

BALLB 5 YEARS INTEGRATED SYLLABUS

Sixth Semester

Academic Year

2019-20



MSB Global Law Institute

Maharaja Surajmal Brij University, Bharatpur
(Raj.)

Session 2021-2022 & Onwards

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MSB Global Law Institute, Bharatpur

B.A.LL.B, Semester - VI

Subject : Public International Law and Human Resource, Subject Code : 601

Unit I

Nature and Development of International Law:

Meaning and Definition of International Law

Theoretical Basis of International Law

Natural law Theory

Positive Law Theory

Grotius Theory

Consent theory

Historical perspective of International Law

Codification of International Law

Work of International Law Commission

India's Contribution for the development of International Law-Ancient to Modern times

Unit II

Sources of International Law:

Statute of the International Court of Justice, 1945 (Article 38)

International Treaties and Conventions-

International Custom-General Principles of Law Recognized by Civilized Nations-

Judicial Decisions of International and National Courts-

Juristic Opinion

Other Sources of International Law

Resolutions of General Assembly

Resolutions of Security Council

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Unit III

Relationship between International Law and Municipal Law:

Theories –

Monistic Theory

Dualistic Theory

Transformation theory

Delegation Theory

Specific Adoption theory Practice of States: United Kingdom, United States of America and India.

Unit IV

Subjects of International Law:

Meaning and Definition of State Kinds of Different States in International Law

Sovereign States

Semi-Sovereign States-Protectorate-

Vassal

Trust Territories

Special type of States

Holy Sea

Neutralized States

Individuals as subjects and object of International Law

Role and Status of MNC's

Unit V

Recognition of States:

Meaning and Significance of Recognition

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Theories of Recognition

Constitute Theory

Declarative Theory

Stimson Doctrine

Estrada Doctrine

Types of Recognition-Defacto –Dejure

Differences between Defacto and Dejure Recognition

Recognition of Insurgency and Belligerency

Unit VI

State Territory and State Succession:

Meaning and Definition of State Territory

Types of Acquiring State Territory

Occupation-Prescription

Accretion

Cession

Session-Dismemberment

Retro-Cession (The Case of Hong Kong)

Meaning and Concept of State Succession

Difference between State Succession and Succession of Governments

States Succession to Treaties

Membership of International Organizations Recent Developments

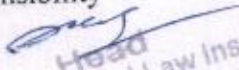
State succession to Public Property.

Unit VIII

Law of State Responsibility:

Nature and Basis of State Responsibility

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Theories of State Responsibility

Fault or Subjective Theory

Risk or Objective theory

Eclectic Theories of Responsibility

Absolute Liability Elements of State Responsibility

Act or Omission of international and international acts

Significance of Doctrine of Culpa Defenses precluding State Responsibility

Unit IX

Law of Treaties: Meaning and Definition of a Treaty-

Types of Treaties Parties to a treaty

Formation of a Treaty

Significance of Pact Sunt Servanda

Significance of Jus Cogens Role

Rebus Sic Stantibus (Changed Circumstances) in Treaties

Procedure for Termination of Treaties

Recommended Readings

Starke, J.G.	: An Introduction to International Law
Aggarwal, H.O.	: Public International Law and Human Rights
Kapur, S.K.	: International Law
Harris, D.J.	: Cases and Material on International Law
Greig, DW	: International Law
Tondon, M.P. and Agrawal, Dr V.K.	: International Law and Human Rights

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Subject : Taxation Law (Include GST Law), Subject Code: 602

UNIT-I

General

Concept of Tax- Nature and characteristics of different types of taxes- Direct and Indirect taxes- Distinction between tax and fees, tax. and. Cess- Tax evasion, Tax planning and Tax avoidance: Retrospective Taxation-Federal Base of Taking Power -Power of Taxation under the institution. Immunity of State agencies/Instrumentalities- Fundamental Rights and the power of Taxation- Commerce Clause, Inter-State Commerce and Taxation, Scope of Taxing powers of Parliament. Delegation of taxing power to State Legislatures and Local bodies.

UNIT-II

Direct Tax Regime

The Income Tax Act 1961: Basis of taxation of Income -Basic concepts, Person, Residential Status and incidence of tax, Income from Salaries-Income from House Property-Income from Business, or profession and vocation-Capital gains, Income from other sources-Deemed assessé, Set off and carry forward Loss; Incomes exempt from tax, permissible deductions & Chapter VIA deductions, Assessment, Kinds of assessment, Income tax authorities-Appointment-powers, and, functions. Provisions relating to collection and recovery of tax-filing of returns, electronic filing, IT Portal working and Refund of tax, appeal and revision provisions, offences and penalties.

UNIT-III

Custom law

Legislative Background of the levy-ports-Warehouses-Nature and restrictions on exports and imports-Levy, exemption and collection of customs, duties and overview of law and procedure-Clearance of goods from the port, including baggage-Goods imported or exported by post and stores and goods in transit-Duty drawbacks provisions, Authorities-Powers and functions and SEZ Units.

UNIT-IV

Indirect Tax Regime

IGST- Integrated CGST (IGST) levied by the Central Government, Inter-state transactions and imported goods or services State CST (SGST); The State Goods & Service tax Law Power of Central government to levy tax on interstate taxable supply, Impact of GST on State revenue: Indemnifying State Revenue Loss; UTGST-Union Territory Goods and Service Tax Law-GST Exemption on the sale and purchase of securities, Securities Transaction Tax (STT).

Prescribed Books:

Sumit Dutt Majumder, GST in India, 2nd edn., (New Delhi: Centax Publications Pvt. Ltd., 2016/2017,

- 1. Taxmann's Income Tax Act; 60th edn., (New Delhi: Taxmann Publications Pvt. Ltd. 2016/2017.

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B.A.LL.B, Semester VI

Subject : Company Law-I

Subject Code : 603

UNIT I

Definition Evolution and Nature of company

- (i) Advantages of Incorporation.
- (ii) Disadvantages of Incorporation.

UNIT II

(a) Registration and Incorporation

(i) Pre-incorporation Contracts.

(ii) Kinds of Companies

(b) Conversion of private company into public company and public company into private company

UNIT III

(a) Memorandum of Association

(b) Name clause

(c) Registered office clause

(d) Object clause - necessity

UNIT IV

(a) Doctrine of Ultravires

(b) Consequences of Ultravires Transactions

(c) Articles of Association and relationship between Article of Association and Memorandum of Association.

UNIT V

(a) Binding force of Articles of Association

(b) Alteration of Article of Association.

(c) Constructive notice of memorandum of Association and Articles of Association

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UNIT VI

- (a) Doctrine of Indoor Management
- (b) Exception to Doctrine of Indoor Management

UNIT VII

- (a) Prospectus - Definition
- (b) Statement in lieu of Prospectus
- (c) Remedies for misrepresentation in prospectus

Judgments

1. Corporation of India V. Escorts Ltd. (1986) comp. cas. 548 |
2. New horizons ltd another v. Union of India (1995) comp.L.J. 100(SC)
3. Lakshmanasami Mudaliar V. HC, AIR 1963 SC 1185
4. Raymonds synthetics ltd. y. Union of India (1992) 73 comp. cas. 762 (SC)
5. ICICUtd v. Srinivas agencies (1996) (2) SCALE 774(SC)
6. Union of India V. Shalimar works ltd. (1987) comp.cas, 664
7. Bajaj Auto ltd. V. N.K. Firodia & ors, AIR 1971 SC 321
8. Unity company V. Diamond suger mills, AIR 197??
9. M/s. Madhusudan Goverdhan Das and Company V, Madhay Wollern Industries Ltd., AIR 1971 C2600
10. Shanti Prasad Jain v. Kalinga Tubes LTD, AIR 1965 SC 1535 Suggested Readings

Suggested Readings

1. S.M. Shan : Lectures on Company Law, N.M. Tripathi, Mumbai
2. Avtar Singh : Company Law, Eastern Book Co., Lucknow
3. Taxrnans : Cornpany Law and Practice.
4. A.Ramaiya :Guide to Companies at, Wedhwa
5. S.M. Shaw : Lectures on Company Law, Tripathi, Murnbai
6. Topham and Lvarny: Coinpany Law, Butterworth
7. L.C.B. Gov/cr : Principles of Modern Conipally La??, Swee! ani Mix well, London
8. Palmer : Plnners Company Law, Stevans London

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B.A.LL.B, Semester VI
Subject : Motor Vehicles Act & Consumer Protection Law

Subject Code : 604

1. Motor Vehicle Act, 1988:-

- (A) Preliminary (Chapter I)
 - (B) Licensing of Drivers of Motor Vehicle (Chapter II)
 - (C) Licensing of Conductors and Registration of Motor Vehicle (Chapter III & IV)
 - (D) Liability without fault in certain cases (Chapter X)
 - (E) Claims Tribunals, Offences, Penalties and Procedure (Chapter XIII)
- Leading Case- New India Assurance Co. Ltd. v. Rulia and Others, AIR 2000 SC 1082

2. Consumer Protection Law:

- A. Consumer Protection-International and National Developments; The Consumer Protection Act, 1986-Nature and Scope; Definitions and Scope of the Concepts of Consumer, Complaint, Complainant, Consumer dispute, goods services, defect, deficiency, spurious goods and services; Deficiency in Medical Services, Insurance Services, Banking Services, Housing Services etc. Rights of Consumers; Consumer Protection Councils –their composition and role.
- B. Consumer Disputes Redressal Agencies- District Forum, its composition, Jurisdiction, Manner of Making Complaint, Procedure on admission of Complaint; State Commission – Composition, Jurisdiction- Original, Appellate and revisional; Procedure applicable to the State Commission; National Commission- Composition, Jurisdiction- Original Appellate, revisional; power of review; procedure applicable to National Commission; Circuits Benches Appeal to the Supreme Court.
- C. Unfair trade practices – Definition and Scope, specific categories of unfair trade practices; Restrictive Trade Practice- Definition and Scope, Remedies available to Consumers Period of Limitation; Administration Control; Enforcement of orders of District Forum, State Commission and National Commission; Dismissal of frivolous or vexatious complaint, Penalties.

Leading Cases :

1. Spring Meadows Hospital v. Harjot Ahluwalia, AIR 1998 SC 1801; (1998) I CPJ 1 (SC)
2. Ashish Handa Advocate v. Hon'ble Chief Justice of High Court of Punjab & Haryana, AIR 1996 S.C. 1308
3. Lucknow Development Authority v. M.K. Gupta AIR 1994 SC 787; (1993) III CPJ 7 (SC)

Suggested Readings

- Agarwal, V.K. Law of Consumer Protection (Student Edition) 2009
- Singh, Avtar Consumer Protection Act.
- The Motor Vehicles Act, 1988 p

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B.A.LL.B, VI Semester

Subject: Communication & Client Counseling

Subject Code: 605

Unit I

Communication

- a. Meaning
- b. Types and Directions to Communication
- c. Approaches to Communication
- d. Barriers to Communication
- e. Communication Process
- f. Channels of Communication

Unit II

Client Interviewing

- a. Meaning and significance
- b. Different Components: listening, types of questions asked, Information gathering, Report formation, Ethical consideration

Unit III

Legal Counseling

- a. Definition and its differentiation from general counseling
- b. Different types of counseling
- c. Approaches to Counseling
- d. Training Skills: Simulated exercises

Unit IV

Legal Reasoning

- a. Legal Reasoning: Definition, Components of Legal Reasoning, Deductive and Inductive Reasoning, Levi's and Bodenheim's Model of Legal Reasoning
- b. Law and Logic: Aristotelian Logic and Syllogism c. Significance of mootng to law students

Text Books:

- 1. N.R. Madhava Menon, Clinical Legal Education

References:

- 1. Jenny Chapman, Client Interviewing and Counselling
- 2. Stephens P. Robbins, Organizational Behaviour
- 3. Morgan, Introduction to Psychology

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B.A. LL.B., Semester – VI
Subject: Business and Legal Environment, Subject Code: 606

Objectives:

The basic objective of this course is to familiarize the students with the nature and dimensions of evolving business environment in India to influence managerial decisions.

Unit I

An Overview of Business Environment: Type of Environment-internal, external, micro and macro environment. Competitive structure of industries, environmental analysis and strategic management. Managing diversity. Scope of business, characteristics of business. Objectives and the uses of study. Process and limitations of environmental analysis. 20

Unit II

Economic Environment: Nature of Economic Environment. Economic factors-growth strategy, basic economic system, economic planning, nature and structure of the economy. Economic policies-industrial policy (1991), FEMA, Monetary and fiscal policies. 15

Unit III

Socio-Cultural Environment: Nature and impact of culture on business, culture and globalization, social responsibilities of business. Business and society, social audit, business ethics and corporate governance. 15

Political Environment: Functions of state, economic roles of government, government and legal environment. The constitutional environment, rationale and extent of state intervention. 20

Unit IV

Natural and Technological Environment: Innovation, technological leadership and followership, sources of technological dynamics, impact of technology on globalization, transfer of technology, time lags in technology introduction, status of technology in India. Management of technology, features and impact of technology. Demographic environment population size, migration and ethnic aspects, birth rate, death rate and age structure. 20

PSDA - 20

Text Books:

1. Dhingra, C.; *The Indian Economy Environment and Policy*, Sultan Chand and Sons, 17th Edition 2003.
2. Cherunilam, Francis; *Business Environment - Text and Cases*, Himalaya Publishing House, 2002 12th revised edition.

Reference Books:

1. Aswathappa, K.; *Essentials of Business Environment*, Himalaya Publishing House, 2000 7th edition.
- C.A.Rangarajan-"Perspective in Economics"-S.Chand & Sons

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