

AVADH LAW COLLEGE

LL.B. THIRD SEMESTER

PAPER-I

JURISPRUDENCE-I (LEGAL THEORY)

UNIT-I

Jurisprudence – Meaning , Scope and importance.

Definition of Law , nature and Kinds of law

Sources of law – legislation; precedents; concept of stare decisis , custom and juristic writings.

UNIT-II

Natural law – Meaning , various stages of the development of Nature Law

Ancient concept of “Dharma”

Analytical Positivism – Kelsen, Bentham, Salmond , and Austin.

UNIT-III

Historical School- German Historical School (Savigny) and British Historical School (Sir Henry Maine)

Economic Interpretation of Law.

UNIT-IV

Sociological School

Social School of Jurisprudence

UNIT-V

Philosophical School – Kant, Hegel.

The Modern- PIL; Social Justice, Compensatory Jurisprudence.

Feminist Jurisprudence.

Books

Salmond On Jurisprudence

Dias, Jurisprudence

Bodenheimer, Jurisprudence- The Philosophy and Method of Law (Universal , Delhi)

S.N.Dhyani Jurisprudence- A Study of Indian Legal Theory.

LL.B. THIRD SEMESTER

PAPER-II

COMPANY LAW

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 of 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.

Meeting – kinds, procedure, voting.

Dividends – payment, capitalisation, 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)

Palmer's Company Law (Stevens).

LL.B. THIRD SEMESTER

PAPER –III

PROPERTY LAW-I (TRANSFER OF PROPERTY ACT, 1882 SECS 1 TO 53A)

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?

UNIT-II

Transfer for the benefit of unborn persons.

Rule against perpetuity.

Vested interest

Contingent interest; difference between vested and contingent interest.

Conditional transfer – Fulfillment of Condition precedent and fulfillment of condition subsequent.

UNIT-III

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

Apportionment

Restrictive Covenant.

UNIT-IV

Transfer by ostensible owner.

Transfer by unauthorized person.

Transfer by one co- owner.

Transfer by co-owners of share in Common property.

UNIT-V

Transfer of property pending suit relating thereto (Lis pendens)

Fraudulent transfer.

Part- performance.

Acts

The Transfer of Property Act, 1882.

Books

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

I.P. Tripathi, Transfer of Property Act

Subba Rao, Transfer of Property Act.

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

LL.B. THIRD SEMESTER

PAPER –IV

CRIMINAL PROCEDURE CODE-I

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 with out 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 Provision 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

Change , framing of charge , from 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

Rights 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. Third Semester

PAPER-V

LAW OF Evidence(The Indian Evidence Act, 1872)

UNIT-I

The main features of Indian Evidence Act, 1861

Concepts in Law Of Evidence –Facts, relevant facts in Issue – Distinction

Evidence – Oral and Documentary, circumstantial evidence and direct evidence.

Presumption.

'Proving', not proving' and 'disproving'

Witness.

Appreciation of evidence

Doctrine of res gestae

Evidence of Common intention

Problems of relevancy of 'otherwise' irrelevant

Relevant facts for proof of Custom

Facts Concerning Body and mental State.

UNIT-II

General Principles concerning admission and confession

Distinction between 'admission ' and ' confession'

Problems of non-admissibility of confessions caused by 'any inducement, threat or promise

Inadmissibility of confession made before a police officer

Admissibility of custodial confessions.

Dying declaration – the Justification for relevance on dying declaration

Appreciation of evidentiary value of dying declaration.

UNIT-III

Expert witness

Who is an Expert? Types of Expert evidence

Opinion on relationship especially proof of marriage

The problems of judicial defence to expert testimony

General principles Concerning oral evidence

General principles concerning documentary evidence.

UNIT-IV

Competency to testify

State Privilege

Professional Privilege

General Principles of Examination and cross- examination

Leading questions

Unlawful questions in cross- examination

Compulsion to answer question put to witness

Hostile witness

UNIT-V

Burden of Proof

General conception of anus probandi

Scope of the doctrine of judicial notice

Estoppel- Why estoppels? The rationale.

Estoppel , res judicata, waiver and presumption

Estoppel by deed

Estoppel by conduct

Equitable and promissory estoppels

Question of Corroboration

Act

The Indian Evidence Act, 1861

Books

Sarkar And Manohar on Evidence , (Wadhwa & Co. Nagpur)

Rajan Lal Dhiraj Lal , Law Of Evidence(Wadhwa & Co.)

Batuk Lal, Law Of Evidence.

Avtar Singh, principles of the Law Of Evidence.

LL.B. Third Semester

PAPER-VI

LABOUR AND INDUSTRIAL LAWS- I

UNIT-I

Labour through ages – slave labour – guild system – division on caste basis.

Theories of labour and surplus value

Concept of social security

Characteristics of social security

Constituents of social security – traditional and modern

Social security under the Constitution of India.

UNIT-II

The Industrial Employment (Standing Orders Act, 1946.

Historical Background

Definition of important terms- Appropriate Government, Employer , Industrial establishment, standing orders , and workman.

Procedure for certification of standing orders- date of operation of standing orders, register of standing orders , posting of standing orders, duration and modification of standing orders.

Certifying officer – powers and functions.

The trade Unions Act, 1926.

Object and essential features of the Trade Union Act

Definition and nature of trade union

Legal Characteristics of a registered Trade union

Incorporation of registered Trade Union

Registration of Trade Unions- appointment of Registrars, mode of Registration, application to Registrar, contents of the copy of rules , registrations.

Rights and Liability of registered trade Unions.

Privileges and immunities of Registered trade Unions.

UNIT-III

The Industrial Disputes Act, 1947.

Object and essential features of the Industrial Disputes Act.

Definition of Important terms- Industry , Industrial dispute- When an Individual Dispute becomes and industrial dispute, Public Utility Service , Wages, and Workman.

Provisions Concerning Strike and Lock out , prohibitions, illegal strike and lock out , distinction between strike and lock out, lock out and closure.

Provisions concerning Law Off and Retrenchment, conditions precedent to retrenchment of workmen.

Authorities under the Industrial Disputes Act-(1) Works Committee. (2) Conciliation Officer, (3) Board of Conciliation, (4) Courts of Inquiry, (5) Labour Court, (6) Industrial Reference of Disputes to Boards, Courts, or Tribunals.

UNIT-IV

The Contract Labour(Regulation and Abolition) Act, 1970.

Object and constitutional validity of the Act.

Contract labour and Contractor.

Advisory Board and State Advisory Boards

Registration of establishment employing contract labour , effect of non-registration, Prohibition of employment of contract labour.

Licensing of contractors – grant of licenses , revocation, suspension, amendment of licences.

Welfare and health of contract labour.

UNIT-V

Position of child labour.

Contribution of ILO to prohibition and regulation of child labour.

Child labour and constitutional mandate.

Child Labour (Prohibition and Regulation)act

Aims and objects of the Act

Prohibition of employment of children.

Regulation of condition of work of children.

Aims and bonded labour System (Abolition)Act , 1976

Aims and objects of the Act.

Who is a bonded labour? Indian Scenario.

Fundamental rights against exploitation.

Abolition of bonded Labour System.

Implementing authorities.

Vigilance Committee – Constitution and functions

Acts

The Industrial Employment (Standing Orders) Act, 1946.

The Trade Unions Act, 1926

The Industrial Dispute Act, 1947

The Contract Labour (Regulation and Prohibition)Act , 1970

The Child Labour (Prohibition and Regulation) Act , 1986

The Bonded Labour System (Abolition) Act, 1976.

Books

S.C. Srivastava , Social Security and Labour Laws, (Universal , Delhi)

R.C. Saxena, Labour Problems and Social Welfare.

V.V. Giri, Labour Problems In Indian Industry.

Indian Law Institute, labour Law and Labour Relations (1987)

Report of The National Commission on labour.

V.G. Goswami, Labour and Industrial Laws (CLA , Allahabad)

S.N. Mishra , Labour And Industrial Laws.

LL.B. THIRD SEMESTER

PAPER-VII

PROFESSIONAL ETHICS , PROFESSIONAL ACCOUNTING SYSTEM AND BAR-BENCH RELATIONS

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, 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 proceeding – civil and criminal.

Remedies against the order of punishment.

UNIT-V

Bar- Bench relations.

The personality of an advocate

Art of advocacy.

Seven Lamp of advocacy

Acts

Indian Advocates Act, 1961
Contempt of Court Act, 1971

Books

Krishnamurthy Lawyer 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 Indian And 10 major judgements 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 vive- Voce shall be conducted by a Board of Examiners consisting one external examiner and one internal examiner appointed by the Board of Studies.