

L.L.B. SYLLABUS (IV SEMESTER)

PAPER—I (Company Law)

Paper Code (K-401)

The course shall comprise of the following :

I. Formation of Companies :

(1) History of Company Legislation in India
(2) Meaning and Nature of Company with Emphasis on its Advantages and Disadvantages over Other Forms of Business Organisations.

(3) Kinds of Companies

(4) Corporate Personality and Lifting the Corporate Veil

(5) Promotion of Companies :

(a) Promoters and Pre-Incorporation Contracts

(b) Registration of Companies

(6) Memorandum of Association and Articles of Association :

(a) Meaning, Nature and Contents and Relationship Between the two

(b) Objects Clause and Doctrine of Ultra-vires

(7) Prospectus and Statement in Lieu of Prospectus

(8) Membership of Company - Its Acquisition and Termination.

II. Corporate Capital :

(1) Share and Share Capital : Meaning, Nature and Kinds; Various Rights and Duties Attached to these Shares.

(2) Issuance and Allotment of Shares

(3) Alteration of Share Capital :

(a) Increase in Share Capital

(b) Reduction of Share Capital

(c) Pre-Emptive Rights and Variation of Class Rights

III. Company Management and Administration :

(1) Company and its Various Organs Including Division of Powers between Board of Directors and Company in General Meeting.

(2) Company Meetings and Resolutions : Types / Kinds of Meetings, Essential Conditions of a Valid Meeting, Procedure for Calling Company Meetings, Resolution Kinds and Procedures Relating thereto.

(3) Directors and Managing Director : Appointment and Legal Position.

(4) Oppression and Mismanagement

(5) Investigation into the Affairs of Companies

(6) Reconstruction and Amalgamation

(7) National Company Law Tribunal : Composition and Powers

IV. Winding up of Company : Modes of Winding Up, Compulsory Winding Up - Conditions and Positions, Voluntary Winding Up: Kinds and Distinctions, Officials Liquidator and Liquidator : Appointment and Powers.

PAPER—II (Labour and Industrial Law)**Paper Code (K-402)**

1. Evolution of Industrial Legislation in India
2. Industrial Disputes Act 1947.
 - (a) Scope Object & Main Features.
 - (b) Industry
 - (c) Industrial Dispute and Individual Dispute
 - (d) Workman and Employee
 - (e) Authorities under the Act & Grievance Redressal Machinery
 - (f) Strike
 - (g) Lock – Out
 - (h) Retrenchment
 - (i) Lay - off
 - (j) Transfer and Closure
3. Trade Unions Act, 1926
 - (a) Growth of Unions in India
 - (b) Definitions
 - (c) Registration of Trade Unions
 - (d) Rights and Liabilities of Registered Trade Unions
 - (e) Concepts of Collective Bargaining, Recognition, Multiplicity of Trade Unions & Role of outsiders in Trade Unions.
4. Payment of Wages Act, 1936
5. Workmen Compensation Act, 1923.
6. Employees Provident Funds Act, 1991.
7. Maternity Benefits Act, 1961 with recent Amendments.

PAPER—II (Environmental Law)**Paper Code (K-403)**

The course shall comprise of the following :

1. Meaning and definition of environment and pollution, kinds of pollution, sources and consequences of pollution, Ancient Indian Philosophy relating to environment protection.
2. Constitutional provisions, concerning environment pollution under Code of Criminal Procedure, Indian Penal Code Environment and development, Current environment problems, Public Interest Litigations.
3. Present regulations and enactments regarding environmental pollution – Definitions and Measures that have been adopted through different legislation –
 - (i) The Environment (Protection) Act, 1986.
 - (ii) The Air (Prevention and Control of Pollution) Act, 1981.
 - (iii) The Water (Prevention and Control of Pollution)

Act, 1974

(iv). The Forest Act, 1927.

4. Polluter Pays Principle, Precautionary Principle, Public Trust Doctrine, Sustainable Development, cases at National Green Law Tribunal, Powers and functions of NGT.

PAPER—IV (Criminology And Penology)
(Optional Paper)
Paper Code (K-404)

The course shall comprise of the following :

1. Criminology – Definition, Nature and scope of Criminology, Method of studying Criminology
2. Schools of Criminology.
3. Factors in Causation of Crimes.
4. Specific Crime – Organized Crime, White Collar crime, socio – Economic Crime, Juvenile Delinquency.
5. New Dimensions of criminology.
6. Penology – Concept and definition of punishment, Concept of Treatment , Object of Punishment.
7. Schools of Penology, Theories of Punishment.
8. Capital Punishment.
9. Prison Reform.
10. Alternatives to Imprisonment- Probation, Parole, Open Prison etc.

PAPER—IV (Law of Trust, Equity And Fiduciary Relation)
(Optional Paper)
Paper Code (K-405)

The course shall comprise of the following :

History, nature and principles of Equity-Emergence of law of trust from Equity— The making of Indian Law of Trust and provisions of law of Trust-Religious Trusts-Principles of Equity and Equitable Remedies, Equitable Relief in different branches of law with special reference to property law.

(1) Equity

(a) Nature of Equity, (b) History of Courts of Equity, (c) Relations of law of Equity, (d) The maxims of equity, (e) Different Equitable remedies.

(2) Trust & Fiduciary Relations :

- (a) Essentials of Trust
- (b) Fiduciary Relationship— Concept, kinds vis-a-vis Trusteeship
- (c) Trust and contract, Power, condition, charge and personal obligations—distinguished
- (d) Classification of Trust and its importance
- (e) Private Trusts

- (f) Public Trusts
- (g) Appointments, Retirement and removal of Trustee
- (h) Rights, Power, Discretion and control of Trustees
- (i) Duties of trustee in relation to :
 - (i) Trust property; and (ii) Beneficiary
- (j) The Administration of Trust
- (k) Liability for Breach of Trust
- (l) Rights and Remedies of the Beneficiary
- (m) Constructive Trusts.

PAPER—IV (Banking Law Including Negotiable Instrument Act)—(Optional Paper)
Paper Code (K-406)

The course shall comprise of the following :

- (1) Nature and Development of Banking
- (2) Relationship of Banker and Customer:
 - (a) Banks, Banking Business, Meaning of Customer, Types of Accounts, Banker as Borrower
 - (b) Contract Between Banker and Customer - Their Rights and Duties
 - (c) Banker's Lien
 - (d) Banking Instruments
 - (e) Banking Services.
- (3) Laws Regulating the Business of Banking (Salient Features Only) :
 - (a) Banking Companies Act, 1949
 - (b) Reserve Bank of India Act, 1934
 - (c) Foreign Exchange Management Act, 1998
- (4) Meaning and Kinds of Negotiable Instruments
- (5) Indorsement, Negotiability and Assignability
- (6) Holder and Holder in Due Course
- (7) Rights and Liabilities of Paying and Collecting Banker
- (8) Dishonour of Negotiable Instruments Including Criminal Liability of Drawer and Protection of Collecting Banker.

PAPER—V (Arbitration, Conciliation And Alternate Dispute Resolution)—(Practical Training)
Paper Code (K-407)

The Course will be taught partly through class room lectures including simulating exercise and partly through extension programme like Lok-Adalat, etc. This paper will carry Maximum 100 Marks. The written examination on this paper (Theory Paper) will be in descriptive form and of three (03) hours duration and will carry 50 Marks. The written examination (Theory Paper) shall be held by way of paper with the other theory papers. The Practical / Viva-voce Examination will carry 50 Marks. The Course will be taught in association with practicing lawyers / retired Judges / retired Law Teachers. The Class room instructions shall include lessons on

the concepts and practice of Arbitration, Conciliation and Alternate Dispute Resolution. Students shall be required to maintain the Diary of the Sessional Work for this paper in which they shall record the written exercises assigned to them by the subject teacher during the session and their observations about the field work / training work of Lok Adalat etc. organized by the Law Department of the College / University and attended by them. This Paper will carry Maximum 100 Marks. The Sessional Diary will carry 20 Marks and will be evaluated by the Board of Examiners at the time of Semester Practical / Viva-voce examination. Twenty (20) Marks are assigned for the legal field work assigned by his / her subject teacher / supervisor carried on by student during the Session. Such field work will be evaluated by consensus of Board of Examiners (Internal & External Examiners). The marks earned by the students for the legal field work during the Session will be conveyed to the Ch. Charan Singh University, Meerut by Board of Examiners to be held, at the time of Practical / Viva-voce examination. The Viva-voce will carry 10 Marks.

Guidelines : It is advisable that the Law Department of the College / University should organize field work in such a manner that all the students get an opportunity to participate in field work so that each candidate may be able to attend at least two such field assignments.

The course shall comprise the followings:

1. ARBITRATION– Definition, Nature, Scope and importance of Arbitration; Arbitration Agreement, Composition of Arbitral Tribunal; Jurisdiction of Arbitral Tribunals, Conduct of Arbitral Proceedings; Making of Arbitral Award, Termination of Proceedings; Resource against Arbitral Award, Finality and enforcement of Arbitral Awards; Appeal and Revision.

2. FOREIGN AWARDS – New York Convention Awards; Geneva Convention Awards.

3. CONCILIATION – Application, Scope, Commencement of Proceedings; Appointment of Conciliators, Submission of statement to conciliators; Role of Conciliator, Communication between Conciliator and Parties; Settlement Agreement, Termination of Conciliation Proceedings; Costs and Deposits of Conciliation Proceedings.

4. RULE-MAKING POWERS – High Courts, Central Government.

5. ALTERNATE DISPUTE RESOLUTION SYSTEM

(i) Development, Meaning, Objective and Advantages of A.D.R. System.

(ii) Types of A.D.R. System – Mediation, Arbitration, Negotiation, Mini-Trial, Judicial Settlement, Fast Track Arbitration, Final Offer Arbitration, Multi door Court House, Medola, Online Dispute Resolution, Family Settlements etc.

(iii) Lok Adalats – Organization, Cognizance of Cases, Awards and Powers of Lok Adalats.

(iv) Any two Cases of Arbitration and Conciliation