

RAJESH PANDEY COLLEGE OF LAW

AKBARPUR AMBEDKAR NAGAR (U.P.)

AFFILIATED BY

DR. RAM MANOHAR LOHIA AWADH UNIVERSITY, AYODHYA (U.P.)

SYLLABUS

OF

LL.B. (THREE YEAR COURSE)

LLB – 3RD SEMESTER

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- I. JURISPRUDENCE-I (LEGAL THEORY)**
- II. COMPANY LAW**
- III. PROPERTY LAW-I (TRANSFER OF
PROPERTY ACT. SEC 1 TO 53A)**
- IV. CRIMINAL PROCEDURE CODE-I**
- V. LAW OF EVIDENCE (THE INDIAN EVIDENCE
ACT. 1872)**
- VI. LABOUR AND INDUSTRIAL LAW-I**
- VII. PROFESSIONAL ETHICS,
PROFESSIONAL
ACCOUNTING SYSTEM AND BAR-BENCH
RELATIONS**

PAPER- I

Maximum Marks: 100

JURISPRUDENCE-I (LEGAL THEORY)

UNIT-I

Jurisprudence- Meaning, scope and importance Definition of law, nature and kinds of law. Source 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 Realist School of Jurisprudence

UNIT-V

Philosophical School- Kant, Hegel.

The Modern- PIL; Social justice, Compensatory jurisprudence.

Feminist jurisprudence

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.

Promotes- 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 share at premium and discount; depository receipts; dematerialised shares (DEMAT).

Shareholder- who can be and who cannot be a shareholder; modes of becoming a shareholder; 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; shareholder 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.

PAPER-III

Maximum Marks: 100

PROPERTY LAW-I (TRANSFER OF PROPERTY ACT. SEC 1 TO 53A)

UNIT-I

Concept and meaning of property

Kinds of Property- Movable 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 to unborn persons.

Rule against perpetuity.

Vested interest.

Contingent interest; difference between vested and contingent interest.

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

UNIT-III

Election- election when necessary, doctrine of election, right of disappointed transferee Apportionment

Restrictive covenant.

UNIT-IV

Transfer of property ostensible owner.

Transfer by unauthorized person.

Transfer by one co-owner

Transfer by co-owner of share in common property

UNIT-V

Transfer of property pending suit relating thereto (Lispens)

Fraudulent transfer.

Part-performance.

Acts

The Transfer of Property Act. 1882

Books

Mulla, transfer of property Act. (University, Delhi)

T.P. Tripathi Transfer of Property Act.

SubbaRao, transfer of property Act.

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

PAPER-IV

Maximum Marks: 100

CRIMINAL PROCEDURE CODE-I

UNIT-I

The rationale of criminal procedure, the important 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, functions 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 proceeding 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 deference: the accused's statement

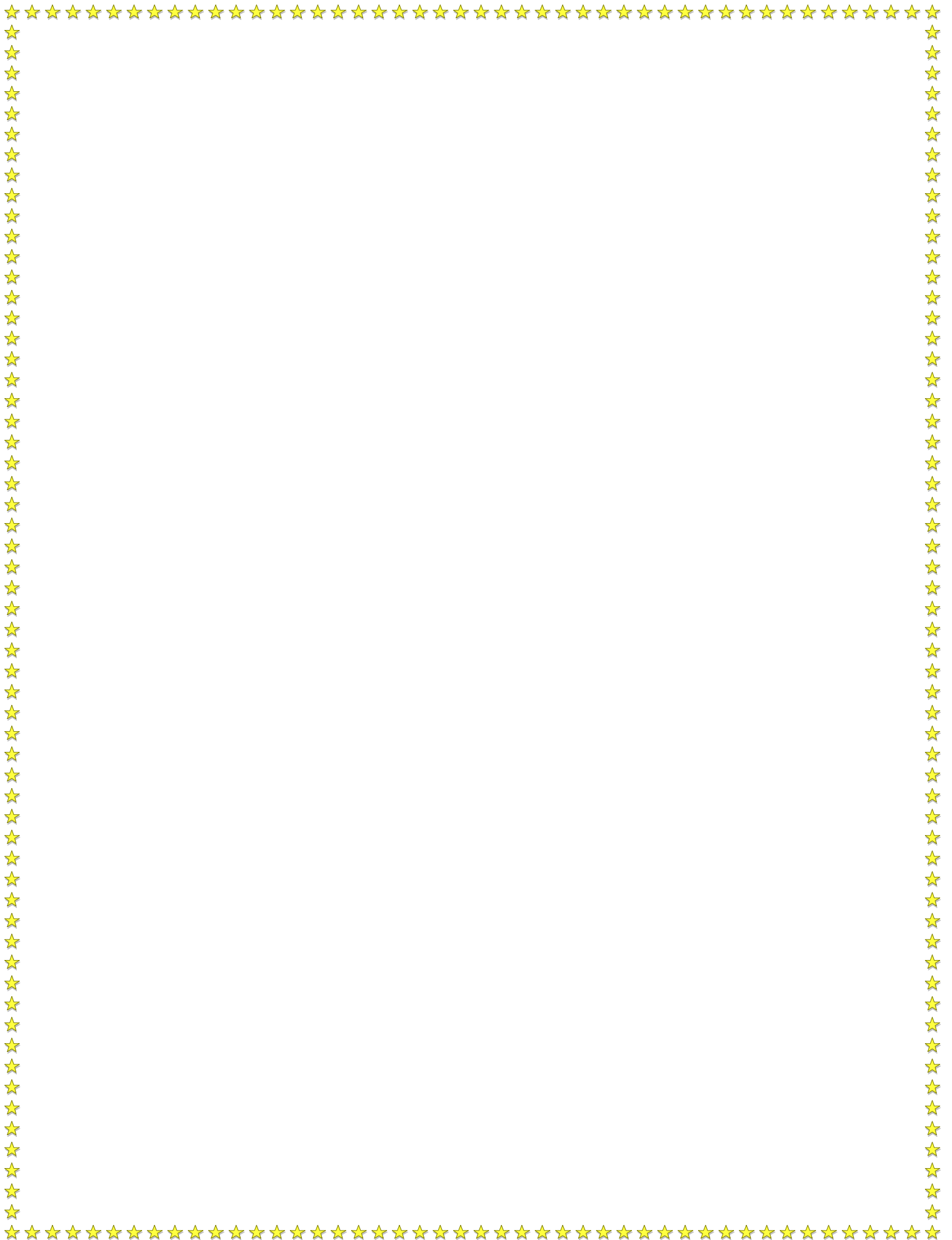
Right speedy trial

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

Acts

Criminal Procedure Code, 1973

Police Act, 186



PAPER-V

Maximum Marks: 100

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 and facts in issue-distinction.

Evidence-oral and documentary, circumstantial evidence and direct evidence.

Presumption. 'Proving', not proving' and 'disproving' Witness Apperception 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'

Problem of no-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

Export witness

Who is an expert? Types of expert evidence
Opinion on relationship especially proof a 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 question
Unlawful questions in cross-examination
Compulsion to answer questions put to witness
Hostile witness

UNIT-V

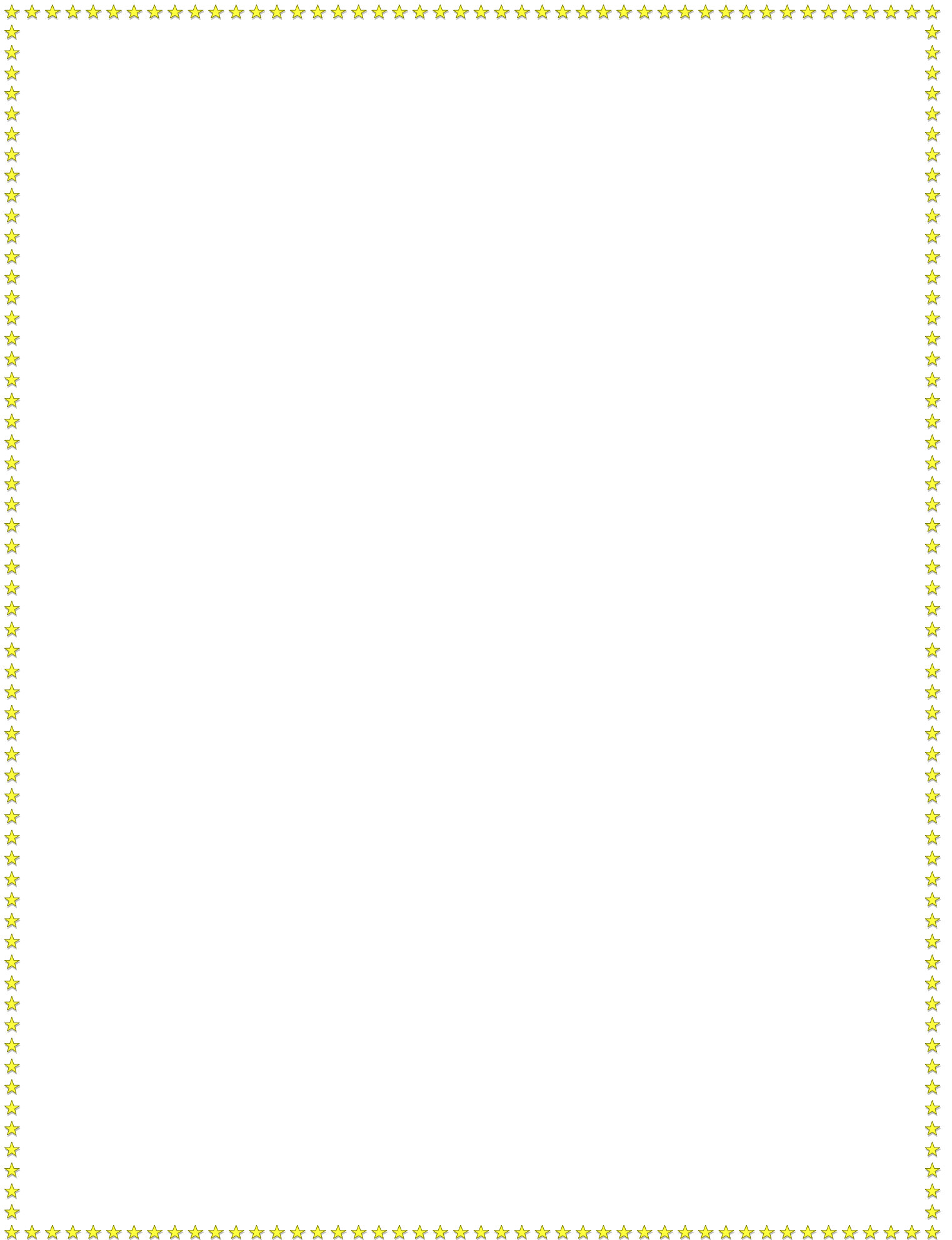
Burden of proof

General conception of onus probandi
Scope of the doctrine of judicial notice.
Estoppel-why estoppel? The rationale.
Estoppel, res judicata, waiver and presumption
Estoppel by deed
Estoppel by conduct

Equitable and promissory estoppel.
Question of corroboration

Acts

The Indian Evidence Act, 1861



PAPER-VI

Maximum Marks: 100

LABOUR AND INDUSTRIAL LAW-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, 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

Definition and nature of trade union

Legal characteristics of a registered Trade Union.

Incorporation of registered Trade Union.

Registration of trade unions- appointment of Registrar, mode of registration, application to registrar, contents of the copy of rules, registration.

Right and liabilities of registered Trade Unions.

Privileges and immunities of Registered Trade Unions.

UNIT-III

The Industrial Disputes Act, 1947.

Object and essential feature of the Industrial Disputes Act.

Definition of important terms- Industry, Industrial dispute- when an individual dispute becomes an 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 Lay off and Retrenchment, condition 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 Tribunal, (7) National Tribunal, and (8) Arbitration.

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 licenses.

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 conditions of work of children.
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 Disputes 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, (University, Delhi)

R.C. Sexena, 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 Law (CLA, Allahabad)

S.N. Mishra, Labour and Industrial Law.

PAPER-VII

Maximum Marks: (80+20)

PROFESSIONAL ETHICS, PROFESSIONAL ACCOUNTING SYSTEM AND BAR-BENCH RELATIONS

UNIT-I

Development and important 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, 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.