

LLB III SEMESTER

PAPER-I: JURISPRUDENCE

Unit-I

Meaning and Definition of Jurisprudence — General and Particular Jurisprudence - Elements of Ancient Indian Jurisprudence — Schools of Jurisprudence — Analytical, Historical, Philosophical and Sociological Schools of Jurisprudence. Theories of Law — Meaning and Definition of Law — The Nature and Function of Law — The Purpose of Law — The Classification of Law — Equity, Law and Justice — Theory of Sovereignty.

Unit-II

Sources of Law — Legal and Historical Sources — Legislation - Definition of legislation – Classification of legislation- Supreme and Subordinate Legislation - Direct and Indirect Legislation - Principles of Statutory Interpretation. Precedent — Definition of Precedent — Kinds of Precedent — *Stare Decisis*— Original and Declaratory Precedents — Authoritative and Persuasive Precedents. Custom – Definition of Custom – Kinds of Custom – General and Local Custom – Custom and Prescription - Requisites of a valid custom - Relative merits and demerits of Legislation , Precedent and Custom as a source of Law . Codification: **Concept**, Advantages and disadvantages of codification.

Unit-III

Persons — Nature of personality — Legal Status of Lower Animals, Dead Persons and Unborn persons — Legal Persons — Corporations — Purpose of Incorporation — Nature of Corporate Personality Rights and Duties — Definition of Right — Classification of Rights and Duties — Absolute and Relative Rights and Duties — Rights and Cognate concepts like Liberty, Power, Immunity, Privilege etc.

Unit-IV

Obligation — Nature of Obligation — Obligation arising out of Contract, Quasi Contract, trust and breach of obligation etc. — Liability — Nature and kinds of liability — Acts — *Men's Rea* — Intention and Motive — Relevance of Motive — Negligence — Strict Liability — Accident — Vicarious Liability — measure of Civil and Criminal Liability.

Unit-V

Ownership — Definition and kinds of Ownership - Possession — Elements of Possession — Relation between Ownership and Possession — Possessory Remedies — Property — Meaning — Kinds of Property — Modes of Acquisition of Property — Legal Sanctions - Meaning of Sanction — Classification of Sanctions — Civil and Criminal Justice — Concept of Justice — Theories regarding purpose of Criminal Justice — Deterrent, Preventive, Reformatory and Retributive theories.

Suggested Readings

1. Salmond: *Jurisprudence*, Universal Publishers.
2. Paton :*Jurisprudence*
3. Allen :*Law in the Making*, Universal Publishers.
4. Mahajan V.D.: *Legal Theory and Jurisprudence*, Eastern Book Company, Lucknow,
5. Dias : *Jurisprudence*, Aditya Books.
6. Rama Jois, *Legal and Constitutional History of India*, Universal Law Publications, Delhi.
7. G.C.V. Subba Rao, *Jurisprudence and Legal Theory*, Eastern Book Company.

PAPER-II: LAW OF PROPERTY

Unit-I:

Meaning and concept of property — Kinds of property — Transfer of property — Transferable and non-transferable property — Who can transfer — Operation of transfer — Mode of transfer — Conditional transfer — Void and unlawful conditions — Condition precedent and condition subsequent — Vested and contingent interest — Transfer to unborn persons

Unit-II:

Doctrine of Election — Covenants — Transfer by ostensible owner — Doctrine of Feeding the Grant by Estoppels — Doctrine of *Lis pendens* — Fraudulent Transfers — Doctrine of Part-performance.

Unit-III:

Sale: Essential features ,Mode of Sale ,Rights and liabilities of parties.- Mortgage: Kinds of Mortgages-Rights and liabilities of mortgagor and mortgagee Marshalling and Contribution —Charges.

Unit-IV:

Lease — Essential features — Kinds of leases — Rights and liabilities of lesser and lessee — Termination of lease — forfeiture — Exchange — Gifts — Different types of gifts — Registration of Gifts — Transfer of Actionable Claims.

Unit-V:

Easements : Definition of easement , Distinction between Lease and License - Dominant and **Servient** Tenements.-Acquisition of property through testamentary succession — Will — Codicil — Capacity to execute Will — Nature of bequests — Executors of Will — Rights and Obligations of Legatees.

Suggested Readings:

1. Mulla : *Transfer of Property*, Butterworth's Publications.
2. Subba Rao GCV: *Commentaries on the Transfer of Property Act*.
3. Krishna Menon: *Law of Property*.
4. Upadhyaya's *Common Matrix of Transfer of Property*.
5. Avatar Singh, *Textbook on The Transfer of Property Act*, Universal Law Publishing Company.

PAPER-III: ADMINISTRATIVE LAW

Unit-I:

Nature and scope of Administrative Law — Meaning, Definition and Evolution of Administrative Law — Reasons for the growth of Administrative Law — Relationship between Administrative Law and Constitutional Law.

Unit-II:

Basic concepts of Administrative Law — Rule of Law — **Interpretation** of Dicey's Principle of Rule of Law — Modern trends - Theory of Separation of Powers — Position in India, UK and USA

Unit-III:

Classification of Administrative functions : Legislative, Quasi-judicial, Administrative and Ministerial functions — Delegated Legislation : Meaning, Reasons for the growth and Classification of delegated legislation — Judicial, Legislative, **and Procedural** Control of Delegated litigation.

Unit-IV:

Judicial Control of Administrative Action - Grounds of Judicial Control — Principles of Natural Justice — Administrative discretion and its control - *Wednesbury Principle (Doctrine of Proportionality)* – *Doctrine of Legitimate Expectation*.

Unit-V:

Remedies available against the State — Writs — Lokpal and Lokayukta — *Right to Information*- Liability of the State in Torts and Contracts — Rule of Promissory Estoppels — Administrative Tribunals - Commissions of Inquiry — Public Corporations.

Suggested Readings:

1. Griffith and Street: *Principles of Administrative Law*.
2. H.W.R.Wade: *Administrative Law*, Oxford Publications, London.
3. De Smith: *Judicial Review of Administrative Action*, Sweet and Maxwell.
4. S.P. Sathe: *Administrative Law*, Butterworths.
5. I.P. Massey: *Administrative Law*, Eastern Book Company.

PAPER-IV: COMPANY LAW

Unit- I:

Corporate Personality - General Principles of Company Law - Nature and Definition of Company - Private Company and Public Company - **One Person Company**- Characteristics of a Company - Different kinds of Company - Registration & Incorporation of Company - Lifting the Corporate Veil – Company distinguished from Partnership, HUF and LLP.

Unit – II

Promoters - Memorandum of Association - Doctrine of Ultravires - Articles of Association - Doctrine of Indoor Management - Prospectus - Civil and Criminal – **Compounding of offences under Sec. 441 - decriminalization** - Liability for misstatement in prospectus - Statement in lieu of Prospectus - Pre-incorporation Contracts - Membership in a Company - Borrowing Powers – Debentures & Charges
– **insider trading of company shares.**

Unit- III

Shares & Stock - Kinds of shares - Statutory restrictions on allotment of shares - Intermediaries – Call on shares for future of shares- Transfer of shares – Transmission of shares – Reduction on transfer of shares - Rectification of register on transfer - Certification and issue of certificate of transfer of shares - Limitation of time for issue of certificates - Object and effect of share certificate.

Unit – IV

Directors – women director – Independent director – code for independent directors – Different kinds of Directors - Appointment, position, qualifications and disqualifications- powers of Directors - Rights and Duties of Directors - Meetings and proceedings - kinds of meetings - Statutory meeting- Statutory report - Annual General Meeting - Extraordinary meeting - Power of the Tribunal to order meeting - class meetings - Requisites for a valid meeting - Chairman for meetings - Duties of Chairman - Proxy - Resolutions – Minutes- Shareholders Activism - *Corporate Social Responsibility*.

Unit – V

Accounts and Audit - Inspection and Investigation - Compromises, Reconstruction and Amalgamation - Majority rule and Rights of minority shareholders - Prevention of oppression and mismanagement – class action - Revival and rehabilitation of sick industrial companies - Mergers, Amalgamation and Takeover - Dissolution of a company – Winding up of companies- Modes of winding up of companies – consequences of winding up - *The insolvency and Bankruptcy Code, 2016 in relation to winding up of companies* – Authorities under the Act- Department of Company Affairs - NCLAT, NCLT, Company Law Board, Regional Directors, ROC, Public Trustee or Advisory Committee & SFIO - *Their powers and functions*- – Jurisdiction of Courts – Corporate governance and certain relaxations in the light of pandemic.

Suggested Readings:

1. Shah : *Lectures on Company Law*, N.M.Tripati, Bombay.
2. Avtar Singh : *Company Law*, Eastern Book Company.
3. Charlesworth: *Company Law*, Sweet and Maxwell.
4. Ramaiah: *Company Law*, Wadhwa & Co.
5. Dutta: *Company Law*, Eastern Law House, Calcutta.
6. The Companies Act, 2013.
7. Executive Programme Study Material on Company Law, The Institute of Company Secretaries of India, New Delhi available at www.icsi.edu.
8. Gower: *Principles of Modern Company Law*
9. J.M. Thomson: *Palmer's Company Law*

Paper-V LABOUR LAW-I
(Trade Union Laws and Industrial Dispute Act)

Unit -I

Concept of Labour through the ages- Trade Unions: History of Trade Union Movement-**The Trade unions according to Industrial Relations code, 2020-** Definitions- Registration-Rights and Liabilities of Registered Trade Union- Immunities- Amalgamation and Dissolution of unions--Reorganization of Trade Unions.

Unit-II

Prevention and Settlement of Industrial Disputes in India-**The role of State in Industrial Relations under new Industrial Relations Code 2020-** Definition of industry- Industrial Dispute- Individual Dispute- Workmen- special provisions relating Lay Off- Retrenchment- Closure-Award- Strike-Lockout under chapter X of the code.

Unit-III

Authorities under the ID Code - Works Committee- Conciliation -Limitation to raise dispute-Court Of inquiry-- Tribunals - Powers and Functions of Authorities - Voluntary Arbitration - Alteration of conditions of service - Management rights of action during pendency of proceedings - Recovery of money due from employer-Unfair labour practices- **miscellaneous provisions of the Code**

Unit-IV

Standing Orders - concept and Nature of Standing Orders- Certification process- its operation and binding effect- modification and Temporary application of Model standing Orders - Interpretation and enforcement of Standing Orders and provisions contained in **the Industrial relations Code 2020.**

Unit-V

Disciplinary proceedings in Industries-Termination of employment, and the notice thereof to be given by employer and workers. - Suspension or dismissal for misconduct, and acts or omissions which constitute misconduct- Means of redress for workers against unfair treatment or wrongful executions by the employer or his agents or servants.

Suggested Readings:

1. Srivastava: *Law of Trade Unions* , Eastern Book Company, Lucknow
2. .Goswami :*Labour and Industrial Law*, Central Law Agency.
3. R.F. Rustomji: *Law of Industrial Disputes* : Asia Publishing House, Mumbai
4. S.N. Misra :*Labour and Industrial Law*, Central Law Agency, Allahabad.
5. J.N. Malik : *Trade Union Law*
6. Khan & Khan : *Labour Law* , Asia Law House, Hyderabad
7. S.C. Srivastava :*Industrial Relations and Labour Law*, Vikas Publishing House.
8. Nick Humphreys, Trade Union Law and Collective Employment Rights