

CHANAKYA NATIONAL LAW UNIVERSITY, PATNA
B.A., LL.B (H)/B.B.A., LL.B. (H) 2023-2024; SEMESTER- V

Course Title: Civil Procedure Code and Law of Limitation

Course Overview

The curriculum is designed to focus on the Procedural laws which are important for the purpose of implementing and enforcing of our rights, remedies and liabilities as provided therein in the substantive laws. Civil Procedure Code is one of the major and main procedural laws enforcement of civil rights and remedies through civil courts. Therefore in this semester this paper has been as a part of study. In this paper the study covers historical survey of conceptions of civil procedure in India and provisions of the code pertaining to suits, their institutions, pleadings, plaints, appearance and examination, judgment, decree and execution. This course will also pursue civil litigation through appellate courts, examining the corrective steps available in civil proceedings. This course also deals with the Law of Limitation as applicable to civil proceedings.

Module one deals with Introduction

Module two focuses on Suits in General

Module three deals with Pleadings

Module four covers Appearance of Parties, Setting-Aside Ex-Parte Decrees, Hearing And Examination

Module five Judgment, Decree and Execution

Module six deals with Appeals

Module seven covers Suits in Particular Cases

Module Eight focuses on Limitation Act 1963

Learning Outcomes

The course aims to emphasize on the knowledge as to procedure to be followed both by court as to addressing of grievances of parties and approach of parties seeking relief/remedies provided by substantive law .

On completion of the course, students will be able to:

1. Understand the procedure for institution and framing of suit.
2. Analyze rules as to presentation of pleadings and consequences thereof.
3. Critically analyze the procedure for execution of decree, procedure as to preferring of Appeal and suits in particular cases
4. Understand the principles of Limitation Act as to preferring of litigation for enforcement of remedial measures

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I:	<ul style="list-style-type: none"> • Historical study of Civil Procedure Code, • Aim, Object and scope of the Civil Procedure Code • Principal features of the Code with reference to 1999 and 2002 Amendment • Types of Procedures and Importance of observance of Procedure and • Definition 	1-8
Module II:	<ul style="list-style-type: none"> • Concept of Law Suit • Parties to Suit and Frame of Suit • Institution of Suits • Res - Sub Judice • Res - Judicata • Foreign Judgment • Place of Suing • Cause of Action and Jurisdictional Bars • Place of suing - Rules • Summons Order 	9-20
Module III:	<ul style="list-style-type: none"> • General Rules as to Pleading • Striking Out and Amendment of Pleadings • Plaint – Meaning, Particulars, Rejection and Return of Plaint • Written Statement, Set-Off and Counter Claim • Settlement of Issues 	21-31
Module IV:	<ul style="list-style-type: none"> • Appearance of Parties • Setting aside Ex-Parte Decrees • Hearing of the Suit and Examination of parties • Affidavit 	32-40

Module V:	<ul style="list-style-type: none"> • Concepts of Judgment • Distinction between Judgment, Decree and Order • Concept of Execution • General Principles of Execution, • Mode and Procedure for Execution and Order • Interim Orders 	41-50
Module VI:	<ul style="list-style-type: none"> • General Provisions relating to Appeals • Appeal from Original Decree and Appellate Decree • Appeal from Orders • Appeal to the Supreme Court • Procedure for filing of Review and Revision • Rationale of Commission and Receiver. 	51-58
Module VII:	<ul style="list-style-type: none"> • Suit by or against Government • Suit by or against Minors, persons with Unsound Mind and Indigent Person • Inter-pleader Suits • Incidental and Supplementary Proceedings • Summary Suits • Special Proceedings • Inherent powers of Civil Court 	59-66
Module VIII:	<ul style="list-style-type: none"> • Concept of Limitation • General Principles of Limitation • Extension-sufficient cause 	67-70

	<ul style="list-style-type: none">• Legal Disability-Disability-when comes to end	
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Recommended/Reference Text Books and Resources:

Text Books

1. *Civil procedure, Limitation and Commercial Courts* by C.K. Takwani
2. *Code of Civil Procedure – Avtar Singh*
3. *Code of Civil Procedure – Dr. Ashok K. Jain*
4. *The Code of Civil Procedure – D. N. Mathur*
5. *Code of Civil Procedure – Jatindra Kumar Das*
6. *The Code of Civil Procedure, Dr. T.P. Tripathi*

References

1. *Bare Act of Code of Civil Procedure, 1908*
2. *The Key to Indian Practice by Sir Dinshaw Fardunji Mulla.*
3. *The Code of Civil Procedure – Mulla*
4. *The Code of Civil Procedure M. P. Jain*

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Chanakya National Law University, Patna
B.A.LL. B (H) / B.B.A., LL.B. (H) 2023-24
SEMESTER- V

Course Title: Company Law

Course Overview

This is an elementary introductory course in Company Law. The main source of statutory material, the Companies Act, 2013 contains over 470 sections, VII Schedules and Rules. It is for students approaching company law for the first time, and assumes no prior knowledge on the part of students. The curriculum is designed to focus on behind the corporate veil; constitutional matters, the duties and liabilities of directors; shareholders' rights and remedies, contracting with the company, corporate transparency, and theoretical introductions to the company and corporate governance. Students seeking more advanced corporate law modules should choose Specialization (Honours) Course as Corporate Law.

Module I of this study focuses on the company, its nature, and scope. It covers the meaning, definition, and characteristics of a company, its historical background, different kinds of companies, and the merits and demerits of incorporating a company, including the concept of lifting the corporate veil. Module II focuses on the procedure for the incorporation of companies. It covers the role of promoters and their legal position, pre-incorporation contracts, the memorandum of association (meaning, purpose, contents, ultra vires, and the doctrine of ultra vires), articles of association (meaning, purpose, content, alteration, constructive notice), and the doctrine of indoor management with its exceptions.

Module III focuses on prospectus, shares, and debentures. It covers the meaning of a prospectus, formalities of issuing a prospectus, misrepresentation of a prospectus, and the golden rule associated with it. The module also includes the meaning of shares, types of shares, and the transfer of shares. It discusses share capital, its meaning, kinds, alteration, reduction, and voting rights. Furthermore, it covers debentures, their meaning, types, fixed and floating charges, and the crystallization of a floating charge. The module also explores borrowing powers and the consequences of unauthorized borrowings.

Module IV focuses on members and membership rights. It covers the modes of acquiring membership, the rights and privileges of members and shareholders, the transfer and registration of securities, transmission of securities, and rules regarding the payment of dividends.

Module V covers the management and administration of a company. It includes the appointment, qualifications, and types of directors. It discusses the position, powers, and functions of directors, as well as their duties and liabilities. The module also covers meetings, including the kinds of meetings and requisites for a valid meeting. Additionally, it addresses the audit and accounting system and the legal position of audits.

Module VI focuses on oppression and mismanagement, including their meaning and prevention. It also covers the powers of the Company Law Board, inspection and investigation, and the role of the SFIO.

Module VII covers amalgamation and winding up, including merger, demerger, and the procedure for winding up. It discusses payment of liabilities and the roles of the Official Liquidator, Court, and NCLT.

Module VIII discusses corporate governance, emphasizing its significance, corporate social responsibility, criminal liability, liability under environmental laws, and offenses and penalties under the Companies Act, 2013. All the modules include case laws, case studies, and practical aspects.

Learning Outcomes

The course aims to give students an introduction to Company Law and to enable them to gain knowledge of its main features and some of its specific 'technical' rules; to analyse and evaluate this knowledge; and to gain some understanding of how corporate law operates in practice in the commercial world

On completion of the course, students will be able to:

1. Understand the core principles of company law.
2. develop their analytical faculties by identifying and resolving legal issues relating to the operation of companies in terms of the relationship between the board of directors and the General Meeting
3. develop their critical faculties by evaluating the rules, policies, and principles of Indian company law
4. evaluate legal materials and effectively apply them to practical corporate problems;

List of Topics/ Modules

SYLLABUS

PART I: COMPANY LAW, PRINCIPLES & CONCEPTS

Module	Topics	Class Hours
Module - I Company and its Nature and Scope	1.1 Meaning, Definition and characteristics of company. 1.2 Historical background of company 1.3 Kinds of companies 1.4 Merits and Demerits of Incorporation of company - Lifting the corporate veil. <i>Case Laws, Case Studies and Practical Aspects.</i>	7 Hrs
Module - II Procedure for Incorporation of companies	2.1 Role of promoters, Legal Position of Promoter 2.2 Pre-incorporation contracts 2.3 Memorandum of Association - Meaning, Purpose, Contents, Ultravires and Doctrine of Ultravires 2.4 Articles of Association - Meaning Purpose, Content. Alternation, Constructive Notice. 2.5 Doctrine of Indoor management Exceptions <i>Case Laws, Case Studies and Practical Aspects.</i>	<u>10 Hours</u>
Module - III Prospectus, Shares and Debentures	3.1 Meaning - Formalities of issue Prospectus - Misrepresentation of Prospectus - Golden Rule 3.2 Shares - Meaning, Types of Shares and Transfer of shares 3.3 Share Capital, Meaning, Kinds, Alternation, Reduction and Voting Rights 3.4 Debenture - Meaning, Types, Charge-Fixed and Floating, Crytalisation of Floating charge 3.5 Borrowing Powers - Effective of unauthorized borrowings <i>Case Laws, Case Studies and Practical Aspects.</i>	<u>11 hours</u>
PART II: COMPANY ADMINISTRATION AND MEETINGS		
Module - IV Members and Membership Rights	4.1 Modes of acquiring Membership 4.2 Rights and Previliges of Members and Shareholders	<u>10 Hours</u>

	<p>4.3 Transfer and Registration of Transfer of Securities</p> <p>4.4 Transmission of Securities</p> <p>4.5 Dividend - Rules as to Payment of Dividend</p> <p><i>Case Laws, Case Studies and Practical Aspects</i></p>	
<p>Module - V Management and Administration of Company</p>	<p><u>5.1 Directors - Appointment, Qualifications, Types</u></p> <p><u>5.2 Directors Position, Powers, Functions</u></p> <p><u>5.3 Duties and Liabilities of Directors</u></p> <p><u>5.4 Meetings, Kinds, Requisites of Valid Meeting</u></p> <p><u>5.5 Audit and Accounting System - Legal Position of Audit</u></p> <p><i>Case Laws, Case Studies and Practical Aspects</i></p>	<p><u>10 Hours</u></p>
<p>Module - VI Oppression and Mismanagement</p>	<p>6.1 Meaning of Oppression and Mismanagement</p> <p>6.2 Prevention of Oppression and Mismanagement - Rule in Foss v/s Harbottle (1843)</p> <p>6.3 Powers of Company Law Board and Central Government</p> <p>6.4 Inspection and Investigation</p> <p>6.5 Role of Serious Fraud Investigation Office (SFIO).</p> <p><i>Case Laws, Case Studies and Practical Aspects</i></p>	<p><u>6 Hours</u></p>
<p>Module - VII Amalgamation and winding up</p>	<p>7.1 Merger and Demerger of Company</p> <p>7.2 Amalgamation, Compromise and Arrangement</p> <p>7.3 Winding up - Meaning, Types, Procedure</p> <p>7.4 Payment of Liabilities in the event of winding up</p> <p>7.5 Role of Official Liquidator, Court and National Company Law Tribunal.</p> <p><i>Case Laws, Case Studies and Practical Aspects</i></p>	<p><u>5 Hours</u></p>
<p>Module - VIII Corporate Governance</p>	<p>8.1 Significance of Corporate Governance</p>	<p><u>5 Hours</u></p>

	<p>8.2 Corporate social Responsibility</p> <p>8.3 Corporate Criminal Liability</p> <p>8.4 Corporate Liability under Environmental Laws</p> <p>8.5 Offences and Penalties of Company under Companies Act, 2013</p> <p><i>Case Laws, Case Studies and Practical Aspects</i></p>	
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DRAFTING

1. Promoters' Contract-Pre- Incorporating Contracts
2. Drafting of Memorandum
3. Drafting of Articles
4. Underwriting Contracts
5. Shareholders Agreement
6. Types of Legal Opinion
7. Form and Elements of the Opinion Letter
8. Expression of the Opinion

ESSENTIAL READINGS

S.No	Title, author, Citations and doi
1.	Shapiro, Harry. "The Formation of Companies under the English Company Law: A Comparison with American Legislation." <i>University of Pennsylvania Law Review and American Law Register</i> , vol. 60, no. 6, 1912, pp. 419–42. JSTOR, https://doi.org/10.2307/3313583 .
2.	Pickering, Murray A. "The Company as a Separate Legal Entity." <i>The Modern Law Review</i> , vol. 31, no. 5, 1968, pp. 481–511. JSTOR, http://www.jstor.org/stable/1093759 .
3	Isaacs, Nathan. "The Promoter: A Legislative Problem." <i>Harvard Law Review</i> , vol. 38, no. 7, 1925, pp. 887–902. JSTOR, https://doi.org/10.2307/1329537 .
4.	Ehrich, Manfred W., and Lucille C. Bunzl. "Promoters' Contracts." <i>The Yale Law Journal</i> , vol. 38, no. 8, 1929, pp. 1011–46. JSTOR, https://doi.org/10.2307/790459 .
5.	Stallybrass, W. T. S. "The Doctrine of Ultra Vires." <i>Journal of Comparative Legislation and International Law</i> , vol. 13, no. 1, 1931, pp. 141–44. JSTOR, http://www.jstor.org/stable/754091 .

6.	Thompson, Andrew R. "Company Law Doctrines and Authority to Contract." The University of Toronto Law Journal, vol. 11, no. 2, 1956, pp. 248–89. JSTOR, https://doi.org/10.2307/824437 .
7	Sealy, L. S. "Agency Principles and the Rule in Turquand's Case." The Cambridge Law Journal 49, no. 3 (1990): 406–8. http://www.jstor.org/stable/4507447 .
8.	Pennington, R. R. "The Report of the Company Law Committee." The Modern Law Review 25, no. 6 (1962): 703–10. http://www.jstor.org/stable/1092419 .
9	DRABEK, JAROSLAV A. "A Visit to India's Companies Act." The International Lawyer 11, no. 3 (1977): 547–54. http://www.jstor.org/stable/40705121 .
10	Ehrich, Manfred W., and Lucille C. Bunzl. "Promoters' Contracts." The Yale Law Journal 38, no. 8 (1929): 1011–46. https://doi.org/10.2307/790459 .
11.	Khanna, V. S. "Corporate Criminal Liability: What Purpose Does It Serve?" Harvard Law Review 109, no. 7 (1996): 1477–1534. https://doi.org/10.2307/1342023 .
12.	Wedderburn, K. W. "Company Law. Members' Rights. Oppression of Minority." The Cambridge Law Journal 16, no. 2 (1958): 152–56. http://www.jstor.org/stable/4504517 .
13.	Oliver, Peter. "COMPANIES AND THEIR FUNDAMENTAL RIGHTS: A COMPARATIVE PERSPECTIVE." The International and Comparative Law Quarterly 64, no. 3 (2015): 661–96. http://www.jstor.org/stable/24760848 .
14.	DESAI, VYAPAK, and ASHISH KABRA. "DIRECTOR AND OFFICER LIABILITY IN INDIA." Litigation 41, no. 4 (2015): 17–19. https://www.jstor.org/stable/26401860 .
15.	Dwight, Frederick. "Liability of Corporate Directors." The Yale Law Journal 17, no. 1 (1907): 33–42. https://doi.org/10.2307/785836 .

Evaluation Criteria

Components	Description	Weightage in %
Attendance	Maximum of Five (5) marks, in each course, shall be assigned to regularity in attendance.	5%
Project Report	Maximum of Twenty (20) marks shall be assigned for Project Work in Each Course, out of which a maximum of Sixteen (16) marks for written project The assignment on a problem shall be allotted by the teacher concerned at the beginning of the Semester and students are expected to write the same within the prescribed time frame. The modalities of the assignment including evaluation shall be decided by the teacher. The project assignment is intended to develop skills of inquiry, analysis, interpretation, legal writing and critiquing.	16%
Presentation	Four (4) marks, in each course, will be allotted to oral presentation.	4%

Mid-Semester Examination	Fifteen (15) marks shall be assigned for the Mid Semester Examination. No repeat Mid Semester Examination will be conducted.	15%
End-Semester Examination	Sixty (60) marks shall be assigned for the End Semester Examination of a comprehensive nature conducted by the end of the Semester	60%

Recommended/Reference Text Books and Resources:

Text Books

One or any of the following books:

1. Dignam, A. and J. Lowry Company law. (Oxford: Oxford University Press, 2022) 12th edition [ISBN 9780192865359].
2. A. Ramaiya Guide to Companies Act, Lexis Nexis Butterworths, Wadhwa, Nagpur
3. Dr.Avtar Singh Company Law, EBC, Latest edition.
4. Pettet's Company Law and Corporate Finance J. Lowry and A. Reisberg (Harlow, Longman, latest ed)
5. Gower and Davies' Principles of Modern Company Law (latest ed)
6. Hannigan's Company Law (Oxford: OUP, latest ed)
7. L.S. Sealy and S. Worthington Cases and Materials in Company Law (Oxford, OUP latest edition)

Web Resources

<https://www.mca.gov.in/content/mca/global/en/acts-rules/ebooks.html>

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Course Title: Constitutional Law -I

Course Overview

Constitution is a basic law relating to the governance of a country by establishing government which governs the country. It establishes the different organs– the legislative, the executive, and the judiciary and other functionaries. The curriculum is also designed to inspire the students to study about the constitutional law and constitutionalism enforcing the idea of a limited government desired to function within the norms prescribed in the constitution. Constitutional Law - I will focus on limitations of fundamental rights enshrined in part III of the Constitution and non-enforceable but fundamental in the governance of the country – directive principles of state policy.

Module one focuses on general basic concepts, philosophy of the constitution and fundamental rights as limitation on the state.

Module two deals with general principles of equality and its dimensions.

Module three covers prohibition of discrimination on certain grounds and preferential treatment/affirmative action in favour of certain classes, abolition of untouchability and titles.

Module four deals with protection of certain rights regarding freedom of speech, assembly, association, movement, settlement, profession etc. reasonable restrictions on them.

Module five covers protection in respect in respect of conviction for offences, protection of life, and personal liberty and protection against arrest and detention in certain cases.

Module six deals with prohibition of traffic in human beings, forced labour, employment of children in factories, freedom of religion, and cultural and educational rights of minorities.

Module seven focuses on remedies for enforcement of fundamental rights and impact of emergency on enforcement of such rights.

Module eight covers directive principles of state policy and fundamental duties.

Learning Outcomes

Apprise the students about the basic law of the country and its impact on state.

On completion of the course students will be able to

1. Understand the significance of Constitution in governance of the country by putting organs of the state under constitutional parameters.
2. Analyse the provisions of the Constitution.
3. Critically analyse Judicial interpretation of the constitutional provisions & the multi-dimensional significance of provisions in newly emerging challenges.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I	<ul style="list-style-type: none"> • Concept of constitution, constitutional law and constitutionalism. • Basic philosophy of the Indian Constitution enshrined in the Preamble. • Definition of state and its multi-dimensional expansion. • Limitations of fundamental rights on the state. • Inconsistent state laws and laws made in derogation fundamental rights. • Interpretative techniques – waiver, severability and eclipse. 	1-9
Module II	<ul style="list-style-type: none"> • Equality before or equal protection of the laws. 	10-14

	<ul style="list-style-type: none"> • Permissible classification and its tests. • Equality and single individual legislation. • Equality & trial by special courts. 	
Module III	<ul style="list-style-type: none"> • Prohibition of discrimination on grounds only of religion, race, caste, sex, place of birth or any of them. • Equality of opportunity in public employment • Preferential treatment/affirmative action in educational institutions and public employment. • Related issues and judicial response <ul style="list-style-type: none"> ✓ Identification of recipients of reservation – STSC, SEBC & EBC. ✓ Abolition of untouchability and titles. 	15-21
Module IV	<ul style="list-style-type: none"> • Right to freedom and reasonable restrictions. • Freedom of speech and expression. • Freedom of press, right to information. • Right to assembly. Association movement and settlement. • Profession, occupation and trade business. 	22-29
Module V	<ul style="list-style-type: none"> • Protection in respect of conviction for certain offences. <ul style="list-style-type: none"> ✓ Protection against ex-post-facto laws ✓ Protection against double jeopardy 	30-35

	<ul style="list-style-type: none"> ✓ Protection against self-incrimination • Protection against life or personal liberty. <ul style="list-style-type: none"> ✓ Judicial interpretation of procedure established by law ✓ Expansion of life or liberty in post Maneka Gandhi era. ✓ Right to privacy ✓ Freedom to travel abroad /passport. ✓ Right to pollution free air, portable water, livelihood, fair trial etc. • Protection against arrest and detention. <ul style="list-style-type: none"> ✓ Safeguards given in cases of arrest. ✓ Safeguards given in cases of detention under preventive detention law. 	
Module VI	<ul style="list-style-type: none"> • Prohibition of traffic in human beings, forced labour and employment of children in factories. • Concept of secularism and freedom of religion, dimensions of freedom of religion and problem of conversion. • Cultural and educational rights of minorities. <ul style="list-style-type: none"> ✓ Determination of minorities and extent of their rights. 	36-43
Module VII	<ul style="list-style-type: none"> • Enforcement of fundamental rights. <ul style="list-style-type: none"> ✓ Laches , Res-judicata. ✓ Public interest litigation • Remedies and compensatory justice. 	44-51

	<ul style="list-style-type: none"> • Impact of emergency on the enforcement of fundamental rights. 	
Module VIII	<ul style="list-style-type: none"> • Directive Principles of State Policy and their significance. • Relationship between Fundamental Rights and Directive Principles of state policy. • Role of Judiciary in making an unenforceable Directive Principles more meaningful. • Fundamental duties. 	52-60

Recommended/Reference Text Books and Resources:

Text Books

- M. P. Singh (ed.) V. N. Shukla's Constitution of India.
- M.P. Jain, Indian Constitutional Law.

References

- D. D. Basu, Commentary on the Constitution of India.
- Dr. U. R. Rai, Fundamental Rights and their Enforcement.

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Chanakya National Law University, Patna
B.A., LL.B. (Hons.) / B.B.A., LL.B. (H) 2023-24; SEMESTER - V

Course Title: Jurisprudence - I

Course Overview

Ever since the expression 'jurisprudence' has been used in its modern sense, its nature and scope has been sought to be determined and re-determined time and again. The word jurisprudence has been used in many senses ranging from a mere synonym of law to a particular method of study, not of the law of one country but of the general notions of law itself. The course is designed to cover all the important schools of jurisprudence and thereby acquaint the students with different approaches to study the law including Natural Law, Analytical Positivism, Historical Approach, Sociological Approach, American Realism, Scandinavian Realism, and Critical Legal Studies Movement. These schools or approaches to jurisprudence cover various aspects such as the nature of law and its normative character, validity and effectiveness of law, function of law and its actual operation in the society. The object of the course is to sharpen the analytical skills and develop the critical thinking in the students.

- Module one deals with the introductory aspects such as Meaning, Definitions, Nature and Scope of Jurisprudence.
- Module two focuses on the approach in jurisprudence that has been very influential in the English-speaking countries and is known as Analytical Positivism.
- Module three deals with the Historical approach in jurisprudence.
- Module four covers the approach that has dominated the jurisprudential thought in the twentieth century and is commonly known as the Sociological School.
- Module five deals with the two remarkable movements in jurisprudence namely American Legal Realism and Scandinavian realism.

- Module six deals with the Natural Law School
- Module seven provides an overview of Critical Legal Studies movement
- Module eight briefly deals with the Feminist Legal Theory.

Learning Outcomes

After completing the course, the students will be able to:

1. Comprehend the meaning, nature and scope of jurisprudence;
2. Understand the meaning, characteristics, functions and objectives of law;
3. Describe the various approaches to law that has evolved and developed over the past few centuries;
4. Apply and analyse the materials more intelligently and efficiently, that they have to deal with as a law student and as a lawyer in future;
5. Identify the pressing and conflicting claims and demands in the contemporary society and provide a workable solution as a social engineer; and
6. Analyse the judicial decisions in terms of various schools or approaches of law.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I: Introduction	<ul style="list-style-type: none"> • Meaning, Definitions and Use of the Word 'Jurisprudence' 	1-6

	<ul style="list-style-type: none"> • Nature and scope of jurisprudence • Significance of study of jurisprudence 	
Module II: Analytical Positivism	<ul style="list-style-type: none"> • Austin's Command and Sovereign Theory • Hans Kelsen's Pure Theory of Law • H.L.A. Hart's Concept of Law 	7-20
Module III: Historical School of Law	<ul style="list-style-type: none"> • Edmund Burke • A.F.J. Thibaut • F. K. Savigny • Henry James Sumner Maine 	21-27
Module IV: Sociological School of Law	<ul style="list-style-type: none"> • Rudolf Von Ihering • Eugen Ehrlich • Roscoe Pound 	28-34
Module V: Legal Realism	<ul style="list-style-type: none"> • American Realists • Scandinavian Realists 	35-41
Module VI: Natural Law School	<ul style="list-style-type: none"> • Natural Law philosophy of the Ancient Age and Middle Ages • Natural Law Philosophy of the Social Contractarians • Modern Natural Law Philosophy 	42-50
Module VII: Critical Legal Theory	<ul style="list-style-type: none"> • The Critical Legal Studies Movement • Critique of Liberalism, Formalism and Objectivism 	50-54
Module VIII: Feminist Legal Theory	<ul style="list-style-type: none"> • Feminist Legal Theory as an Offshoot of CLS Movement • Feminist Legal Theory 	55-60

Recommended/Reference Text Books and Resources:

Books

- Dias, R.W.M., *Jurisprudence* (LexisNexis, 5th Edition).
- Bodenheimer, Edgar, *Jurisprudence: The Philosophy and Method of the Law* (Harvard University Press, Indian Edition 2018).
- Freeman, Michael, *Lloyd's Introduction to Jurisprudence* (Sweet & Maxwell, 9th Edition)

References

- Austin, J., *The province of Jurisprudence Determined* (Universal Law Publishing, Delhi, 2012)
- Friedman, W., *Legal Theory* (Sweet & Maxwell, 5th Edition)
- Hart, H.L.A., *The Concept of Law* (Oxford University Press, 3rd Edition)
- Kelsen, Hans, *Pure Theory of Law* (The Lawbook Exchange, New Jersey, 2004)
- Morrison, Wayne, *Jurisprudence: From the Greeks to Post-Modernism*
- Penner, J.E. and Melissaris, E., *McCoubrey & White's Textbook on Jurisprudence* (Oxford University Press, 5th Edition).
- Stone, Julius, *Social Dimensions of Law & Justice* (Universal, 2012).

Instructor Details

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Chanakya National Law University, Patna
B.A., LL.B (H)/B.B.A., LL.B. (H) JULY 2023-DECEMBER 2023;
SEMESTER- V

Course Title: Labour Laws II

Course Overview

The curriculum is designed to focus on helping the students understand rights and responsibilities of the workers and their employers. The syllabus is designed to help the students in understanding the basic Labour & Industrial laws, rules, and concepts so that they can identify and apply the different Labour laws in a concrete fact situation.

Module one deals with the concept of wages and the related concepts.

Module two focuses on health and safety aspects at the workplace.

Module three deals with Bihar Shops and Establishment Act, 1953

Module four covers some of the contemporary issues like gig workers, platform workers, etc.

Module five deals with legislation against child labour.

Learning Outcomes

The course aims not only to help the student develop a clear understanding of the theoretical concepts but also enable them to apply the same in any given situation.

On completion of the course, students will be able to:

1. Understand basic Labour & Industrial laws, rules, and related concepts.
2. Identify Labour & Industrial Laws issues in concrete fact situations.
3. Apply Labour & Industrial Laws rules and concepts in concrete fact situations.
4. Think critically about and evaluate Labour & Industrial Laws doctrines.
5. Critical analysis of law and practice of Industrial Tribunals and other Quasi-Judicial Authorities under Labour & Industrial Laws.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I: Remuneration for Labour	<ul style="list-style-type: none"> • Concepts of wages (minimum wages, fair wages, living wages, need-based minimum wages) • Components of wages: dearness allowance, principle of fixation. • Disparity in wages in different sectors - need for rationalisation and national approach • Wage determining process - modes and modalities. • Concept of bonus - computation of bonus • Protection of wages: non-payment, delayed payment, unauthorised deductions - remedial measures, authorised deductions. 	1-12
Module II: Health and Safety	<ul style="list-style-type: none"> • Obligations for health and safety of workmen - legislative controls: factory, mines and plantations. • Employer's liability • Workmen's compensation: doctrine of notional extension, and doctrine of added peril • Employee's State Insurance. • Liability for hazardous and inherently dangerous 	13-24

	industries - environmental protection.	
Module III: Bihar Shops and Establishment Act, 1953	<ul style="list-style-type: none"> • Concept, Historical Perspective. • Registration and Renewal process under the Act. • Working Hours • Wages • Leaves • Employment of children and young persons • Inspections and penalties 	25-35
Module IV: Contemporary issues under labour laws	<ul style="list-style-type: none"> • Gig worker, Platform workers • Unorganized workers • Gender inequality • Sexual harassment at workplace- meaning, issues, remedial measures • Exploitation of contract workers and policy of the State 	36-46
Module V: Legislation against Child Labour	<ul style="list-style-type: none"> • Historical Background of Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 • Article 24, Article 21-A • Applicability • Constitutional Aspect • Amendments • Important Definitions • Technical Advisory Committee • Authorities, Offences, Compounding of Offences, • Inspectors, Role of District Magistrates, 	47-60

	<ul style="list-style-type: none"> Monitoring and Inspection by the Authorities 	
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Recommended/Reference Text Books and Resources:

Textbooks

- **O.P. Malhotra, The Law of Industrial Disputes (1998), Universal, Delhi.**
- **S.C. Srivastava, Social Security and Labour Laws Pts. 5 and 6 (1985). Universal, Delhi.**
- **S.C.Srivastava, Commentary on the Factories Act 1948 (1999) Universal, Delhi.**
- **V.G.Goswami, Labour & Industrial Laws, Central law Agency, 11th edition, 2019**

References

- John Bowers and Simon Honeyball, Text Book on Labour Law (1996),
- Blackstone, London Srivastava K.D., Commentaries on Payment of Wages Act 1936 (1998),
- Eastern, Lucknow Srivastava K.D., Commentaries on Minimum Wages Act 1948 (1995),
- Eastern, Luknow Rao.S.B., Law and Practice on Minimum Wages (1999),
- Law Publishing House, Allahabad Seth.D.D., Commentaries on Industrial Disputes Act 1947 (1998),
- Law Publishing House, Allahabad Srivastava K.D., Disciplinary Action against Industrial Employees and Its Remedies (1990),
- Eastern, Lucknow Srivastava. K .D., Commentaries on Factories Act 1948 (2000), Eastern, Luknow R.C. Saxena, Labour Problems and Social Welfare Chapters 1, 5 and 6.(1974)
- V.V. Giri, Labour Problems in Indian Industry Chs. 1 and 15, (1972).
- Indian Law Institute, Labour Law and Labour Relations (1987)
- (1982) Cochin University Law Review, Vol. 6 pp. 153-210. Report of the National Commission on Labour. Ch. 14-17, 22, 23 and 24.
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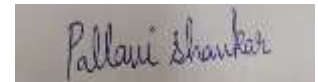
Web Resources

<https://www.labour.gov.in>
<https://www.epfindia.gov.in>
<https://www.ilo.org>

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Instructor Details

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Signature

Syllabus of Political Science - III

B.A., LL.B. (Hons.), 05th Semester, 2023-24

Objective of the Study of Public Administration :

Public Administration is regarded as an instrument of change and is expected to accelerate the process of development. In our country, the government has undertaken the task of levelling down the economic inequalities, spreading education among all abolishing untouchability securing equality of status, rights of women and effective and all round economic and industrial development. The burden of carrying out these social changes in a planned and orderly way rests upon the Public Administration of the country. The success of Indian democracy will depend not only on the wisdom of the legislature but more on the capability and sense of purpose on the part of the Administration.

Methodology of Teaching :

The effective method of teaching and learning is through dialogue process between teacher and the student. The student should be encouraged to think analytically the subject and should be in position to evaluate the subject critically. In order to develop all these things student should be encouraged to read original text books of reputed authors. Group discussion/seminar on the subject topics will also play a pivotal role in enriching the fertile mind of the students.

Course Module	Topics	Proposed Lectures
1.	Basic Concept of Public Administration : (i) Meaning, Nature and its Scope, (ii) New Public Administration, (iii) Public Administration and Private Administration, (iv) Concept of Good Governance.	08
2.	Theories of Organization : (i) Scientific Management Theory of Organization, (ii) Human Relations Theory of Organization, (iii) Bureaucratic Theory of Organization, (iv) The Formal Theory of Organization (Henri Fayol, Luther Gulick & Lyndall Urwick).	10
3.	Principles of Organization : (i) Hierarchy, (ii) Span of Control, (iii) Unity of Command and (iv) Centralization & Decentralization.	06
4.	Concept of Line, Staff and Auxiliary Agencies.	04
5.	Personnel Public Administration : Recruitment, Training and Promotion	04
6.	Administrative Law : (i) Delegated Legislation, (ii) Administrative Tribunal.	08
7.	Control over Public Administration: (i) Executive , (ii) Legislative, (iii) Judicial Control.	06
8.	Concept of Panchayati Raj in India and its Evolution.	03
9.	Ombudsman : Constitution and Functions of Lokpal and Lokayukta in India.	04
10.	Corruption : Causes and Remedies	02
TOTAL		55

Suggested Readings :

1. Introduction to the Study of Public Administration by L. D. White
2. Administrative Thinkers by Prasad and Prasad
3. Public Administration in India by Prof. S. R. Maheshwari
4. Indian Public Administration: Institutions and Issues by Ramesh K. Arora
5. Public Administration Concepts and Theories by Rumki Basu
6. Indian Administration by B.L Fadia

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