

BALLB 5 YEARS INTEGRATED SYLLABUS

Ninth Semester

Academic Year

2019-20



MSB Global Law Institute

**Maharaja Surajmal Brij University, Bharatpur
(Raj.)**

Session 2021-2022 & Onwards
SESSION-2022-23

अकादमिक प्रभारी
महाराजा सुरजमल बृज विश्वविद्यालय
भरतपुर (राज.)

MSB Global Law Institute, Bharatpur
B.A.LL.B, IX Semester
Subject : Labour & Industrial Law-II
Subject Code : 901

Prescribed Legislations:

1. The Trade Unions Act, 1926
2. The Industrial Disputes Act, 1947
3. The Industrial Employment (Standing Orders) Act, 1946
4. The Essential Services Maintenance Act, 1981

UNIT I

Trade Union – Definition, Registration and Recognition

Definitions of ‘trade union’, ‘workman’ and ‘trade dispute’, - The Trade Unions Act, 1926, sections 2(g) and (h), 3-13, 15, 22.

UNIT II

Immunities – Criminal and Civil

The Trade Unions Act, 1926, sections 17 and 18; The Indian Penal Code, sections 120-A, 120-B.

PART – B : INDUSTRIAL DISPUTES

UNIT III

‘Industry’ – Conceptual Analysis

The Industrial Disputes Act, 1947, section 2(j).

UNIT IV

‘Industrial Dispute’ v. ‘Individual Dispute’ - Contrast

The Industrial Disputes Act, 1947, sections 2(k), 2A.

UNIT V

Concept of ‘Workman’

Distinction between contract for services and contract of service: Due control and super-vision test; Predominant nature of duty test, The Industrial Disputes Act, 1947, section 2(s).

UNIT VI

‘Strike & Lock out’

Concepts, legality and justification – The Industrial Disputes Act, 1947, sections 2(q), 2(l), 2(n), 10(3), 10A(3A), 22-28; The Industrial Employment (Standing Orders) Act, 1946; The Essential Services Maintenance Act, 1981.

UNIT VII

‘Lay off’ ‘Retrenchment’ & ‘Closure’

Analysis of the Concepts, Pre-requisites, The Industrial Disputes Act, 1947, sections 2(cc), 2(kkk), 2(oo), Chapters VA, VB; The Industrial Employment (Standing Orders) Act, 1946.

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UNIT VIII**'Lay off' 'Retrenchment' & 'Closure'.**

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Suggested Readings:

1. Report of the National Commission on Labour (1969)
2. Report of the Second National Commission on Labour (2002)
3. G.B. Pai, Labour Law in India (2001)
4. P.L. Malik, K.D. Srivastava's Law Relating to Trade Unions and Unfair Labour Practices in India (4th ed., 2002, with Supplement 2003)
5. S.C. Srivastava (Rev.) Labour Law and Labour Relations : Cases and Materials (Indian Law Institute, 2007)
6. E. M. Rao, O.P. Malhotra's The Law of Industrial Disputes (6th ed., 2004)
7. K.D. Srivastava, Industrial Employment (Standing Orders) Act, 1946 (4th ed., 1998 with Supplement 2003)

Leading Cases

1. Rangaswami v. Registrar of Trade Unions, AIR 1962 Mad. 231
2. The Tamil Nad Non-Gazetted Government Officers' Union, Madras v. The Registrar of Trade Unions, AIR 1962 Mad. 234
3. In Re Inland Steam Navigation Worker's Union, AIR 1936 Cal 59
4. R.S. Ruikar v. Emperor, AIR 1935 Nag. 149
5. Rohtas Industries Staff Union v. State of Bihar, AIR 1963 Pat. 170 (Also see Rohtas Industries v. Its Union, AIR 1976 S.C. 425)
6. Bangalore Water Supply and Sewerage Board v. A. Rajappa, AIR 1978 SC 548
7. State of U.P. v. Jai Bir Singh (2005) 5 SCC 1
8. Workmen of Dimakuchi Tea Estate v. Management of Dimakuchi Tea Estate, AIR 1958 SC 353
9. Municipal Corporation of Delhi v. Female Workers (Muster Roll) AIR 2000 SC 1274 : (2000) 3 SCC 224.
10. J.H. Jadhav v. Forbes Gokak Ltd. (2005) 3 SCC 202
11. Dharangadhra Chemical Works Ltd. v. State of Saurashtra, AIR 1957 SC 264
12. Sundarambal v. Government of Goa, Daman & Diu, AIR 1988 SC 1700
13. H.R. Adyanthaya v. Sandoz (India) Ltd. (1994) 5 SCC 737
14. Management of Chandramalai Estate v. Its Workmen, AIR 1960 SC 902
15. Syndicate Bank v. K. Umesh Nayak (1994) 5 SCC 572
16. Essorpe Mills Ltd. v. P.O.; Labour Court (2008) 7 SCC 594
17. Punjab Land Development and Reclamation Corporation Ltd. v. Presiding Officer, Labour Court (1990) 3 SCC 682
18. The Workmen of Fire Stone Tyre & Rubber Co. Pvt. Ltd. v. Fire Stone Tyre & Rubber Co. Pvt. Ltd. (1976) 3 SCC 819 : AIR 1976 SC 1775
19. U.P. State Brassware Corporation Ltd. v. Uday Narain Pandey (2006) 1 SCC 479

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B.A.LL.B, Semester- IX

Subject: Environmental Law, Subject Code: 902

Unit-1

Meaning and contents of environment, Pollution: Meaning, Kinds and effect of pollution, International regime

Unit-2

Constitutional remedies: fundamental rights, 42nd amendment, Polluter pays principle, precautionary principles, public trust doctrine, and sustainable development, other common law and statutory remedies

Unit-3

Environment Protection Act 1986: object, section 1 to 10. Section 10 to 26.

Unit-4

The Water (Prevention and Control of Pollution) Act, 1974: object, Definitions, constitution and functioning of boards under the Act, Prevention and control of water pollution, Funds, Accounts, Penalties and Procedure, Central Water Laboratory, Power of Central Government and state Government to make rules

Unit-5

The Air (Prevention and Control of Pollution) Act 1981, Object, Definitions, constitution of Boards, powers and functions, Prevention and control of Air Pollution air laboratory, penalties and procedure, power of Central Government and state Government to make rules.

Unit-6

The Wild Life Act 1972, Need to conserve wild life. Definitions, constitution of National and state board for wild life grant of permits, protected area sanctuary.

Unit-7

Advisory Committee, Reserve management committee, National Park, Central Zoo authority offences and penalties under the Act. Noise Pollution

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Case laws:

1. Vellore citizens' welfare forum v. Union of India(1996) 5 SCC 647.
2. Municipal council Ratlam v. Vadhichand, AIR 1980 SC 1622.
3. M.C. Mehta v. Union of India & others (1992) 1 SCC 358.
4. U.P. Pollution Control Board v. Modi distillery and ors., Air 1988 SC 965.
5. Church of god(full Gospe) v. K.K.R. Majestic Colony Welfare Association & ors., AIR 2000 SC 2773.
6. D.D. Vyas & ors. v. shriram food, Fertilizers, and Union of India, AIR 1987 SC 965.
7. R.L&E. Kendra, Dehradun V. State of U.P., AIR 1985 SC 652.
8. M.C. Mehta v. Kamal Nath, (1997) 1 SCC 599

Suggested Readings:

1. Paras Diwan and Piyushi Diwan Environmental Administration, Law an Judicial Attitude.
2. P.S. Jaswal, Environmental Law.
3. R.B. Singh& Suresh Mishra, Environmental Law in India.
4. P. Leelakrishna, The Environmental Law of India.
5. N. Maheshwari, Tedt Book on Environmental law.
6. S.C. Shastri , Environmental Law

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B.A.LL.B, IX Semester

International. Commercial
Arbitration

Subject : Alternate Dispute Resolution including Arbitration

Subject Code : 903

UNIT I

Alternate Dispute Resolution Mechanisms: Alternate Dispute Resolution Mechanisms: Meaning-- Definition--Concept-- History Structure powers and Functions of National and State Legal Services Authorities under the Legal Services Authority Act Legislative and judicial sanction for ADR Forms of ADR: Negotiation, Mediation, Conciliation, Arbitration Structure Powers and functions Ombudsman Lok-pal and Lokayukta, Lok-adalats..

UNIT II

Negotiation and Mediation: Meaning, features, theories, types of negotiation Appointment, role and qualities of the negotiator, Process of negotiation International Negotiation Meaning, features, theories and role of mediation Appointment and role of mediator Good offices

UNIT III

Conciliation: Meaning, features and modes of conciliation Conciliation under the Arbitration and Conciliation Act 1996 Appointment and role of conciliator, Techniques of conciliation and Termination of conciliation proceedings Contractual provisions about conciliation

UNIT IV

Arbitration: Meaning, features, theories and types of arbitration Historical perspectives of arbitration as a dispute settlement mechanism, and law of arbitration Types of Arbitration --Domestic and International arbitration, Institutional arbitration Advantages and disadvantages of arbitration of arbitration Difference between Negotiation--Mediation--Conciliation--Arbitration.

UNIT V

Arbitration agreement: The arbitration agreement, formation, its essentials Validity of arbitration agreement Rule of severability, Effect of death, insolvency etc on agreement Parties to arbitration agreement, Agreement as binding on third parties Power of court to refer parties to arbitration Jurisdiction of courts

UNIT VI

Structure, Powers and Functions of Arbitral Tribunal: Constitution of Arbitral Tribunal- qualifications to act as arbitrator Disclosures by arbitrator, Disqualification of arbitrators Grounds to challenge appointment and procedure of Arbitrators Powers of Courts to appoint Arbitrators Jurisdiction of arbitral tribunal - power to rule on its own jurisdiction Interim measures ordered by arbitral tribunal, interim measures by court.

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UNIT VII

Arbitration proceedings and award: Conduct of arbitral proceedings, procedure, rules of procedure Language, impartiality of arbitrator, equal treatment of parties Procedure before arbitral tribunal, claim, defense, hearing, evidence, experts, confidentiality; Application of the law of evidence and limitation Court's assistance in taking evidence, Fast track procedure Arbitral award – Types of award- Form and CONTENT- Finality of award- Interpretation of award Correction in award--Stamp duty—Registration-- Additional award Costs, Termination of proceedings Time limits for award, extension of time Recourse against award, Grounds of setting aside award, Court's role Enforcement of award

UNIT VIII

International Perspectives and Enforcement of Foreign Awards: International perspectives: -

UNCITRAL Model Law on International Commercial Arbitration The Geneva Protocol on Arbitration Clauses 1923 The Geneva Convention on the Execution of Foreign Arbitral Awards 1927 The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958 Foreign awards – meaning and definition (New York Convention Awards and Geneva Convention Awards) Referring parties to arbitration Binding nature of foreign awards, Enforcement of foreign award, Proof of award conditions for enforcement Jurisdictional issues

Students shall maintain a journal through the semester. The journal will be assessed by the teacher, and shall be presented at the time of viva voce examination. The journal shall contain the following drafts:

1. A domestic arbitration agreement after a commercial dispute has arisen between parties.
2. An arbitration clause in an international contract (having one Indian company as a party) for referring matter to institutional arbitration of an institution situated outside India
3. A conciliation clause in a commercial contract.
4. An invitation for conciliation proceedings.
5. A request by one party to the other party requesting that their commercial dispute be referred to arbitration.
6. A letter requesting an arbitrator to act as arbitrator in a case after disputes have arisen. Assume that the contract has an arbitration clause with reference to one arbitrator.
7. An application to the appropriate court to appoint an arbitrator when parties have failed in their attempts to appoint one according to the arbitration agreement.
8. An application to the court seeking interim injunction or appointment of receiver before the arbitral proceedings have begun.
9. An application to the court for setting aside an award. 10. An application for enforcement of a foreign award.

Viva voce examination shall be confined to the following: a) Drafts written in the journal, and b) The detail provisions of laws applicable to drafts written in the journal (including the substantive law involved in the dispute) ---

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Recommended readings:

- 1) Madhusudan Saharay, Textbook on Arbitration & Conciliation with Alternative Dispute Resolution, 4th ed, Universal Law Publishing, 2017
- 2) N V Paranjpe, Law Relating to Arbitration and Conciliation in India, 7th ed, Central Law Agency, 2016
- 3) Avtar Singh, Law of Arbitration and Conciliation, 10th ed, , Lucknow, 2013
- 4) Mallika Taly, Introduction to Arbitration, Eastern Book Company, 2015
- 5) Vishnu Warriar, Arbitration, Conciliation and Mediation, Lexis Nexis, 2015
- 6) K V Satyanarayana, Law of Arbitration and Conciliation in India, Asia Law House, 2017
- 7) Anirban Chakraborty, Law and Practice of Alternative Dispute Resolution in India – a Detailed Analysis, Lexis Nexis, 2016
- 8) Shiram Panchu, Mediation Practice and Law - The Path to Successful Dispute Resolution, 2nd ed, Lexis Nexis, 2015
- 9) Anuroom Omkar and Kritika Krishnamurthy, The Art of Negotiation and Mediation, Lexis Nexis, 2015
- 10) Ujwala Shinde, Alternative Dispute Resolution, Hind Law House
- 11) P C Rao and William Sheffield, ed, Alternative Disputes Resolution- What it is and how it works? Universal Law Publishing, New Delhi, 2015

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MSB Global Law Institute
BA LL.B. Semester - IX
Subject: Drafting, Pleading & Conveyancing
Subject Code: 904

UNIT I

Drafting:

General Principles of drafting and relevant substantive rules shall be taught.

Deeds and its kinds, Components of Deeds

Kinds of Writs

UNIT II

Pleading:

Meaning and purpose of pleadings, Importance of pleadings in the administration of justice
Rules of pleadings, Types of pleadings, Orders VI to VIII of Civil Procedure Code 1908,
Relationship between pleadings and evidence The pleading process: Know relevant
substantive laws, Identify provisions applicable, Understand essential elements of provisions,
Know presumptions, Ascertain facts, Select facts, Language, Style, Form, Need for precision
and clarity, Use of precedents. Jurisdiction, Limitation, Valuation, Court fees and calculation
Prayers, Prayers and court fees, Verification

(I) Civil: (i) Complaint (ii) Written statement (iii) Interlocutory application (iv) Original Petition
(v) Affidavit (vi) Execution Petition (vii) Writ Petition & Public Interest Litigation under
Article 226 and 32 of the Constitution of India (viii) Memorandum of Appeal & Revision.

(II) Criminal: (i) Complaints (ii) Criminal Miscellaneous Petition (iii) Bail Application & (iv)
Memorandum of Appeal & Revision

UNIT III

Conveyancing:

General principles relating to Conveyancing: Object of Conveyancing, essentials of drafting,
The drafting process: Know the laws, Know the transaction, Scheme of the draft, Ascertain
facts, Language, Style, Form, Need for precision and clarity, Use of precedents. Contents of a
draft conveyance: Commencement, Parties, Recitals, Parcels, Operative part, Arrangement of
obligations, Signatures, Attestation. Formalities: Writing, Attestation, Notarisation,
Registration Investigation of title, Chain of title, Public notices and their purpose, search and
title report.

(i) Sale Deed (ii) Mortgage Deed (iii) Lease Deed (iv) Gift Deed (v) Promissory Note (vi)
Power of Attorney (vii) Will (viii) Trust Deed.

Viva-Voce: The remaining 10 Marks will be given in a Viva-Voce Examination which will
test the understanding of legal practice in relation to Drafting, Pleading and Conveyancing

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Important Note: External Expert, Director, Institute of Law and the teacher concerned shall constitute a panel. The Quorum will consist of two and one of them will be external expert

Suggested Readings

1. Bindra, N.S. : Pleadings and Practice
2. Chaturvedi, R.N. : Pleadings, Drafting and Conveyancing
3. Chaturvedi, A.N. : Pleadings and Conveyancing
4. Gopalkrishnan, K.S. : Pleadings and Practice
5. Sharma, Y.S. : The Law of Pleadings, Drafting and Conveyancing
6. Majumdar, R.K. & : Guide to Civil Drafting with Model Forms Kataria, R.P.
7. Allied's : Conveyancing and Drafting of Legal Documents.

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B.A.LL.B, IX Semester

Subject: International Trade Law

Subject Code: 905

UNIT-I

Meaning of International Trade Law, Overview of Public International Law relating to Trade, WTO, IMF and World Bank, Private Law relating IT, Agencies for Promoting Unification of Trade Law- UNICITRAL, UNIDROIT, UNCTAD, ICC & IMO

UNIT-II

Export Trade Transaction and International Commercial Contract, Types of International Contract and Law Governing Formation and Enforcement of International Contract, Rights and Liabilities of Parties to Contract, Unification of International Commercial Law, Vienna Convention on International Sale of Goods.

UNIT-III

Subsidies in I.T., Subsidies under GATT, Tokyo Round and Regional Trade Agreements and Customs Unions under GATT, GATT and New Issues e.g. Trade, Environment and Human Rights under the GATT dispensation.

UNIT-IV

Brief review of General Agreement on Trade in Services and TRIPS, Technical Barriers to Trade, Dispute Settlement Process under GATT and WTO, Legal Obligations under WTO Dispute Settlement.

Suggested Readings

1. Jackson : Jurisprudence of GATT and WTO
2. A Lowenfield : Law of International Trade
3. Arun Goyal : WTO in New Millennium
4. Jayanta Bagchi : World Trade Organisation
5. A.K. Kaul : Cases and Materials on I.T.
6. Leo D' Arey : The Law & Practice of IT

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MSB Global Law Institute
BA LL.B. Semester - IX

Subject : Professional Ethics & Professional Accountancy

Subject Code: 906

Unit I:

Development of Legal Profession in India—The Advocates Act, 1961—Right to Practice—a right or privilege?—Constitutional guarantee under Article 19(1) (g) and its scope—Enrolment and Practice—Regulation governing enrolment and practice—Practice of Law—Solicitors firm—Elements of Advocacy.

Unit II:

Seven lamps of advocacy—Advocate's duties towards public, clients, court, and other advocates and legal aid; Bar Council Code of Ethics.

Unit III:

Disciplinary proceedings—Professional misconduct—Disqualifications—Functions of Bar Council of India/State Bar Councils in dealing with the disciplinary proceedings—Disciplinary Committees—Powers and functions - Disqualification and removal from rolls.

Unit IV:

Accountancy for Lawyers—Nature and functions of accounting—Important branches of accounting—Accounting and Law – Bar Bench Relations.

Suggested Readings :

Sirohi: Professional Ethics, Central Law Publications, Allahabad.

G.B.Reddy, Practical Advocacy of Law, Gogia Law Agency, Hyderabad

Myneni S.R.: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation, Asia Law House, Hyderabad.

Gupta S.P.: Professional Ethics, Accountancy for Lawyers and BenchBar Relation, Asia Law House, Hyderabad.

Kailash Rai: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation, Allahabad Law Agency.

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