

LL.B. III 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; concepts of stare decisis, custom and juristic writings.

UNIT – II

Natural law-meaning, various stages of the development of natural 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, School of Jurisprudence

UNIT – V

Philosophical School-Kant, Hegel. The Modern Pill; Social justice, Compensatory jurisprudence. Feminist jurisprudence.

Books

Salmond's on Jurisprudence.

Dig. Jurisprudence.

This Notes are available in TRC Law College, Satrikh, Barabanki



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 transfer and transferee; issue of shares at 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.
Dividends-payment, capitalisation, profit.

UNIT – IV

Directors position, appointment, qualifications, vacation of office, removal, registration powers and duties of directors ; meetings, registers ; role of nominee directors managing directors and other menegerial personnell. Meetings kinds, procedure, voting.

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 windup subject to supervision of courts; winding up of unreqistered 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)

Palmers Company Law (Stevens)

This Notes are available in TRC Law College, Satrikh, Barabanki



PAPER-III

Property Law-I (Transfer of Property Act, 1882 Secs 1 to 53A)

UNIT – I

Concept and meaning of property.

Kindds of property-movable and immovable property, tangible and intangible property intellectual property.

Important terms-Immmovable 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.

Contigent interest: difference between vested and contigent interest.

Conditional transfer-fulfillment of condition subsequent.

UNIT – III

Election-election when necessary, doctrine of election, rights of disappointment transferee subsequent.

UNIT – IV

Transfer by ostensible owner.

Transfer by unauthorized person.

Transfer by one co-owner.

Transfer by co-owner of share in common property.

UNIT – V

Acts

The transfer of property Act, 1882.

Books

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

T.P. Tripathi; Transfer of Property Act.

Subba Rao, Transfer of Property Act.

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

This Notes are available in TRC Law College, Satrikh, Barabanki



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 Assist. 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 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.

UNIT – IV

Complaints to Magistrates; Commencement of proceedings before Magistrates.

Concancellation of bail.; Antipatory 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. Rights of cross-examination and offering evidence in defence; the accused statement. Rights to speedy trial. Doctrine of 'autrefois acquit' and 'autrefois aonvict'.

Acts

Criminal Procedure Code,1973. Police Act 1861.

Books

Ratan Lal Dhiraj Lal; Criminal Procedure Code.

Kelkar, Lectures on Criminal Procedure,(EBC Lucknow)

Kelker, Outlines of Criminsl Procedure, (EBC, Lucknow)

Woodroffe, Commentaries on Code of Criminal Procedure (Universal, Delhi)

This Notes are available in TRC Law College, Satrikh, Barabanki



PAPER-V Law of Evidence (The Indian Evidence Act, 1861)

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 thief of promise.; Inadmissibility of confession made before a police officer; Admissibility of custodial confessions. Dying declaration-the justification for relevance on dying declaration.; 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 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 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 estoppels.; question of corroboration.

Acts:

The Indian Evidence Act, 1861

Books

Sarkar and Manohar on Evidence (Wadhwa & Co-Nagpur)

Ratan Lal Dhiraj Lal, Law of Evidence (Wadhwa & Co.)

Batuk Lal, Law of Evidence.

Avtar Singh, Principles of the Law Of Evidence.

This Notes are available in TRC Law College, Satrikh, Barabanki



PAPER-VI Labour and industrial laws-I

UNIT – I

Labour through ages-slave labour-guild system- division on basis.; Theories of labour and surplus value.; concept 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. Certifying officer-power 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, registration.; Rights and liabilities of registered trade unions.; Privileges and immunities of Registered trade unions.

UNIT – III

The Industrial disputes act 1947.; Objects and essential features of the industrial disputes act.; Definition of important terms –industry;; Industrial dispute-when an individual dispute becomes an important industrial dispute, Public utility service, wages and workman. Provisions concerning strike and lock out, prohibition, illegal; strike and lock out distinction between strike and lock out, lock out and closure. Provisions concerning Lay off Retrenchment, conditions precedent to retrenchment of workman. 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.

Reference of dispute to Boards, Courts or Tribunals.

UNIT – IV

The Contract Labour (Regulation and Abolition) Act 1970.; Objects 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

Positions 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) Acts, 1946.;

The trade unions acts, 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, (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

This Notes are available in TRC Law College, Satrikh, Barabanki



PAPER-VII

Professional Ethics, Professional Accounting system and bar-banch 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 court 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.; Power and procedure for initiating cases of misconduct by the State Bar Council.

UNIT – IV

Law of contempt.; 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 Act,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 judgements of the Supreme Court.

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