



LL.B. (Three Year Course) IVth Semester & B.S.L. (Five Year Course) VIIIth Semester

Paper- I Company Law

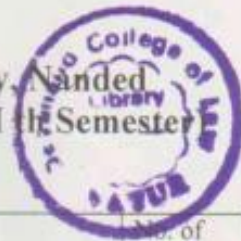
Paper- II Contract – II

Paper- III Property Law

Paper- IV Family Law-II

Paper- V Alternate Dispute Resolution (Practical) (Cont.)

Swami Ramanand Teerth Marathwada University, Nanded
Syllabus for LL. B II (IVth Semester) & BSL IV (VIIIth Semester)
Company Law



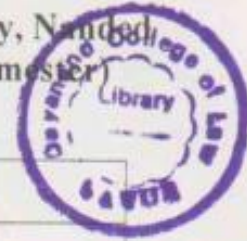
Topic/subject	No. of Hours/Period
1. Meaning of Corporation	Units 5
2. Forms of corporate and non- corporate Organization. Types of companies – private and Public company - conversion from private to public -public to private - deemed conversion - government companies - small scale cooperative corporate and joint sectors	Units 4
3.Law relating to companies- Public and private companies Act, 1956	
1. Need of company for development - formation of a company - registration and incorporations	Units 5
2. Memorandum of Association - various clauses alteration therein ,doctrine of ultravires	Units 4
3.Articles of Association – binding force – Alteration – its relation with memorandum of association – doctrine of constructive notice and Indoor Management – exceptions	Units 4
4. Prospectus –issue-contents –liability for mis- statement-Statements in lieu of prospectus.	Units 2
5. Promoters - position - duties and liabilities	Units 2
6. Shares, general principles of allotment, statutory restrictions, share certificate, its objects and effects, transfer of shares, restrictions on transfer, procedure for transfer, refusal of transfer, role of public finance institutions, issue of shares at premium and discount- depository receipts, dematerialized shares (DEMAT)	Units 2
7.Shareholder - who can be and who cannot be a shareholder, modes of becoming a shareholder, calls on shares, forfeiture and surrender of shares, line on shares.	Units 2
8.Share capital, kinds, alternations and reduction of share capital, further issue of capital conversion of loans and debentures into capital, duties of courts to protect the interests of creditors and share holders.	Units 2
9. Directors, position, appointment, qualifications, vacation of office removal resignation, powers and duties of directors, meeting, registers, loans, remuneration of directors, role of nominee directors, compensation for loss of office, managing directors, and other managerial personnel.	Units6
10. Meetings, Kinds, procedure, voting	Units 2
11. Dividends, payment, capitalization, profit	Units 2
12. Audit and accounts	Units 1
13.Borrowing powers, effect of unauthorized borrowing, charges and mortgages, loans to other companies, investments, contracts by companies	Unit 3
14. Debentures, meaning, fixed and floating charge, kinds of debentures, share, holder and debenture holder, remedies of debenture holders.	Unit 2
15. Protection of minority rights	Unit 3
16. Protection of oppression and mismanagement, who can apply? Powers of the company, court and of the central government.	Unit 5

17. Investigation, powers 18. Private companies, nature and advantages, government companies, holdings and subsidiary companies 19. Regulation and amalgamation	Unit 1 Unit 6 Unit 2
20. Winding up. Types, by court, reasons, grounds, who can apply procedure, powers of liquidator, powers of court, consequences of winding up order, voluntary winding up by members and creditors, winding up subject to supervision of courts, liability of past members, payment of liabilities, preferential payment, unclaimed dividends, winding up of unregistered company.	Unit 4
4. Law and multinational companies 1. International norms for control 2. National Law, SEBI, FEMA (Foreign Exchange Management Act, 1999) controls of Joint ventures, investment in India, repatriation of project 3. Collaboration agreements for technology transfer.	Unit 2
5. Corporate liability Legal liability of companies, civil and criminal Remedies against them - civil, criminal and tort, Specific Relief Act, writs, Liability under special statutes.	Unit 2

SELECT BIBLIOGRAPHY

1. Avtar Singh, Indian Company Law (1999), Eastern Lucknow
2. L.C.B Gower, Principle of Modern Company Law (1997) Sweet and Maxwell, London
3. Palmer, Palmer's Company Law (1987) Steans, London.
4. A. Ramaiya, Guide to the Companies Act, (1998), Wadha.
5. M. Shah, Lectures on Company Law (1998), Tripathi, Bombay

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LL. B II(IVth Semester) & BSL IV(VIII th Semester)
Contract - II



Topic/subject	No. of Hours/ Period
1. Indemnity and guarantee- Indian Contract Act, 1872 1. Contract of Indemnity a. Definition, b. Rights of Indemnity holder c. Liability of the indemnifier.	Units 3
2. Contract of Guarantee : a) Definition b) Essential characteristics of contract of guarantee C) Distinction between contract of indemnity and contract of guarantee d) kinds of guarantee e) Rights and liabilities of surety f) Discharge of surety	Units 8
3. Bailment: contract of bailment (sec. 148-181 of Indian contract act, 1872) 1) Definition 2) Essential requisites of Bailment 3. Kinds of bailment 4. Rights and duties of bailor and bailee 5. Termination of bailment 6. Pledge: Definition, Rights and duties of pawnor and pawnee, pledge by Non Owners.	Units 8
4. Contract of agency (sec. 182-238 of the Indian Contract Act 1872) 1) Definition of Agents 2) Creation of Agency 3. Rights and Agent 4 Delegation of authority 5. Personal liability of Agent 6. Relations of Principal with Third parties 7. Termination of Agency.	Units 10
5. Contract of Sale of goods (The Indian sale of goods Act, 1920) 1) Formation of contract 2) Subject. Matter of contract of sale 3. Conditions and warranties 4. Express and implied conditions and warranties 5. Caveat Emptor 6. Property, Possession and risk 7. Passing of property 8. Sale by non-owners 9. Delivery of goods 10. Rights and duties of seller and buyer before and after sale. 11. Rights of unpaid seller.	Units 16
6. Contract of Partnership (The Indian Partnership Act, 1932) 1) Definition and nature of partnership 2) Formation of partnership 3) Test of partnership 4) Partnership and other associations 5) Registration of firm 6) Effects of non-registration	Unit 18

7) Relation of partners 8) Rights and duties of partners 9) Properties of the firm 10) Relation of partners with other parties 11) Implied authority of a partner 12) Kinds of partners 13) Minor as partner 14) Reconstitution of a firm 15. Dissolution of firm.	
7. Negotiable Instruments: 1) The concept 2) Various kinds 3) Essential elements of Negotiable Instruments 4) Dishonour of cheque and its effect and Remedies	Units 08

SELECT BIBLIOGRAPHY:

1. RK Abhichandoni (Ed) Pollock and Mulla on Contract and Specific Relief Act (1999) Tripathi
2. Avtar Singh, Law of Contract (2000) Eastern. Lucknow
3. Krishna Nair, Law of Contracts (1999) Orient
4. Avatar Singh. Principles of the Law of Sale of Goods and Hire purchase (1998) Eastern
5. J.P. Verma (ed.), Singh and Gupta, the Law of Partnership in India (1999), Orient
6. AG.Guest (edO), Benjamin's Sale of Goods (1992) Sweet & Maxwell
7. Bhashyam and Adiga, the Negotiable Instruments Act (1995) Bharath, Allahabad
8. M.S. Parthasarathy(ed). J.S. Khergamvala, the Negotiable Instruments Act.
9. Beatson (ed), Anson's Law of contract, (1998) Oxford. London.
10. Saharay, H. K. Indian Partnership and Sale of Goods Act, (2000), Universal
11. Ramnainga, The sales of Goods Act, (1998) Universal

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w.e.f 2011-12

Paper III

Property Laws Including Transfer Of Property Act & Easement Act.

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|---|----------------|
| 1. Jurisprudential Contours of Property: | Unit-5 |
| 1. Concept and meaning of property-New Property-Governmental largesse. | |
| 2. Kinds of property- Movable and immovable property-tangible and intangible property | |
| 2. Resources Use Patterns and Concepts in India: Who owns land? | |
| Sovereign or the subject? | Unit-5 |
| 1. Pre-colonial position 2. Hindu Law 3. Muslim theory 4. Tribal approaches | |
| 5. Position under colonial administration 6. Introduction to permanent settlement. | |
| 7. Ryotwari settlement 8 Evaluation of eminent domain under company administration. | |
| 9. Effects of colonial revenue administration 10 Intermediaries. | |
| 3. Forms of control Urban Property. | Unit-3 |
| 1. Right to Housing and shelter. 2. Slum Clearance or slum improvement? 3. Housing Policy. | |
| 4. Urban development authority. 5. Master plan. 6. Zonal development plan | |
| 7. Declaration of development areas. 8. Powers of the authority | |
| 4. Law Relating to Transfer of Property | Unit-22 |
| 1. General Principles of Transfer of Property-Transfer of Property defined-what may be Transferred- whether movable or immovable -persons competent to transfer. | |
| 2. Transfer of Property -in favour of unborn persons-Rule Against perpetuity-object of Rule-Maximum Remoteness of vesting. | |
| 3. Direction for accumulation-vested Interest-Contingent Interest- Doctrines of Election- Election when necessary-Rights of Disappointed transferee | |
| 4. Transfer of Property pending suit relating thereto-Doctrines of lis pendens -Basis of lis pendens-effect-fraudulent transfer | |
| 5. Part performance-part performance under section 53-A of T.P. act. | |
| 6. Specific Transfers of Immovable Property:- | Unit-15 |
| 1. Sale- Definition-Essentials of valid sale -Rights & liabilities of Buyer and seller-sellers Rights & duties- marshalling of subsequent purchaser. | |
| 2. Mortgage: -Definition-Essential elements-Kinds of mortgage-Rights of mortgagor to redeem-once a mortgage always a mortgage-clog on redemption. | |
| 3. Leases -definition-lessor, lessee, Premium & rent defined, essential elements of lease, Duration of certain Lease, Tenant- at -will, Tenant at sufferance, lease How made-, Rights and liabilities of lessor & lessee. | |
| 4. Exchange-definition-rights and liabilities of parties. | |
| 5. Gift-definition-essential elements-modes of making gift-onerous gift-universal donat-Transfer of actionable claim-liability of parties | |

7. Trusts:

1. Definition and classification
2. Trust distinguished from agency, Bailment and wakf
3. Charitable trusts, Resulting and constructive trusts.

Unit-5

8. Easements:

1. Nature, Characteristics and Extinction.
2. Creation of easements.
3. Riparian rights
4. Licenses.

Unit-5

9. Recordation of Property Rights:

1. Law relating to registration of documents affecting property relations. Exemptions of leases and mortgages in favor of Land Development Bank from registration.
2. Recordation of rights in agricultural land with special reference to respective states.
3. Investigation of title to property.
4. Law relating to stamp duties: of the liability of instruments of duty.
5. Duties by whom payable.
6. Effect of not duly stamping instruments: examination and impounding of instruments; inadmissibility on evidence; impounding of instruments.

Unit-10

N.B: Internal evaluation for 20 marks is to be completed in 14 Units

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 Revised Syllabus LL. B II (IVth Semester) & BSL (VIIIth Semester)



Family Law II

Topic/subject	No. of Hours/ Period
1. Joint Hindu Family (Mitakshara and Dayabhaga) 1. Mitakshara joint family 2. Mitakshara coparcenary - formation and incidents. 3 Property under Mitakshara law separate Property and coparcenary property 4. Dayabhaga coparcenary formation and incidents 5. Property under dayabhaga law 6. Karta of the joint family, his position, powers, privileges and obligations. 7 Alienation of property, separate and coparcenary 8. Debts doctrines of pious obligation and antecedent debt 9. Partion and re-union 10. Joint Hindu family as a social security institution and impact of Hindu Gains of Learning Act, 1930 and various tax laws on it.	Units 24
2. Inheritance: 1 Hindus: Historical perspective of traditional Hindu law as a background to the study of Hindu Succession Act, 1956 2. succession to property of a Hindu male dying intestate under the provisions of Hindu Succession Act, 1956. Devolution of interest in mitakshara coparcenary with reference to the provisions of Hindu Succession Act, 1956 succession to property of Hindu female dying intestate under the Hindu Succession Act, 1956 disqualifications relating to succession, general rules of succession Marumakkattayam and Aliyasantan laws governing people living in Travancore- Cochin and Malabar and South Kanara	Units 28
3. New property concepts, such as skill, job etc. as new forms of property	Units 4
4. Settlement of spousal property : A need for development	Units 4
5. Muslim and Christian succession - General rules of Muslim succession Exclusion from inheritance Heirs, Hanafi, Ithna, Ashari, Christian and Parsi Succession under Indian succession Act 1925.	Units 10

• SELECT BIBLIOGRAPHY :

1. Paras Diwan, Law of Intestate and Testamentary Succession (1998), Universal,
 2. Basu, N.D. Law of Succession (2000), Universal
 3. Kusem, Marriage and Divorce Law manual (2000), Universal,
 4. Machanda S.C., Law and Practice of Divorce in India (2000), Universal.
 5. PV Kane, History of Dharmasastras Vol. 2 pt. 1 at 624-632 (1974)
 6. A Kuppaswami (ed.) Mayne's Hindu law and Usage, chapter 4 (1986)
 7. BSivaramayys, Inequalities and the Law (1985)
 8. K. C Daiya, "Population control through family planning in India," Indian journal of legal studies, 85(1979)
 9. J.D.M. Derrett, Death of Marriage Law
 10. AAA Fyze, Outline of Mumammadan Law (1998)
 11. Alladi Kuppaswami, (Ed) Mayne's Hindu law and Usage, (1986)
 12. JD.M. Derret, A Critique of Modem Hindu Law (1970)
 13. Paras Diwan, Hindu law (1985)
 14. SI Desai (Ed) Mulla's Principles of Hindu law. (1998) Butterworths - India
 15. Paras Diwan, Family Law: Law of Marriage and Divorce in India (1984)
 16. AM. Bhattacharjee, Muslim Law and the Constitution (1994) Eastern Law House, Calcutta.
 18. Paras Diwan, Law of Adoption, Minority, Guardianship and Custody (2000), Universal.
- (All books latest editions have to be followed)