

VI SEMESTER LL.B

COURSE-I: COMPANY LAW

Objectives:

The course is designed to understand the formation, management and other activities of the companies. In view of the important developments that have taken place in the corporate sector. Important regulations pertaining to the issue of shares and the capital raising have come into force. This course aims to impart the students, the corporate management, control, possible abuses, the remedies and government regulation of corporate business and winding up of companies.

Course contents:

UNIT – I

The Companies Act, 1956 – Corporate Personality and its kinds – Promoters – Registration and Incorporation – M O A

UNIT – II

AOA – Prospectus – Directors – Meetings – Role of Company Secretary – Dividends; Brief analysis of corporate ethics.

UNIT – III

Issue of Shares – Types of Shares – Debentures – Procedure for allotment of shares and debentures – share capital – Rights and privileges of shareholders – Preventions of Oppression and Mismanagement – Different modes of winding up of companies.

UNIT - IV

SEBI Act, 1992;

Securities Contracts (Regulation) Act, 1956 and Rules.

UNIT - V

FEMA Act, 1999; Competition Act, 2002; Brief introduction to BPO & LPO

Prescribed Books:

Taxman's Corporate Laws.

Avtar Singh - Company Law.

Reference Books:

Ramaiah- Companies Act, Parts I and II.

Shah - Lectures on Company Law.

Taxman's Company Law.

S. C. Kuchal- Corporation Finance: Principles and problems.

Y. D. Kulshreshta- Government regulation of financial management of private corporate sector in India.

S. K. Roy- Corporate Image in India.
Gower - Company Law.
Sen – New Horizons in company law.
D. L. Majumdar- Towards a philosophy of Modern Corporation.
Pennington - Company Law.
Rajiv Jain - Guide on foreign collaboration – Policies & Procedures.
C. Singhanian – Foreign collaborations and Investments in India – Law and procedures.
Joyant M Thakur – Comparative Analysis of FEMA – FEMA Act, 1999 with FERA.
Sanjiv Agarwal - Bharat's guide to Indian capital.

COURSE-II: PROPERTY LAW

Objectives:

The focus of this course is on the study of the concept of 'Property', the 'nature of property rights' and the general principles governing the transfer of property. A detailed study of the substantive law relating to particular transfers, such as sale, mortgage, lease, exchange, gift and actionable claims will also be undertaken. The course also includes an exposure into the concept of trust.

Course contents:

UNIT – I

General principles of Transfer of Property by Act of parties *inter- vivos*- Concept and meaning of immovable property- Transferable Immovable Property- Persons Competent to transfer - Operation of Transfer- Conditions restraining alienation and restrictions repugnant to the interest created- rule against perpetuity and exceptions- Direction for accumulation- Vested and Contingent interest.

UNIT – II

Doctrine of election- transfer by ostensible and co-owner- Apportionment- Priority of rights- Rent paid to holder under defective title- Improvements made by *bonafide* holder- Doctrine of *Lis pendens*- Fraudulent transfer and part-performance.

UNIT – III

Mortgages of Immovable property: Definition- Kinds of mortgages and their features- Rights and liabilities of mortgagor and mortgagee- Priority of securities- Marshalling and contribution- Charges.

UNIT – IV

Sale of immovable property: Rights and liabilities of seller and buyer before and after completion of sale- Difference between sale and contract for sale; Leases of immovable property: Definition- Scope- creation of lease- rights and liabilities of lessor and lessee- Determination and holding over; Exchange: Definition and mode- Actionable Claims; Gifts: Scope- meaning- mode of transfer- universal gifts- onerous gifts.

UNIT – V

Law of Trusts with Fiduciary Relations: Definitions of Trust and its comparison with other relationships like Debt, Ownership, Bailment, Agency and Contract; Kinds of Trusts- Creation of Trust- Appointment of Trustees- Duties and Liabilities of Trustees- Rights and Powers of Trustees- Disabilities of Trustee- Rights and Liabilities of the Beneficiary- Vacating the office of trustee and Extinction of Trusts.

Prescribed Books:

Mulla – Transfer of Property Act, 1882.
M. P. Tandon – Indian Trust Act.

Reference Books:

Subbarao – Transfer of Property
Shah – Principles of the Law of Property
Shukla – Transfer of Property Act
Menon – Property Law
M. P. Tandon – Indian Trust Act.

COURSE-III: ADMINISTRATIVE LAW

Objectives:

One of the perennial problems of the civilized society is to control the exercise of public power. Administrative Law is concerned with controlling the misuse of public power, by laying down general norms of administrative behaviour. This course will deal with the nature, scope and functions of Administrative Law, the nature and control of delegated legislative power, regulation of discretionary powers and general principles of Administrative adjudication. This course further deals with the role played by courts in the development of Administrative Law. The Focus is on their role in protecting the rights of individuals against abuse of administration. In addition adjudicatory powers of the administration and liability of administrative authorities are also studied in this course.

Course contents:

UNIT – I

Evolution- Nature and Scope of Administrative Law- Relation with Constitutional Law- Separation of powers and concepts- Rule of law- *Council d' Etate*, (French system) - Classification of Administration Action- functions- Administrative direction and discretion.

UNIT –II

Legislative power of the administration- Extent of delegation and control over delegated Legislation- Sub-delegation- Judicial- Parliamentary control over delegated Legislation.

UNIT - III

Judicial power of Administration- Nature of procedure- Principles of Natural justice- Effect of non-compliance with principles of Natural Justice- Exception to principles of Natural Justice.

UNIT – IV

Judicial control of Administrative action – Writs, Principles and Procedure - Public Law Review and Private Law Review of Administration action- Liability of State – Torts, Contract- Promissory Estoppel-Government Privileges- Right of information- Doctrine of Legitimate expectation- Doctrine of Accountability- Waiver- Doctrine of Proportionality.

UNIT –V

Corporations and Public undertaking- Commission of Enquiry- Ombudsman in India (Lokpal and Lokayuktha) - Central Vigilance Commission- Parliamentary Committees- Civil services in India- Accountability and responsibility- Problems and Prospectives- Administrative deviance- Corruption- Mal-administration- Control mechanism of Accountability.

Prescribed Books:

M. P. Jain & S. N. Jain - Principles of Administrative Law.

Reference Books:

Wade - Administrative Law.

De Smith - Judicial Review of Administrative Action.

S. P. Sathe - Administrative Law.

I. P. Massey - Administrative Law.

COURSE-IV: FAMILY LAW –II: MOHAMMEDAN LAW & INDIAN SUCCESSION ACT

Objectives:

The knowledge of family laws is important for lawyers. This course is designed to endow the students with knowledge of both the codified and uncodified portions of Mohammedan Law. The course concerns itself with the sources, schools, institutions, succession, maintenance, menace of dowry, etc. In addition the students have to familiarize themselves with the provisions of the Indian Succession Act.

Course contents:

UNIT-I

Development of Islamic Law: Advent of Islam & development of Muslim Law, Schools of Islamic Law, the *Shariat Act, 1937*; Concept of Marriage: Definition, object, nature, essential requirements of a Muslim marriage, classification of marriage - Legal effects of

valid, void and irregular marriage - Muta marriage; Sources of Islamic law; Customary practices and State regulation: Polygamy; Child marriage; Pre-emption; Wakf; Dower.

UNIT-II

Conversion and its consequences on family: Marriage, Guardianship, Succession; Child and Family: Legitimacy, Custody, maintenance and education, Guardianship and parental rights.

UNIT-III

Matrimonial Remedies under Islamic Law and Indian Divorce Act, 1869(Amended Act) - Nullity of marriage - Bar to matrimonial relief; Alimony and Maintenance: Alimony and Maintenance as an independent remedy- A review under Muslim law, Indian Divorce Act,1869, provisions under the *Criminal Procedure Code*, 1973; Maintenance of divorced Muslim Women under the *Muslim Women (Protection of Rights on Divorce) Act*, 1986.

UNIT-IV

Will and Inheritance: Will-Meaning, difference between will and gift, Will made in death bed or during illness; Muslim law of Inheritance- Shia and Sunni schools; Distribution of property under Indian Succession Act of 1925(Of Christians, Parsis and Jews)- Domicile - Parsis Intestate succession and Non Parsis Intestate succession, Succession certificate, Probate and letters of administration, powers and duties of executor.

UNIT-V

Wills – Privileged and unprivileged wills - Construction of Wills in brief - Void bequests, void wills, kinds of legacies - Protection of property of the deceased; Family Courts Act, 1984- Constitution, powers, and its functions; Need for Uniform Civil Code- Article 44 of Indian Constitution.

Prescribed Books:

Mulla - Principles of Mohammedan Law.

Paras Diwan - Law of Intestate and Testamentary Succession.

Reference Books:

B. B. Mitra - Indian Succession Act, 1925.

A. A. A Fyzee - Outlines of Mohammedan Law.

D. D. Basu - Law of Succession.

Paras Diwan - Family Law: Law of Marriage and Divorce in India.

A. M. Bhattachargee - Muslim Law and the Constitution.

Tahir Mohamood - Mohammedan Law.

Indian Divorce Act, 1869 – Bare Act

