

- 2.2 Structure of Investment Banking
- 2.3 Nature and scope of present day Investment Bankers

Unit 3: International Banking **16**

- 3.1 Factors determining exchange rates
- 3.2 Correspondent Banking- Bank Accounts – NOSTRO and VOSTRO accounts
- 3.3 NRI ACCOUNTS- Indian rupee and Foreign currency accounts

Unit 4: Financial Management in a Global context **16**

- 4.1 The importance , rewards and risk of international finance
- 4.2 Goals of MNCs
- 4.3 International Monetary System
- 4.4 Balance of Payment
- 4.5 International Financial Markets- Forex markets, forex trading, cash and spot exchange Markets, Forex rates and quotation , forward markets, exchange rate behaviour

Unit 5: International Monetary Organizations & their function: **16**

- 5.1 IMF
- 5.2 World Bank
- 5.3 WTO
- 5.4 IBRD
- 5.5 ADB
- 5.6 AFC

Internal Assessment : **20**

Recommended Books:

International Financial Management – P.G. APTE, TMH
 Multinational Financial Management - AC Shapiro, PTH
 International Financial Management – Maurice D. Levi TMH
 International Financial Management – Bhalla V.K. , Anmol Publication
 Banking and Financial Systems – Dr. D. M. Mithani, E Gordon

SEMESTER–V

Paper I Labour and Industrial Law – I (Credit : 5)

Code: 5.1

Full Marks: 100 [80+20]

Time : 3 hours

Pass marks: 45 [36+9]

Detailed Syllabus

Marks

Unit 1: Introduction to Labour and Industrial Law **16**

The Indian Trade Union Act, 1926

History of trade union movement in India, trade unionism, need, objects, types and functions.

Registration of trade unions, rights and privileges of a registered trade union, advantages of registration.

Rights, privileges, liabilities and immunities of a registered trade union, amalgamation and dissolution of trade unions.

Penalties and procedure, collective bargaining and trade disputes

Referred Case :

1. *Rangaswami and Another Vs. Registrar of Trade Unions*, AIR 1962 Mad. 231

Unit 2: The Industrial Disputes Act, 1947 **16**

Preliminary : appropriate government, industry, industrial dispute vs. individual dispute, public utility service, workman.

Strikes and lockouts in industrial units, lay-off and retrenchment, compensation theory, special provisions relating to lay-off, retrenchment and closure in certain establishment.

Reference of disputes to board, courts or tribunals.

Un-fair labour practices, penalties and miscellaneous provisions.

Referred Cases :

1. *Rohtas Industries Ltd. And another Vs. Rohtas Industries Staff Union and others* AIR 1976, SC 425.
2. *Bangalore Water Supply and Sewerage Board Vs. A. Rajappa*, 1978 (3) SCR 207
3. *Osmania University Vs. Industrial Tribunal* 1960, LLJ, A.P.
4. *Workmen of Dimakutri Tea Estate Vs. Dimakutri Tea Estate*, 1958, I, LLI. 500 SC

Unit 3: The Factories Act, 1948 **16**

Preliminary, manufacturing process, factory, occupier, the inspecting staff.

Health and cleanliness measures, safety arrangement measures in factory.

Provisions relating to hazardous processes, welfare of workers.

Working hours of adults, employment of young persons, employment of women.

Annual leave with wages, special provisions, penalties and procedures.

Referred Cases :

1. *Lal Mohammad and other Vs. Indian Railway Construction Co. Ltd. & Others*, (1999) I, SSC 596.

Unit 4: Workmen's Compensation Act, 1923 and The Minimum Wages Act, 1948. 16

Preliminary, object, scope of Workmen's Compensation Act, 1923, dependants, workman, disablements etc.
 Workmen's compensation, procedure for determination of compensation, commissioners etc.
 Introduction, objects and salient features of the minimum wages act, 1948, definition, wages and its classifications etc.
 Procedure for fixation or revision of minimum wages, authorities and their powers, claims etc.

Referred Cases

1. *Saurashtra Salt Manufacturing Co. (Appellant) Vs. Bai Value Raja and Others (Respondents)* AIR 1958 SC 881.
2. *People's Union for Democratic Rights Vs. Union of India*, AIR 1982, SC 1473 (*Asiad Games case*)
3. *Bandhua Mukti Morcha Vs. Union of India and Others*, AIR 1984, SC 802 (*Bonded Labour case*)

Unit 5: The Assam Shops and Establishment Act, 1961 16

Introduction, definitions, hours of works, leave and wages.
 Employment of children and women, prohibition, health and safety.
 Enforcement and inspector, offences, penalties and procedure.

Internal Assessment : 20**Recommended Books:**

1. Labour and Industrial Law by S.N. Mishra.
2. Labour and Industrial Law by P.M. Mallick.
3. Nabhi's Labour Laws by Ajay Garg.
4. The Assam Shops and Establishment Act, by B.P. Todi etc.

Paper II Company Law**(Credit : 5)****Code: 5.2**

Full Marks: 100 [80+20]

Time : 3 hours

Pass marks: 45 [36+9]

Detailed Syllabus**Marks****Unit 1: Company its Nature and Scope:****(16 Marks)**

- 1.1 Historical Background and Legislative Framework, Definition and Characteristics of Company, Kinds of Companies.
- 1.2 Origin of Corporate Law in India
- 1.3. Development of Companies Act from 1956 to 2013
- 1.4 Salient features of the Companies Act, 2013,
- 1.5 Different types of Companies, Definitions, Distinctions between different types of Companies, Conversion.

1.6 Lifting of Corporate Veil, Distinguish between Company and Partnership Distinction between Company and Corporation.

Referred Case:

1. Salmon v. Salmon (1896) UKHL 1 (1897) AC22.
2. Vodafone International Holdings BV vs. Union of Union, (2012) 6 SCC 613
3. Punjab National Bank vs. Lakshmi Industrial & Trading Co. (P) Ltd., AIR 2001 ALL 28.
4. Gol Ford Motor Co. Vs. Home (1933)

Unit 2: Procedure for Incorporation of Companies:

(16 Marks)

2.1 Registration, Incorporation, Certificate of Incorporation, Commencement of Business, Advantages and Disadvantages of Incorporation of Company.

2.2 Meaning and Definition of Promoter, Role of Promoter, Legal position of Promoter, Pre-Incorporation Contract, Duties and Liabilities of Promoter.

2.3 Memorandum of Association, Meaning Purpose, Contents, Alteration of Memorandum of Association, Doctrine of Ultravires.

2.4 Article of Association, Meaning, Purpose, Contents, Alteration of Article of Association, Doctrine of Constructive Notice, Doctrine of Indoor Management.

Referred Case:

1. Allen v. Gold Reefs (1900) 1 Ch 656;
2. Lee vs. Lee's Air Farming Ltd. (1961) AC 12.
3. Kotla Venkataswamy vs. Chinta Ramamurthy, AIR 1934 Mdd. 579.
4. Royal British Bank vs. Turquand (1856) 119 ER 886.
5. Ashbury Railway Carriage and Iron Co. Ltd. Vs. Riche (1875) LR 7

Unit 3: Prospectus, Shares, Members and Directors:

(16 Marks)

3.1 Prospectus- Meaning, Definition, Formalities of Issue of Prospectus, contents, significance, Misrepresentation of Prospectus, Golden Rule, Liability of Misstatement Untrue statement in Prospectus.

3.2 Shares- Meaning, Definition, Characteristics, Types of Shares, Transfer and Transmission of Shares, Share Capital, share certificate, Share warrant, Stock and Share, Forfeiture of Shares.

3.3 Members – Modes of acquiring membership, shareholders, rights, duties and liabilities, shareholders' meeting, classification, resolution, Alteration, Reduction of Voting Rights, Majority Rule, Oppression of Minority Shareholder.

3.4 Directors, Managing Directors, Appointment, Qualification, Legal position disqualification, disabilities, removal, power and duties, rights and liabilities, Director Identification Number (DIN).

Referred Case:

1. Foss v. Harbottle (1843) 2 HASE 461, 67, ER 89.
2. S.P. Jain vs. Kalinga Tubes Ltd. AIR 1965 SC 1535.
3. Sri Gopal Jalan & Co. Vs. Caicutta Stock Exchange Association Ltd. (1965 AIR 250)

Unit 4: Law Relating to Debt and Finance of Company:

(16 Marks)

4.1 Debentures – Meaning, definition, nature, classification, creation of charges, fixed and floating charges, conversion, distinction between debenture and share, Dividend, Payment of Dividend.

4.2 Auditors – Appointment, removal, rights and liabilities, Auditors are watch dogs and not blood hounds, audit committee, Audit & Accounting System, Legal Position of Auditor.

4.3 Constitution of National Financial Reporting Authority (NFRA), Functions and Powers.

4.4 Corporate Social Responsibility (CSR).

Referred Case:

1. Burland v. Eark (1902) AC 83;
2. Cook v. Deeks (1916) 1 AC 554;
3. Royal British Bank v. Turquand (2) 6 E&B 324.
4. Ferguson Vs. Wilson (1904)

Unit5: Amalgamation, Winding Up &Administrative Regulations: (16 Marks)

- 5.1 Merger and Demerger of Company, Amalgamation Comprise & Arrangement.
 5.2 Winding up, Meaning, definitions, Types, Procedure. Payment of Liabilities in the event of Winding up, Role of Official Liquidator.
 5.3 SEBI – Compositions, powers and functions.
 5.4 Company Law Tribunal, Definition of Insider, Role of Company Law Tribunal (NCLT), Company Law Appellate Tribunal (NCLAT), Significance of Corporate Governance.
 5.5 Establishment of Serious Fraud Investigation Office.
 5.6 Offences and Penalties of company under Company Act-2013.
 5.7 Central Government Control by Registrar of Companies.

Referred Cases:

1. Seth Mohan Lal vs. Grain Chambers Ltd. AIR 1968 SC 772.
2. Pars Ram Brij Kishore vs. Jagraon Trading Syndicate Ltd. Air 1963 Lah. 226.
3. Cyrus Investments Pvt. Ltd. & Anr. Vs. tata Sons Ltd. & Ors (2017 SCC Online NCLAT 261)

Recommended Books:

1. Avatar Singh, Company Law (Eastern Book Company, Lucknow, 16th edn., 2013).
2. Dr. Prem Kumar Agarwal and CA Rohit Kumar Singh, Company Law (University Book House Pvt. Ltd., Jaipur, 2nd edn., 2018).
3. Dr. N.V Paranjape, Company Law (Central Law Agency, Prayagraj, 11th edn., 2022).
4. S.C Tripathi, Company Law (Central Law Publications, Allahabad, 1st edn., 2016)

Paper III Principles of Taxation Law**(Credit : 5)****Code: 5.3**

Full Marks: 100 [80+20]

Time : 3 hours

Pass marks: 45 [36+9]

Detailed Syllabus**Marks****Unit 1: Introduction****16**

- 1.1 What is Tax, Classification Taxes, characteristics, Principles or canons of Taxation, Requirements of Good Tax system, concept of Equity in Taxation, Modern Principles of Taxation, Cost of Service Principles and Benefit
 1.2 Principles – Direct and Indirect Tax, Merits and Demerits, Single Taxation and Multiple Taxation – Advantages and Disadvantages of Multiple Taxation – Impact and Incidence of Taxation – Distinction between them – Shifting of Taxation etc.

Unit 2 : Goods and Services Tax Act-I**16**

- 2.1 Concept and history of indirect taxation in India, Features of Constitutional 122nd Amendment, GST Council, Constitution and decisions, Main features of GST Act.
 2.2 Definitions, aggregate turnover, mixed supply and composite supply, composition levy, GST compliance rating, advantages and limitations of GST

Unit 3 : Goods and Services Tax Act-II**16**

- 3.1 GST concept, CGST, SGST/UTGST, IGST, Goods and services

network(GSTN), Filing of GST compensation act
3.2 State Goods and Services Act, 2017

Unit 4: Income Tax Act, 1961-I

16

- 4.1 Preliminary, Definitions, Basis of Changes, Changes of Income Tax, Scope of Total Income, Incomes not included in Total Income, Income of 100% export-oriented undertaking, etc.
- 4.2 Computation of total Income, Salaries, Income from house property, profits and gains of business or profession, capital gains, Income from other Sources, Aggregation of Income, carry forward and set-off.

Unit 5: Income Tax Act, 1961 -II

16

- 5.1 Incomes forming part of total income on which no Income Tax is payable, Relief in respect of Income Tax, Double Taxation relief, special provisions relating to avoidance of Tax etc.
- 5.2 Special provisions relating to incomes of non-residents and certain companies etc.
- 5.3 Income Tax authorities: Appointment control, jurisdiction, powers, procedure for return income, notice of demand, special provisions, refunds, appeals revisions and penalties etc.

Case laws(not exhaustive)

Union of India v. Mohit Minerals Pvt. Ltd. (2022) 10 SCC 700

Union of India v. VKC Footsteps India Pvt. Ltd. (2022) 2 SCC 603

Sheen Golden Jewels(India) Pvt. Ltd. V. the State Tax Officer(IB) -1 W.P.(C) No. 11335 of 2018 in the High Court of Kerala at Ernakulam

Gurucharan Singh v. Ministry of Finance (2021) SCC online Delhi 1918

Recommended books:

Books on income Tax

1. *Taxmann's Master Guide to Income Tax*, (Taxman, New Delhi, 33rd edn., 2023)
2. Naveen Mittal, *Principles of Income Tax Law and Practice*, (Cengage Learning India Pvt. Ltd. New Delhi, 1st edn., 2019)
3. Dr. Kailash Rai , *Taxation Laws (Laws of Income Tax)* (Allahabad Law Agency, Prayagraj, 11th edn., 2018)
4. TN Manoharan and GR Hari, *Students' Handbook on Taxation* , (Snow White, Mumbai, 2024)
5. Ramamurthy .S. , *Introduction to Taxation*(Company Law Institute, Chennai, 1st edn., 2023)
6. Pithisaria & Pithisaria, *Taxmann's Law and Practice of Income Tax* (3 vol.s),(Taxmann, New Delhi, 2022)

Books on GST

1. Ramakrishnan Viraraghavan, *The Law of Goods and Services Tax A Comprehensive commentary* (Oak Bridge, Gurgaon, 2023)
 2. R.K. Jain, *GST Law Manual* (2 vol.s), (Centax Law Publication Pvt. Ltd., New Delhi, 19th edn., 2024-25)
 3. Jaya Vasudevan Suseela, *Indirect Taxes (GST & Other Indirect Taxes)*(EBC, Lucknow, 1st edn., 2019)
 4. Arpit Haldia and Mohd. Salim, *Taxmann's GST Law & Practice*(Taxmann, New Delhi, 5th edn., 2023)
 5. Tarun Jain, *Goods and Services Tax-Constitutional Law and Policy*(Eastern Book Company, Lucknow, 1st edn., 2018)
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Unit 1: Introduction 16

Global issues of depletion of ozone layer and global warming (green house effect), importance of green house effect and global warming and action plan. International concern for environmental protection
Indian scenario and people's response.
Environment and Indian Constitution.

1. *Indian Council for Enviro-legal action v. Union of India*, AIR 1996 SC 1446

Remedies under law of Torts

- Nuisance
- Negligence
- Trespass
- Strict Liability
- Absolute Liability

The writ Jurisdiction

Statutory remedies

Criminal law remedies

India penal code

Code of Criminal procedure

Remedies for environmental justice

Damages

Injunction

Public Interest Litigation

New dynamic role of the Judiciary

Emergence of Public Interest Litigation

Public Interest Litigation entering the Area of Environmental

Pollution

1. *Shri Ram Gas Leak Case, M.C. Mehta v. Union of India* AIR, SC, 965,982, 1086
2. *Raylands v. Fletcher*, (1868) LR 3 HL 330
3. *A.P. Pollution Control Board v. Prof M.V. Nayadu*, AIR, 1999 SC 812
4. *Vellore Citizens Welfare Forum v. Union of India*, AIR 1996, SC 2715
5. *Narmada Bachoo Andolan v. Union of India* (2000) 10 SCC 664

Unit 3: Sustainable Development and Law**16**

The concept of International perspective

Stock Declaration, (ii) Montreal Protocol

Brundtland Commission

Earth Summit 1992

1. Rio Declaration

2. Agenda 21

3. Convention on climate change

U.N. Commission on Sustainable Development

Kyota Conference

Earth Summit 2002, Johannesburg Declaration on Sustainable Development

Copenhagen Summit

Salient principle of sustainable development

Precautionary principle

Polluter principle

Referred case:

1. *Taj Trapeziun case. M.C. Mehta v. Union of India AIR, 1997 SC 734*

Unit 4: Water, Air and Noise Pollution and Its Control**16**

The Water (Prevention and Control of Pollution) Act, 1974

Introduction

Meaning of Water Pollution

Sources of Water Pollution

Central Pollution Control Board

State Pollution Control Board

Prevention and Control of Water Pollution

Offences and Penalties

The Air (Prevention and Control of Pollution) Act, 1981

Introduction

Meaning of Air Pollution

Sources of Sources of Pollution

Effects of Air Pollution

Central pollution Control Board

State Pollution Control Board

Prevention and Control of Air Pollution

Offences and Penalties

Noise Pollution

Meaning of Noise Pollution

Sources and Effect of Noise Pollution

Legal control

Unit V:**16**

- 5.1 Environment (Protection Act) 1986

Salient Features

Power and function of Central Govt.

Prevention, Offences and penalties of Environment pollution

Citizen's suit provision

The National Environment Appellate Authority Act, 1997
 Principle of no fault and the Public Liability Insurance Act,
 1991 liability
 Forest conservation and the Law
 Indian Forest Act, 1927
 Forest Conservation and Judicial Attitude

Internal Assessment :**20****Recommended Books:**

1. Dr. S.K. Nanda, Environmental Law
2. Dr. S.C, Tripathi, Environmental Law
3. Dr. I.A. Khan, Environmental Law
4. Gurdip Sing, Environmental Law in India
5. Kailash Rai, Environmental Protection Law and Policy in India

Paper V Banking Law OP 3**(Credit:5)**

Code: 5.5

Full Marks: 100 (80 + 20)**Pass Mark: 45 (36 + 9)****Time: 3 hours****Detailed Syllabus****Unit 1: Introduction****(16 Marks)**

- 1.1 Origin of the word 'Bank'. Evolution of Banking and its history in India.
- 1.2 System of banking: Unit banking, Branch banking, Group banking and Chain banking.
- 1.3 Different types of Banking: Central Bank (RBI), Commercial Banks, Cooperative Banks, Regional Rural Bank (RRB)
- 1.4 Functions of Banks
- 1.5 Specialized Banks: NABARD, Export Import Bank of India (EXIM), Small Industries Development Bank of India (SIDBI).
- 1.6 Social Control of Banks.
- 1.7 Nationalisation of Banks, Narshiman Committee Recommendations-1991 & 1998.

UNIT 2: Banker-Customer Relation**(16 Marks)**

- 2.1 Concept of the word 'Customer'.
- 2.2 Legal relationships between Banker and Customer
- 2.3 Rights and Obligations of banker
- 2.4 Types of Accounts.
- 2.5 Principle of Good Lending
- 2.6 Priority Sector Lending (PSL)

UNIT 3: Central Bank**(16 Marks)**

- 3.1 Central Bank of India i.e. Reserve Bank of India (RBI)-its Organizational Structure.
- 3.2 Primary and Secondary functions of Reserve Bank of India, Basel Accord.
- 3.3 Banking Regulation Act, 1949.
- 3.4 Recent amendment under the Banking Regulation Act 2012
- 3.5 Avoidance of Money Laundering, Credit Control, Bank Rate Policy.

3.6 Banking Ombudsman Scheme

UNIT 4: Negotiable Instruments Act, 1881

(16 Marks)

- 4.1 Definition, Cheque, Promissory note, Bill of Exchange.
- 4.2 Parties to Negotiable Instrument-
- 4.3 Holder and Holder in due course.
- 4.4 Dishonour of Cheque, Reasons for dishonor of Cheque.
- 4.5 Legal Implications and Remedies for dishonor of Cheque

UNIT 5: Banking System with Emerging Dimensions

(16 Marks)

- 5.1 E-Commerce, E-Services.
- 5.2 E-Banking, Digital Payments.
- 5.3 AI and Fraud Detection.

Referred Cases

1. **State Bank of India v. Allahabad Bank (2007)**
2. **Cooperative Central Bank Ltd. v. Additional Industrial Tribunal, Andhra Pradesh (1960)**
3. **Jayantilal N. Mistry v. Reserve Bank of India (2016)**
4. **Standard Chartered Bank v. Directorate of Enforcement (2005)**
5. **Dashrath Rupsingh Rathod v. State of Maharashtra & Anr (2014)**
6. **Sajjan Bank (Private) Ltd. v. Reserve Bank of India AIR 1961 Mad. 8.**
7. **Shivalingappa v. P.B. Puttappa AIR 1971 Mys. 273.**
8. **Canara Bank Ltd. v. I.V. Rajagopal (1975) 1 M.L.J 420.**
9. **Lachmi Chand v. Madan Lal Khemka AIR 1947 All. 52.**
10. **Singheshwar Mandal v. Gita Devi AIR 1975 Pat. 81.**

Recommended Books:

- M. L. Tannan Kothari Vinod, Banking Law & Practice in India - EBC Webstore.
- P. Vasantha Kumar, Banking And Negotiable Instruments: Law and Practice - EBC Webstore.
- International Banking Law & Regulation | Legal Solutions.
- P.K. Pandey, Banking Laws (University Book House Pvt. Ltd., Jaipur, 2nd Edn. 2019).
- Anjani Kant, Lectures on Banking Law for Law Students (Central Law Publication, Allahabad, 4th Edn. 2016).
- R.N. Choudhury, Banking Laws (Central Law Publications, Allahabad, 5th edn. 2022).
- R.K. Bangia, Banking Law & Negotiable Instrument Act (Allahabad Law Agency, Faridabad, Haryana, 6th Edn. 2018, Reprint 2021).
- Avtar Singh, Banking and Negotiable Instruments (Eastern Book Company, Lucknow, 2nd edn., 2011).

OR

Code: 5.5

Full Marks: 100 (80 + 20)**Pass Mark: 45 (36 + 9)****Time: 3 hours****(Credit : 5)****Detailed Syllabus****Marks****Unit 1: Interpretation of Statutes****16**

Meaning, Objects and Scope of 'interpretation' , 'construction' and 'statute'

Nature and Kinds of Indian Laws: Statutory, Non-statutory, Codified, Uncodified, State-made and State recognized laws

Commencement, operation and repeal of statutes

Purpose of interpretation of statutes.

Basic Sources of Statutory Interpretation

(i) The General Clauses Act, 1897: Nature, Scope and Relevance (Ss.6- 8)

(ii) Definition clauses in various Legislations: Nature and Interpretative Role

Unit 2: Aids to Interpretation**16**

Aids to Interpretation (Parts of the statute and their interpretative role)

Internal aids

Title

Preamble

Headings and marginal notes.

Sections and sub-sections

Punctuation marks.

Illustrations, exceptions, provisos, saving clauses, explanations and schedules

Non-obstante clause.

External aids

Role of Constituent Assembly debates in the interpretation of the Constitution of India

Legislative history ,Legislative Intention, Statement of objects and reasons, legislative debates, Committee reports, Law Commission reports etc.

International law and human-rights documents

Dictionaries,Translations

Statutes in pari material

Unit 3: Rules of Statutory Interpretation**16**

Primary Rules

Literal rule

Golden rule

Mischief rule (rule in the Heydon's case)

Rule of harmonious construction

Secondary Rules

Noscitur a sociis (Associated words)

Ejusdem generis

Reddendo singula singulis

Unit 4: Maxims of Statutory Interpretation 16

Delegatus non potest delegare
 Expressio unius exclusio alterius
 Generalia specialibus non derogant
 In pari delicto potior est conditio possidentis
 Utres valet potior quam pareat
 Expressum facit cessare tacitum
 In bonam partem

Unit 5: Interpretation with reference to subject matter and purpose 16

Taxing Statute
 Penal Statute
 Welfare legislation
 Colourable legislation
 Residuary power
 Doctrine of repugnancy

Referred Cases

1. *Girija K. Phukan v. State of Assam* 1984 (2) LR 488
2. *Bengal Iemunity Co. Ltd. V. State of Bihar* 1955 2 SCR 603
3. *Smti Charu Dea v. Umeswari Nath & other* AIR 1995 Gau 9.
4. *P. Ramachandra Rao v. State of Karnataka* (2002) 4 SCC 578
5. *Bhatia International v. Bulk Trading S.A.* (2002) 4 SCC 105
6. *R.M.D.C. v. Union of India*, AIR 1957 SC 628
7. *Avtar Singh v. State of Punjab*, AIR 1955 SC 1107
8. *A.S. Sulochana v. C. Dharmalingam*, AIR 1987 SC 242
9. *ShashiKant Laxman Kale v. Union of India*, AIR 1990 SC 2114 □1990) 4 SCC 366

Prescribed Legislation:

The General Clauses Act, 1897

Internal Assessment : 20**Recommended Books:**

1. P. St. J. Langan, *Maxwell on the Interpretation of Statutes* (12th ed., 1969)
2. Vepa P. Sarathi, *Interpretation of Statutes* (4th ed., 2003)
3. G.P. Singh, *Principles of Statutory Interpretation* (11th ed., 2008)
4. S.G.G. Edgar, *Craies on Statute Law* (1999)
5. Swarup Jagdish, *Legislation and Interpretation*
6. P. St. Langan (Ed.). *Maxwell on The Interpretation of Statutes* (1976)
N.M.Tripathi, Bombay
7. K. Shanmukham, *N.S.Bindras's Interpretation of Statutes*, (1997) The Law Book Co. Allahabad.
8. V.Sarathi, *Interpretation of Statutes*, (1984) Eastern, Lucknow
9. M.P. Jain, *Constitutional Law of India*, (1994) Wadhwa & Co.
10. M.P .Singh, (Ed.) *V.N.Sukla's Constitution of India*, (1994) Eastern, Lucknow.

11. U. Baxi, *Introduction to Justice K.K.Mathew's, Democracy Equality and Freedom* (1978) Eastern, Lucknow

**Paper VI Professional Ethics & Professional Accounting System and Legal Aid Camp
(Credit : 5)**

Code: 5.6

Full Marks: 100 [60+40]

Pass marks: 45 [27+18]

Theory : 60, Pass Marks : 27

Time : 2 hours

Practical with Viva-voce : 40 (30+10), Pass Marks : 18

[For Unit - 1, 2 & 3 there will be written examination of 60 marks of 2 hour duration. Pass mark in the written examination will be 27 marks. Practical examination with viva-voce will be of 40 marks. Pass mark for practical examination with viva-voce will be 18 marks.]

Detailed Syllabus

Marks

Unit 1: Introduction

20

Aim and Objective of Professional Ethics
Need for the Code of Legal Ethics
Need for the Professional Accounting System
Bar-Bench Relation
Mr. Krishnamurthy Iyer's book on 'Advocacy'

Unit 2: The Contempt Law and Practice

20

Prescribed legislation :

The Contempt of Court Act, 1971.

Unit 3: The Bar Council Code of Ethics

20

Prescribed legislation :

2. *Bar Council of India Rules on Standards of Professional Conduct and Etiquette. (Rules under Sec. 49(I)(c) of the Advocates Act, 1961 read with proviso thereto)*
3. *Relevant portions of the Advocates Act, 1961 (Sec. 35, 36, 36(A), 36(B), 37, 38, 39, 40, 41, 42, 42(A), 43 & 44).*

[Prescribed book for this Unit 3 is "Selected Judgements on Professional Ethics published" by Bar Council of India Trust from Page No. 3 to 21.]

Practical Projects:

30

- (a) 50 selected opinions of Disciplinary Committees of Bar Councils and 10 major judgments of the Supreme Court on professional misconduct.

Following are the 50 selected opinions of the Bar Councils on professional misconduct: -

Financial Misappropriation:

1. K.V. Umere vs. Smt. Venubai, O Dase and Anr.
Civil Appeal No. 2385 of 1977.

2. Smt. Siya Bai vs. Sitaram Singh
BCI Tr. Case No. 8/1987
3. Smt. Urmila Devi vs. Sita Ram Singh
BCI Tr. Case No. 21/1987
4. Secretary, Karnataka Khadi Gram Udyog Samyukta Sangha vs. J.S. Kulkarni
BCI Tr. Case No. 12/1990
5. Devendra Bhai Shankar Mehta vs. Rameshchandra Vithaldas Sheth & Anr.
Civil Appeal No. 4437 of 1990
6. Mr. M.S. Patwardhan vs. V.V. Karmarkar
BCI Tr. Case No. 93/1991
7. Upendra D. Bhatt vs. Vijay Singh M. Kapadia
D.C. Appeal No. 23/1993
8. Allahabad Bank vs. Girish Prasad Verma
BCI Tr. Case No. 49/1993
9. Regional Officer, Allahabad Bank vs. J.P. Srivastava
BCI Tr. Case No. 20/1995
10. Prof. Krishnaraj Goswami vs. Viswanath D. Mukasikar
D.C. Appeal No. 40/1995
11. Mrs. Suresh Joshi vs. L.C. Goyal
BCI Tr. Case No. 44/1995
12. Tek Chand vs. Promod Kumar Choudhury
BCI Tr. Case No. 22/1998

Suppression of Material Facts.

13. Smt. Sudesh Rani & Ors. V.. Munish Chandra Goel
BCI Tr. Case No. 43/1996

Misuse of Signed Documents & Forgery

14. M. Veerabhadra Rao vs. Tek Chand
Civil Appeal No. 1019/1978
15. In the matter of 'A' an Advocate
Supreme Court 1887
16. Surendranath Mittal vs. Dayanand Swaroop
BCI Tr. Case No. 63/1987
17. Smt. Farida Choudhury vs. Dr. Achyut Kumar Thakuria
BCI Tr. Case No. 1/1993
18. Pratap Narain vs. Y.P. Raheja
BCI Tr. Case No. 40/1993
19. Vikramaditya vs. Smt. Jamila Khatoon
D.C. Appeal No. 21/1996
20. S.K. Nagar vs. V.P. Jain
D.C. Appeal No. 14/1997
21. D.P. Chadha vs. Triyugi Narain Mishra & Ors.
Civil Appeal No. 1124/1998
22. R.N. Tiwari vs. Ketan Shah
D.C. Appeal No. 9/1999
23. Ashok Kumar Kapur vs. Bar Council of Punjab & Haryana
D.C. Appeal No. 18/1999

Purchase of Property of the Client in Dispute

24. P.D. Gupta vs. Ram Murti & Anr.
Civil Appeal No. 15496/1986
25. Ram Sewak Patel vs. Vir Singh
D.C. Appeal No. 32/1992
26. Ajmer Singh vs. Jagir Singh
D.C. Appeal No. 11/1994

Duty to the Client

27. V.C. Rangadurai vs. D. Gopalan & Ors.
Civil Appeal No. 839/1978
28. Chandrashekhar Soni vs. Bar Council of Rajasthan & Ors.
Civil Appeal No. 258/1977
29. Prahlad Sharan Gupta vs. Bar Council of India & Anr.
Civil Appeal No. 3588/1984
30. In Re: An advocate
Civil Appeal No. 316/1987
31. Manjit Kaur, Etc. vs. Deol Bus Service Ltd.
Civil Misc. No. 4905/1988
32. Smt. P. Pankajam vs. B.H. Chandrashekhar
B.C.I. Tr. Case No. 86/1992
33. John D'Souza vs. Edward Ani
Civil Appeal No. 3206/1993
34. In the matter of Mr. 'P' an advocate
Supreme Court of India

Contingent Fees

35. H.G. Kulkarni & Ors. Vs. B.B. Subedar
D.C. Appeal No. 40/1996
And
B.B. Subedar vs. H.G. Kulkarni & Ors.
D.C. Appeal No. 36/1996
36. Rajendra V. Pai vs. Alex Fernandes, Baptist Fernandes and
Francisco Fernandes
D.C. Appeal No. 11, 12, 13/2000
37. R.D. Saxena vs. Balram Prasad Sharma
Civil Appeal No. 1938/2000

Contempt of Court

38. In Re.: Vinay Chandra Mishra
Contempt Petition (Criminal) No. 3 of 1994
39. Suo Motu Enquiry vs. Nand Lal Balwani
B.C.I. Tr. Case No. 68/1999
40. Kanta Prasad vs. Baldev Sahai Rastogi
D.C. Appeal No. 28/1996

Duty to the Court

41. Vijaya Singh vs. Murarilal & Ors.
Civil Appeal No. 1922/1979

Physical Assault

42. Hikmat Ali Khan vs. Ishwar Prasad Arya & Ors.
Civil Appeal No. 4240/1986
43. Saiyed Anwar Abbas vs. Krishna Singh Singh & Ors.
B.C.I. Tr. Case No. 62/1991

Any Other Misconduct

44. Satish Kumar Sharma vs. bar Council of Himachal Pradesh
Civil Appeal No. 5395/1997
45. Sardul Singh vs. Pritam Singh & Ors.
Civil Appeal No. 1763/1993
46. J.N. Gupta vs. D.C. Singhania & J.K. Gupta
B.C.I. Tr. Case No. 38/1994
47. J.N. Karia vs. M.S. Udeshi and M.S. Udeshi vs. T. Raja Ram Mohan Roy
B.C.I. Tr. Case No. 61/1995 / B.C.I. Tr. Case No. 3/1999
48. Babu Lal vs. Subhash Jain
B.C.I. Tr. Case No. 115/1996
49. Kamal Prasad Misra vs. Mehilal
D.C. Appeal No. 45/2000
50. Sambhu Ram Yadav vs. Hanuman Das Khatri
Civil Appeal No. 6768/2000

All the above opinions are available in the book “**Selected Judgments on Professional Ethics (Published by the Bar Council of India Trust, 21, Rouse Avenue Institutional Area, New Delhi – 110002, Phones No. 3231647, 3231648, Fax: 3231767, E-mail: bcindia1@vsnl.com, Price: Rs. 400/-, 2002 edition).**”

It is mandatory for the college to have this book in the library under the BCI Rules, 2008.

From the following Supreme Court cases on Professional Misconducts, the students are required to study any 10 for their practical project.

1. *Salil Dutta vs. T.M. and M.C. (P) Ltd.* (1993) 2 SCC 185.
2. *Vinay Chandra Mishra, In re* (1995) 2 SCC 584.
3. *C. Ravichandran Iyer Vs. Justice A.M. Bhattacharjee* 91995) 5 SCC 457.
4. *P.D. Gupta vs. Ram Murti* (1997) 7 SCC 147.
5. *R.D. Saxena vs. Balram Prasad Sharma* (2000) 7 SCC 264.
6. *D.P. Chadha vs. Triyugi Narain Mishra* (2001) 2 SCC 221.
7. *Shambhu Ram Yadav vs. Hanuman Das Khatri* (2001) 6 SCC 1.
8. *Pravin C. Shah vs. K.A. Mohd. Ali* (2001) 8 SCC 650.
9. *Bhupinder Kumar Sharma vs. Bar Assn., Pathankot* (2002) 1 SCC 470.
10. *Ex-Capt. Harish Uppal vs. Union of India* (2003) 2 SCC 45.
11. *Mahabir Prasad Singh vs. Jacks Aviation (P) Ltd.* AIR 1999 SC 287; (1999) 1 SCC 37.
12. *John D'Souza vs. Edward Ani*, AIR 1994 SC 975, 1994 SCC (2) 64.
13. *Bar Council of Maharashtra vs. M.V. Dabholkar*, AIR 1976 SC 242, 1976 SCC (2) 291.
14. *Pandurang Dattatraya Khandekar vs. Bar Council of Maharashtra, Bombay & Others*, AIR 1984 SC 1100, 1984 (2) SCC 556.
15. *V.C. Rangadurari vs. D. Gopalan & Others*, AIR 1979 SC 281, 1979 SCC (1) 308.

Viva-voce examination of 10 marks will be mainly on the above practical works to test the understanding of the students on the topics.

Note : The written reports evaluated by the teacher along with list of the marks awarded will be placed before the external examiner at the time of vive-voce examination. The teacher of the practical paper will be the internal examiner who along with the external examiner will jointly award final marks on written reports and viva-voce examination. Written reports will not be accepted for final evaluation by the external & internal examiners if they are not submitted and evaluated regularly throughout the semester.

Recommended Books:

1. The Advocates Act, 1961.
2. The Contempt of Court Act, 1971.
3. Mr. Krishna Iyer's book on *Advocacy*.
4. *Professional Ethics, Accountancy for Lawyers & Bench-Bar Relations* by Dr. S.P. Gupta.
5. *Legal Ethics, Accounting for Lawyers & Bench-Bar Relations* by Dr. Kailash Rai.
6. *Professional Ethics, Accountancy for lawyers & Bench-Bar Relations* by J.R.S. Sirohi.
7. *Legal Profession & its Ethics* by B.K. Goswami.
8. *Challenges to the Legal Profession – Law and Investment in Developing Countries* by P.N. Bhagawati.
9. *Sociology of Legal Profession and Legal System* by J.B. Gandhi.
10. *Socio-Legal Study of Occupational Status of Law Graduates* by K.L. Bhatia.
11. "Sociology of Law and Legal Profession: Cross Cultural Theoretical Prospective" by K.L. Sharma in 24 *J.I.L.I.* 528 (1982).
12. "The Pathology of the Indian Legal Profession" by Upendra Baxi in 13 *Ind. Bar. Rev.* 455 (1986).
13. "Legal Profession and the Advocates Act, 1961" by A.N. Veeraraghavan in 14 *J.I.L.I.* 229 (1972).
14. "Legal Profession: Its Contribution to Social Change" by K.K. Sathe in 13 *ICSSR*.

Honours 7, any one from following:

LL.B.(Hons) 5.7 H7

Health Law (Constitutional Law Group)

Full Marks: 100 [80+20]

Pass marks: 45 [36+9]

(Credit : 6)

Time : 3 hours

Detailed Syllabus

Marks

Unit 1: Introductory

16

The right to health as emergent from parts III and IV of the Constitution of India
National Health Policy

Unit 2: Organization of public health care in India

16

Legal Organization of public hospitals