

AVADH LAW COLLEGE

LL.B. Seventh Semester

Political Science III (Representative Western Political Thinkers) (Paper-I)

(Representative Western Political Thinkers)

Unit-I

Plato (Republic), Aristotle,

Unit-II

St. Thomas Aquinas, Machiavelli, Montesquieu,

Unit-III

Hobbes, Locke, Rousseau,

Unit-IV

J.S. Mill, T.H. Green, Bodin, Bentham,

Unit-V

Karl Marx, Mao Tse Tung,

LL.B. Seventh Semester

PROPERTY LAW (Transfer of Property Act, 1882 And Indian Easement Act.) (Paper-II)

UNIT- I

Concept and meaning of property

Kinds of property- movable and immovable property, tangible and intangible property, intellectual property.

Important terms- Immovable property; Actionable claim.

“Transfer of property” defined.

What may be transferred?

Transfer for the benefit of unborn persons.

Rule against perpetuity.

Vested interest

Contingent interest; difference between vested and contingent interest.

UNIT- II

Conditional transfer- fulfillment of condition precedent and fulfillment of condition subsequent.

Election- election when necessary, doctrine of election, rights of disappointed transferee.

Apportionment

Restrictive covenant.

Transfer by ostensible owner.

Transfer by unauthorized person.

Transfer by one co-owner.

Transfer by co-owners of share in common property.

UNIT- III

Transfer of property pending suit relating thereto (Lis pendens)

Fraudulent transfer.

Part- performance.

Sale-its Definition and nature

Rights and Duties of buyer and seller

UNIT- IV

Exchange -its Definition and nature

Lease- its Definition and nature and Determination of lease

Gift- its Definition and nature including onerous gift and Universal Donee

UNIT- V

Mortgage- Definition, nature and its Kinds

Rights of Mortgagor including right of Redemption

Right of Mortgagee including right of foreclosure or Sale

Marshalling of Securities

Doctrine of subrogation

Charge

Indian Easement Act.

Acts

The Transfer of Property Act, 1882.

Indian Easement Act.

Books

Mulla, Transfer of Property Act, (Universal, Delhi).

T.P.Tripathi, Transfer of Property Act.

Subba Rao, Transfer of Property Act.

V.P.Sarathy, Transfer of Property,(EBC, Lucknow)

LL.B. Seventh Semester

COMPANY LAW (Paper-III)

UNIT- I

Company- Need of company for development; definition; kinds of company- public and private company, limited and unlimited company, Government company, holding and subsidiary company. Distinction between company and corporation; company and partnership and other associations of persons.

Formation of a company- registration and incorporation.

Theory of corporate personality.

UNIT- II

Memorandum of association- various clauses; doctrine of ultra vires.

Articles of association- its relation with memorandum of association; doctrine of constructive notice; indoor management- its exceptions.

Prospectus- issue, contents, liability for misstatements, statement in lieu of prospectus.

Promoters- position, duties and liabilities.

UNIT- III

Members of company- acquisition, suspension and termination of membership.

Share- general principles of allotment, statutory restrictions.

Share capital- its objects and effects, transfer of shares, restrictions on transfer, procedure for transfer, refusal of transfer; relationship between transferor and transferee; issue of shares at premium and discount; depository receipts; dematerialised shares (DEMAT).

Share holder- who can be and who cannot be a share holder; modes of becoming a share holder; forfeiture and surrender of shares; lien on shares; share warrant and share warrant holder.

Share capital- kinds; alteration and reduction of share capital; further issue of capital; duties of courts to protect the interests of creditors and investors.

Debenture- meaning, kinds of debentures; share holder and debenture holder; remedies of debenture holders.

UNIT- IV

Directors- position, appointment, qualifications, vacation of office, removal, resignation; powers and duties of directors; meetings, registers; role of nominee directors; managing directors and other managerial personnel.

Meetings- kinds, procedure, voting.

Dividends- payment, capitalization, profit.

Company Law Board.

National Company Law Tribunal.

UNIT- V

Majority powers and protection of minority rights

Protection of oppression and mismanagement, who can apply?- powers of the company, court and of Central Government.

Investigation

Amalgamation and reconstruction

Winding up- types- by courts, reasons, grounds, who can apply/- procedure; powers of liquidators; consequences of winding up order; voluntary winding up by members and creditors, winding up subject to supervision of courts; winding up of unregistered company.

Legal liabilities of company- civil and criminal.

Acts

Companies Act, 1956.

Books

Avtar Singh: Company Law, (EBC, Lucknow).

LCB Gower: Principles of Modern Company Law, (Sweet and Maxwell)

SM Shah: Lectures on Company Law (Tripathi, Bombay)

Palmers' Company Law (Stevens).

LL.B. Seventh Semester

WOMEN AND THE LAW (Paper-IV)

UNIT- I: Women in India

Pre- independence period: social and legal inequality in ancient and medieval India

Social reforms movement in India

Post-independence period: preamble of the Constitution; equality provisions in Fundamental Rights and Directive Principles of State Policy

Personal laws- unequal position of women

International Conventions and National Commission for Women

UNIT-II: Gender Inequality in Personal Laws

Inheritance and succession: position of women in Hindu law and Muslim law

Matrimonial property

Maintenance under personal laws and under Section 125 of the Cr.P.C.

Guardianship: right of women to adopt a child; problems of women guardianing

Domestic violence: causes and cure

UNIT- III: Women and Criminal Law

Insulting the modesty of woman

Dowry death

Rape

Adultery

Cruelty by husband or his relative for dowry

Dowry prohibition

Female foeticide

UNIT- IV: Women and Employment

Women in employment: causes, extent and importance

Equal remuneration for men and women

Maternity benefit

Other provisions for welfare and safety of women in industrial laws

Exploitation and harassment of women in work places

UNIT- V: Protection and Enforcement Agencies

Courts

Family Courts

National and State Commission for Women

NGOs

Books

A.S. Altekar: The Position of Women in Hindu Civilisation

Revasia &Revasia: Women, Social Justice and Human Rights

Agnes, Flavia: Law and Gender Inequality

Balram: Women Workers, the Labour Legislation in India
Towards Equality- Report of the Committee on the Status of Women (Govt. of India)

LL.B. Seventh Semester

CRIMINAL PROCEDURE CODE-I (Paper-V)

UNIT- I

The rationale of criminal procedure, the importance of fair trial.

Definitions and distinctions: Bailable and non-bailable offence; cognizable and non-cognizable offence; inquiry and investigation; complaint; compoundable and non-compoundable offence; and police report.

Criminal courts: Classes, constitution, powers and jurisdiction.

The Police- functions and organization of the police. (The Police Act, 1861).

Public Prosecutor and Asst. Public Prosecutors- duties, function and powers.

UNIT- II

Importance of procuring accused's presence at trial.

How to procure the presence of the accused at the trial- summons and warrant.

Arrest with or without a warrant

Arrest by a private person

Arrest by Magistrate

Arrest how made

Rights of arrested persons

First Information Report

Evidentiary value of F.I.R,

UNIT- III

Investigation

Search warrant

Search by police officer

General provisions relating to searches

Seizure

UNIT- IV

Complaints to Magistrates

Commencement of proceedings before Magistrates

Bail- Object and meaning of bail

Cancellation of bail

Anticipatory bail

Powers of appellate court to grant bail

General principles concerning bond

Charge, framing of charge, form and contents of charge and its exceptions

Separate charges for distinct offence

Discharge- pre-charge evidence.

UNIT- V

Conception of fair trial

Presumption of innocence

Place of trial

Rights of the accused to know the accusation

Right of cross-examination and offering evidence in defence: the accused's statement

Right to speedy trial

Doctrine of 'autrefois acquit' and 'autrefois convict'.

ACTS

Criminal Procedure Code, 1973

Police Act, 1861.

Books

Ratan Lal Dhiraj Lal, Criminal Procedure Code.

Kelkar, Lectures on Criminal Procedure, (EBC, Lucknow).

Kelkar, Outlines of Criminal Procedure, (EBC, Lucknow)

Woodroffe, Commentaries on Code of Criminal Procedure (Universal, Delhi)

LL.B. Seventh Semester

PROFESSIONAL ETHICS, PROFESSIONAL ACCOUNTING SYSTEM AND BAR-BENCH RELATIONS (Paper-VI)

UNIT-I

Development and importance of legal profession.

Legal profession during British period: under Mayor's Court and Supreme Court of Judicature.

Legal profession under the Indian High Courts Act, 1861.

Legal profession under the Legal Practitioners' Act, 1879, Indian Bar Committee, 1923, and the Indian Bar Councils Act, 1926.

Legal profession after Independence- (i) legal profession under All India Bar Committee, 1951, and (ii) legal profession under the Advocates Act, 1961.

UNIT- II

Bar Council of India- constitution, powers and functions.

State Bar Councils- constitution, powers and functions.

Admission and enrolment of advocates- persons who may be admitted as advocates; disqualifications for enrolment.

Disposal of application for admission as an advocate.

Rights of an advocate.

UNIT- III

Professional ethics- meaning and necessity.

Standard of professional conduct and etiquette- duty to the court, duty to the client, duty to the opponent, duty to the colleagues, and residual duties.

Professional misconduct- meaning and scope.

Disciplinary Committee of the Bar Council of India- powers and procedure.

Powers and procedure for initiating cases of misconduct by the State Bar Council.

UNIT- IV

Law of contempt.

Contempt of Courts Act, 1971- its object.

Contempt of court- meaning, categories of contempt of court- civil and criminal.

Contempt jurisdiction of High Courts and the Supreme Court.

Contempt by lawyers, judges, State and corporate bodies.

Defences in contempt proceedings- civil and criminal.

Remedies against the order of punishment.

UNIT- V

Bar-Bench relations.

The personality of an advocate.

Art of advocacy.

Seven Lamps of advocacy.

ACTS

Indian Advocates Act, 1961.

Contempt of Courts Act, 1971.

Books

Krishnamurthy Iyer on Advocacy.

The Contempt Law and Practice.

Bar Council Code of Ethics.

S.P.Gupta, Professional Ethics, Accountancy for Lawyers and Bar-Bench Relations, (CLA, Allahabad)
50 selected opinions of the Disciplinary Committee of the Bar Council of India and 10 major judgments of the Supreme Court.

Important Note: The remaining 20 marks will be given in a Viva- voce examination which will test the knowledge of the subject. The viva-voce shall be conducted by a Board of Examiners consisting one external examiner and one internal examiner appointed by the Board of Studies.