures:** Concept, Nature and Kinds-Debentures Index-Charges and Mortgages- Crystallization of Charge
- Dividend and Interim Dividend-Rules Regarding Dividend
- Borrowing and Lending: Inter-Corporate Loans
- Meetings of Shareholders & Directors and Resolutions

UNIT- V
MANAGEMENT OF COMPANY

- Position of Directors
- Appointment, Qualifications and Disqualification and Removal of Directors
- Powers, Duties and Liabilities of Directors
- Corporate Governance

Suggested Readings

1. Andrew Lidbetter: *Company Investigations and Public Law*, Bloomsbury Acad. & Prof, London.
2. Avtar Singh: *Company Law*, Eastern Book Company, Lucknow.
3. Brenda Hannigan: *Company Law*, Oxford University Press, UK.
4. David Kershaw: *Company Law in Context*, Oxford University Press, UK.
5. Dr. Charles Wild & Dr Stuart Weinstein: *Smith and Keenan's Company Law*, Pearson, London.

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6. J. Charlesworth & Geoffrey Morse: *Charlesworth and Morse: Company Law*, Sweet & Maxwell, London,
7. J. P. Sharma, *Corporate Laws*, Ane Books Pvt. Ltd., New Delhi.
8. J.C. Verma: *Corporate Mergers, Amalgamations & Takeovers*, Bharat Law House, New Delhi.
9. L. C. B. Gower: *Principles of Company Law*, R. Cambray & Co. Pvt. Ltd., Kolkata.
10. Munish Bhandari: *Professional Approach to Corporate Laws and Practice*, Bharat Law House, Jaipur.
11. S. Kannal & V.S. Sowrirajan: *Company Law Procedure*, Taxman's Allied Services (P) Ltd., New Delhi.
12. Saleem Sheikh & William Rees: *Corporate Governance & Corporate Control*, Cavendish Publishing, London.
13. Suman Gupta: *Shareholder's Democracy: Fact or Fiction*, Publication Division, University of Delhi, New Delhi.
14. T. Ramappa: *Competition Law in India-Policy, Issues and Development*, Oxford University Press, New Delhi.