

।। अंतरी पेटवू ज्ञानज्योत ।।



'A' Grade  
NAAC Re-Accredited  
(3<sup>rd</sup> Cycle)

**NORTH MAHARASHTRA UNIVERSITY,  
JALGAON**

**Syllabus of  
BALLB Sem-VII & Sem-VIII**

**Faculty of Humanities**

**W.E.F. 2017 - 2018**

## **Labour Law –I (L 201)**

### **Unit-I**

Industrial Relation, Labour Problem and Labour Policy in India, Trade Union Act, 1926 (Labour Management Relation); History and Development of Trade, Union Movement, Registration of Trade Union, Rights and Liabilities of Registered Trade, Union, Penalties and procedure, Collective Bargaining-Process, Merit and Demerit

### **Unit-II Industrial Dispute Act, 1947**

Scope of Industry, Workmen, Employers, Industrial Disputes, Authorities under the Industrial Dispute Act, 1947; Procedure, Power and Duties of Authorities, Reference of Disputes to Boards, Courts or Tribunals

### **Unit-III**

Strike, Lock Out, Lay Off, Retrenchment and Closure, Unfair Labour Practices, Penalties, Offences by Companies etc. Industrial Employment, (Standing Order) Act, 1946

### **Unit-IV**

Philosophy of Labour Welfare, Historical Development of Labour Welfare, The Factories Act, 1948: Interpretation-competent person, Hazardous process, manufacturing process, Worker, Factory, Occupier, Health, Safety and Welfare, Working House of Adults, Employment of young persons, Inspectors-Appointment and Powers.

### **Acts**

1. Trade Union Act, 1926
2. Industrial Dispute Act, 1947
3. Factories Act, 1948

### **Books**

1. John Bowers & Simon Honey Ball, Text Book on Labour Law (1996) Blackstone, London
2. K.M.Pillai, Labour and Industrial Laws
3. V.G.Goswami, Labour and Industrial Laws, 1999
4. Dr. S.K.Puri, Labour and Industrial Laws (New Ed.)
- 5 D.D.Seth, Commentaries on Industrial Disputes Act, 1998

# **Jurisprudence (L 202)**

## **1. Introduction**

1.1. Meaning of the term 'jurisprudence'

1.2. Norms and the normative system.

1.2.1. Different types of normative systems, such as of games, languages, religious orders, unions, clubs and customary practice.

1.2.2. Legal system as a normative order: similarities and differences of the legal system with other normative systems.

1.3. Nature and definition of law.

## **2. Schools of Jurisprudence**

2.1. Analytical positivism

2.2. Natural law School

2.3. Historical school

2.4. Sociological school

2.5. Economic interpretation of law

2.6. The Bharat jurisprudence

2.6.1. The Ancient: the concept of 'Dharma'

2.6.2. The Modern: PIL, social justice, compensatory jurisprudence

## **3. Purpose of Law**

3.1. Justice

3.1.1. Meaning and kinds

3.1.2. Justice and law: approaches of different schools

3.1.3. Power of the Supreme Court of India to do complete justice Under Article 142

3.1.4. Critical studies

3.1.5. Feminist jurisprudence

## **4. Sources of Law**

4.1. Legislation

4.2. Precedents: concept of stare decisis

4.3. Customs

4.4. Juristic writings

## **5. Legal Rights: the Concept**

5.1. Rights: kinds

5.2. Right duty correlation

## **6. Persons**

6.1. Nature of personality

6.2. Status of the unborn, minor, lunatic, drunken and dead persons]

6.3. Corporate personality

6.4. Dimensions of the modern legal personality: Legal personality of non-human beings

## **7. Possession: the Concept**

7.1. Kinds of possession

## **8. Ownership: the Concept**

8.1. Kinds of ownership

8.2. Difference between possession and ownership

## **9. Title**

## **10. Property: the concept**

10.1. Kinds of property

## **11. Liability**

11.1. Conditions for imposing liability

11.1.1. Wrongful act

- 11.1.2. Damnum sine injuria
- 11.1.3. Causation
- 11.1.4. Mens rea
- 11.1.5. Intention
- 11.1.6. Malice
- 11.1.7. Negligence and recklessness
- 11.1.8. Strict liability
- 11.1.9. Vicarious liability

**12. Obligation: Nature and kinds**

- 12.1. Sources of obligation

**13. Procedure**

- 13.1. Substantive and procedural laws: difference
- 13.2. Evidence: Nature and kinds

**Select bibliography**

- Bodenheimer Jurisprudence—The Philosophy and Method of Law (1996), Universal, Delhi.  
Salmond on Jurisprudence (1999) Tripathi, Bombay  
W. Friedmann, Legal Theory (1999) Universal, Delhi.  
V.D. Mahajan, Jurisprudence and Legal Theory (1996 re-print), Eastern, Lucknow  
Lloyd's Introduction to Jurisprudence, (1994), Sweet & Maxwell  
Paton G.W., Jurisprudence (1972) Oxford, ELBS  
H.L.A. Hart, The Concepts of Law (1970) Oxford, ELBS  
Roscoe Pound, Introduction to the Philosophy of Law (1998 Re-print) Universal, Delhi.  
Dias, Jurisprudence (1994 First Indian re-print), Adithya Books, New Delhi.  
Dhyani S.N., Jurisprudence: A study of Indian Legal Theory (1985), Metropolitan, New Delhi.

## **Transfer of Property (L203)**

### **UNIT – I**

General principles of Transfer of Property by Act of parties *inter- vivos*- Concept and meaning of immovable property- Transferable Immovable Property- Persons Competent to transfer - Operation of Transfer- Conditions restraining alienation and restrictions repugnant to the interest created- rule against perpetuity and exceptions- Direction for accumulation- Vested and Contingent interest.

### **UNIT – II**

Doctrine of election- transfer by ostensible and co-owner- Apportionment- Priority of rights- Rent paid to holder under defective title- Improvements made by *bonafide* holder- Doctrine of *Lis pendens*- Fraudulent transfer and part-performance.

### **UNIT – III**

Mortgages of Immovable property: Definition- Kinds of mortgages and their features- Rights and liabilities of mortgagor and mortgagee- Priority of securities- Marshalling and contribution- Charges.

### **UNIT – IV**

Sale of immovable property: Rights and liabilities of seller and buyer before and after completion of sale- Difference between sale and contract for sale; Leases of immovable property: Definition- Scope- creation of lease- rights and liabilities of lessor and lessee- Determination and holding over; Exchange: Definition and mode- Actionable Claims; Gifts: Scope- meaning- mode of transfer- universal gifts- onerous gifts.

### **UNIT – V Easement Act**

Object and main provisions of the Easement Act

#### **Acts**

1. The Transfer of Property Act, 1882
2. The Indian Easement Act, 1882

#### **Books**

1. Mulla, Transfer of Property Act, 1999, Universal Delhi
2. Subba Rao, Transfer of Property Act, 1994, Subbiah Chetty, Madras
3. V.P.Sarathy, Transfer of Property, 1995 Eastern Book Co.
4. T.P.Tripathi, Transfer of Property Act, 2007
5. S.N.Shukla, Transfer of Property Act, 2007
6. Dr.Arshad Subzwari, Seven in One, Ashok Grover & Sons Aurangabad

**Principles of Taxation (L204)**  
**(with effect from 2017-18)**

- 1) Income Tax Act 1961 60 Marks
- A) Important Definitions
  - B) Objects & Features
  - C) Heads of Income
  - D) Computation of Taxable Income
  - E) Income Tax Appellate Authority
- 2) Goods & Services Act, 2017 40 Marks
- A) Overview of Goods and Services Tax
    - Overview of GST
    - Implementation of GST
    - Liability of the Tax Payer
    - GST Network
    - GST Council
  - B) Levy of an Exemption from Tax
    - Levy of GST – Introduction
    - Composition Scheme
    - Remission of Tax / Duty
  - C) Registration
    - Introduction
    - Registration Procedure
    - Important Points
    - Special Persons
    - Amendments / Cancellation
  - D) Meaning and Scope of Supply
    - Taxable Supply
    - Supply of Goods and Supply of Services
    - Course or Furtherance of Business
    - Special Transactions
  - E) Valuation in GST
    - Transaction Value
    - Valuation Rules
  - F) Payment of GST
    - Introduction
    - Time of GST Payment
    - How to make payment
    - Challan Generation & CPIN
    - TDS & TCS
  - G) Input Tax Credit
    - Introduction
    - Important Points
    - Job Worker
    - Case Studies – Part I
    - Case Studies – Part I

**Suggested Readings**

1. Sampat Iyengar, Law of Income Tax, (1998)
2. Kanga and Palkiwala, The Law and Practice of Income Tax
3. Dr. V. K Singhania - Students Guide to Income Tax.
4. V. S. Datey - Indirect taxes- Law and Practice.
5. Sharad Bhargava- Income Tax for Students.
6. Dr. H. C Malhotra and Dr. S. P. Goyal- Direct Taxes.
7. J. K. Jain and Anand Jain- Law of Central Sales Tax in India.

## **Alternative Dispute Resolution (Clinic Paper-II) (L205)**

### **Unit – I: Introduction**

a. Alternative Dispute Resolution (ADR): Concept and Need

b. Legal Aid:

- Concept, Dimensions and Practice
- Constitutional Provisions
- Legal Services Authority Act, 1987
- Legal Literacy Mission

### **Unit – II: Techniques of ADR – I)**

- Negotiation / Consultation
- Mediation
- Good offices

### **Unit – III: Techniques of ADR – II**

- Conciliation: Nature, Scope and Methods
- Arbitration – Arbitration agreement / Clause, Jurisdiction of the arbitral tribunal, Applicable Law; IIC, UNCITRAL, KSID.
- The Arbitration and Conciliation Act 1996

### **Unit- IV: Recognition and Enforcement**

a. Indian Practice

b. International Practice

### **Suggested Books**

1. B.P.Saraf & M.Jhunjunwala, Law of Arbitration & Conciliation, (2000) Snow White, Mumbai
2. Gerald R.William (ed.), The New Arbitration & Conciliation Law of India
3. P.C.Rao & William Sheffield, Alternative Disputes Resolutions, (1997) Universal, Delhi
4. Johari, Commentary on Arbitration and Conciliation Act. 1999 Universal, Delhi
5. G.K.Kwatra, The Arbitration & Conciliation Law of India, (2000), Universal, Delhi
6. B.D.Singh, ADR System, (2007) New Royal Book Co. Lucknow



## **Labour Law-II (L206)**

### **Unit-I: Workmen's Compensation Act, 1923** (Sec.1-10, 12, 14, 14A, 17 & 20)

Conceptual frame work of Social Security-Evolution and concept of Social Security, Scheme of Social Security, Workmen's Compensation Act, 1923: Definitions, Aims & Object, Liability of Employer, Notional Extension & Defenses, Determination of Amount of Compensation, Compensation when due-Penalty for default, Contracting Out (Sec.17), Appointment & Powers of Commissioner (Sec.19-31)

### **Unit-II: Maternity Benefit Act, 1961 (Sec.3-18)**

Aims & Object, Definitions, Restriction on employment, Right to Maternity Benefit, Medical Bonus, Leave Dismissal during Pregnancy (Sec.10-16), forfeiture of Maternity benefit, Leave for Miscarriage, Penalty for contravention of Act by Employer, Cognizance of offences. The Payment of Gratuity Act, 1972: Aims and Objects of Act, Definition, Controlling Authority, Payment of Gratuity, Recovery of Gratuity, Determination of the amount of Gratuity

### **Unit-III: Minimum Wages Act, 1948**

Theories and Concept of Wages, Aims & Objects of Act, Definition, Fixation & Revision of rates of Wages, Working Hours and Determination of Wages and Claim etc. Authority-Appointment & Powers of the Authority. The Equal Remuneration Act, 1976, Payment of Remuneration at equal rates to Men and Women workers and other matters.

### **Unit-IV: Payment of Wages Act, 1936**

Aims & Object, Responsibility of Payment of Wages, Time of Payment of Wages & Fixation of Wage Period, Authorized Deductions (Sec.7 to 13), Appointment & Powers of Inspectors and Authority for Adjudication of Claims (Sec.15-18), Penalty for offences under the Act. The Payment of Bonus Act: Scope and Application, Definition, Computation of Gross profit and available surplus, Eligibility for Bonus, Disqualification for Bonus, Minimum and Maximum Bonus.

#### **Acts**

1. Workmen's Compensation Act, 1923
2. Maternity Benefit Act, 1961
3. Payment of Wages Act, 1936
4. Minimum Wages Act, 1948

#### **Books**

1. K.D.Srivastava, Commentaries on Minimum Wages Act, 1995, Eastern Book Co.
2. K.D.Srivastava, Commentaries on Payment of Wages Act, 1998, Eastern Book Co.
3. S.B.Rao, Law and Practice on Minimum Wages, 1999

## **Public International Law (L207)**

### **Unit- I**

Definition and nature, General and Regional rules of International Law, Distinction between public International Law and Private International Law, Hugo Grotius, Is International Law true Law? Sanctions of observance of International Law, Sources of International Law (Article 38, Statute of the International Court of Justice), Relationship between international law and municipal law (Monism, Dualism, British, American and Indian Practice), Subject of international law (Various theories), Individual as subject of international law. The essential characteristics of a State in International Law, Micro States, Sovereignty of States, Condominium, Vassal States and protectorates, Holy See, Commonwealth of Nations.

### **Unit- II**

Recognition-Definition of State Recognition, Recognition of Government, Theories of Recognition, Recognition De Jure and De Facto, The Duty to Recognize, Legal Effect of Recognition, Withdrawal of Recognition, Retroactive effect of Recognition. States Succession: Definition and Kinds of Succession, consequences of state succession, Succession in respect of International Organization. Intervention: Definition and its Prohibition, Grounds of Intervention. Intervention by invitation. State Jurisdiction-Territorial Jurisdiction and its limitations. State Responsibility-Kinds of State Responsibility, Consequences of State Responsibility.

### **Unit- III:**

State Territory: Concept, modes of acquisition, International Rivers, Air Space: Various Theories, Aerial Navigation (Five freedom of Air), Outer Space Treaty, 1967, Law of Sea: Maritime Belt, Contiguous Zone, Continental Shelf, Exclusive Economic Zone, The High Seas, Land Locked States, International Tribunal for the Law of the Sea, Piracy.

### **Unit IV:**

Extradition: Definition, Purpose of Extradition, Legal Duty, Extradition of Political Offenders, Doctrine of Double Criminality, Rule of Speciality Asylum: Meaning, Right of Asylum, Types of Asylum Diplomatic Agents: Who are Diplomatic Agent? Classification of Heads of Mission, Function of Diplomatic Agents, The basis of Immunities and Privileges, Privileges and Immunities, Waiver of Immunity, Termination of Diplomatic Mission. Consuls: Classification, function, privileges and Immunities. International Treaties: Meaning, kinds formation, Pacta Sunt Servanda, Rebus Sic Stantibus, Jus Cogens, Reservations and Termination.

### **Unit- V**

International Organizations: Definition, the condition which should exist for their development, Their Legal Personality, capacity to enter into international treaties,, Privilege and Immunities, League of Nations : Principal Organs, Its weaknesses, Mandate System.

### **Unit- VI United Nations:**

Establishment, Preamble, Purpose & Principles of UN, Membership, suspension, expulsion and withdrawal. Principal Organs of the UN, Amendment to the Charter.

### **Unit- VII**

Settlement of International disputes, Pacific and compulsive, War: Definition, Non-war armed conflict, Declaration, Legal Regulation, Effects of the Outbreak of War. The Law of Warfare- Need, Laws of Land, Maritime and aerial Warfare, War crime-Nuremberg and Tokyo Trials, Genocide: Meaning, Main provisions of the Genocide Convention.

### **Unit- VIII**

**Neutrality** – Meaning under the UN Charter, Rights and duties of neutral and Belligerent States, End of Neutrality, Right of Angary, Contraband and the Doctrine of Continuous Voyage, Blockade, Right of Visit and Search, Prize Courts.

**Books**

1. Starke, Introduction to International Law
2. Rebecca Wallace, International Law
3. Brownlie, Principles of International Law
4. S.K.Kapoor, Public International Law
5. M.P.Tandon, Public International Law, ALA
6. K.C.Joshi, International Law
- 7.S.P.Gupta, International Organisation, ALA
- 8.H.O.Agrawal, International Law and Human Rights

## **Administrative Law (L208)**

### **Unit – I: Evolution and Scope of Administrative Law**

- a. Nature, Scope and Development of Administrative Law
- b. Rule of law and Administrative Law
- c. Separation of powers and its relevance
- d. Relationship between Constitutional law and Administrative Law
- e. Administrative Law vis-à-vis privatization
- f. Classification of functions of Administration

### **Unit – II: Legislative Functions of Administration**

- a. Necessity and Constitutionality
- b. Forms and requirements
- c. Control
  - i. Legislative
  - ii. Judicial
  - iii. Procedural
- d. Sub-delegation

### **Unit-III: Judicial Functions of Administration**

- a. Need for devolution of ad judicatory authority on administration
- b. Nature of tribunals – Constitution, powers, procedures, rules of evidence
- c. Administrative Tribunals
- d. Principles of Natural Justice
  - i. Rule against bias
  - ii. Audi Alteram Partem
  - iii. Reasoned decisions
- e. Rules of evidence – no evidence, some evidence and substantial evidence
- f. Institutional Decisions

### **Unit – IV: Administrative Discretion and Judicial Control of Administrative Action**

#### A. Administrative Discretion

- a. Need and its relationship with rule of law
- b. Constitutional imperatives and exercise of discretion
- c. Grounds of judicial review
  - i. Abuse of discretion
  - ii. Failure to exercise discretion
- d. Doctrine of legitimate expectation

#### B. Judicial Control of Administrative Action

- i. Introduction
- ii. Court as the final authority to determine the legality of administrative action
- iii. Exhaustion of Administrative remedies
- iv. Locus standi
- v. Laches
- vi. Res judicata
- vii. Judicial review and its extent

#### C. Methods of judicial review

- i. Statutory appeals
- ii. Writs
- iii. Declaratory judgments and injunctions

iv. Civil Suits for Compensation  
**Unit – V: Right to information Act 2005**

**Suggested readings:**

Text books

1. Principles of Administrative Law – M.P. Jain & S.N. Jain
2. Administrative Law – I.P. Massey

References:

1. Administrative Law – Wade
2. Lectures on Administrative Law – C.K. Takwani
3. Administrative Law – S.P. Sathe

Essential Case Law:

1. Ram Jawaya v. State of Punjab (AIR 1955 SC 549)
2. Asif Hameed v. State of J & K (AIR 1989 SC 1899)
3. A.N. Parasoraman v. State of Tamil Nadu AIR 1990 SC 40, (Administrative discretion)
4. State of Punjab v. V.K. Khanna, AIR 2001 SC 343 (Mala fide exercise of power)
5. State of Bombay v. K.P. Krishnan AIR 1960 SC 1322 (irrelevant considerations)
6. Shrilekha Vidyarthi v. State of U.P. (AIR 1991 SC 537) (Reasonableness)
7. Delhi Laws Act case, AIR 1951 SC 332
8. Lachmi Narain v. Union of India AIR 1976 SC 714 (Modification)
9. A.V. Educational Society v. Govt. of A.P. Educational Department (AIR 2002 A.P. 348) (Judicial Control of delegated Legislation)
10. M/s Atlar Cycle Industry Ltd. v. State of Haryana (Legislative Control)
11. Govind Lal Chagga Lal Patel v. The Agriculture Produce Market Committee (AIR 1976 SC 236) (Procedural Control)
12. Kiran Gupta v. State of U.P. (AIR 2000 SC 3299) (Delegated Legislation)
13. Indian National Congress (1) v. Institute of Social Welfare (AIR 2002 SC 2158) (Classification of Administrative Action)
14. A.K. Kraipak v. Union of India (AIR 1950 SC 150)
15. Hira Nath v. Rajendra Medical College (AIR 1973 SC 1260)
16. Maneka Gandhi v. Union of India (AIR 1978 SC 597)
17. S.N. Mukherjee v. Union of India (AIR 1990 SC 1986)
18. Kumaon Mandal Vikas Nigam Ltd. v. Girja Shankar Pant (AIR 2001 SC 24) (Natural Justice, Test of Bias)
19. State of U.P. v. Johrimal (AIR 2004 SC 3800) (Judicial Review) Johri Mal
20. Sayed Yakoob v. Radha Krishan (AIR 1974 SC 477) (Writ Jurisdiction)
21. Shri Anadi Mukta Sadguru Trust v. V.R. Rudani (AIR 1989 SC 1607) (Mandamus)
22. R.K. Singh v. Union of India (AIR 2001 Delhi 12) (Mandamus)
23. Kanhaiya Lal Sethia v. Union of India (AIR 1998 SC 365) (Judicial review cannot be on policy matters)

## **Law of Evidence (L209)**

### **1. Introductory**

- 1.1. The main features of the Indian Evidence Act 1861.
- 1.2. Other acts which deal with evidence (special reference to CPC, Cr.PC).
- 1.3. Problem of applicability of Evidence Act
  - 1.3.1. Administrative
  - 1.3.2. Administrative Tribunals
  - 1.3.3. Industrial Tribunals
  - 1.3.4. Commissions of Enquiry
  - 1.3.5. Court-martial
- 1.4. Disciplinary authorities in educational institutions

### **2. Central Conceptions in Law of Evidence**

- 2.1. Facts : section 3 definition: distinction -relevant facts/facts in issue
- 2.2. Evidence : oral and documentary.
- 2.3. Circumstantial evidence and direct evidence
- 2.4. Presumption (Section 4)
- 2.5. "Proving", "not providing" and "disproving"
- 2.6. Witness
- 2.7. Appreciation of evidence

### **3. Facts : Relevancy**

- 3.1. The Doctrine of res gestae (Section 6,7,8,10)
- 3.2. Evidence of common intention (Section 10)
- 3.3. The problems of relevancy of "Otherwise" irrelevant facts (Section 11)
- 3.4. Relevant facts for proof of custom (Section 13)
- 3.5. Facts concerning bodies & mental state (Section 14, 15)

### **4. Admissions and confessions**

- 4.1. General principles concerning admission (Section 17, 23)
- 4.2. Differences between "admission" and "confession"
- 4.3. The problems of non-admissibility of confessions caused by "any inducement, threat or promise" (Section 24)
- 4.4. Inadmissibility of confession made before a police officer (Section 25)
- 4.5. Admissibility of custodial confessions (Section 26)
- 4.6. Admissibility of "information" received from accused person in custody; with special reference to the problem of discovery based on "joint statement" (Section 27)
- 4.7. Confession by co-accused (Section 30)
- 4.8. The problems with the judicial action based on a "retracted confession"

### **5. Dying Declarations**

- 5.1. The justification for relevance on dying declarations (Section 32)
- 5.2. The judicial standards for appreciation of evidentiary value of dying declarations.

### **6. Other Statements by Persons who cannot be called as Witnesses**

- 6.1. General principles.
- 6.2. Special problems concerning violation of women's rights in marriage in the law of Evidence

### **7. Relevance of Judgments**

- 7.1. General principles
- 7.2. Admissibility of judgments in civil and criminal matters (Section 43)

7.3. "Fraud" and "Collusion" (Section 44)

## **8. Expert Testimony**

8.1. General principles

8.2. Who is an expert? : types of expert evidence

8.3. Opinion on relationship especially proof of marriage (Section 50)

8.4. The problems of judicial defence to expert testimony.

## **9. Oral and Documentary Evidence**

9.1. General principles concerning oral evidence (Sections 59-60)

9.2. General principles concerning Documentary Evidence (Sections 67-90)

9.3. General Principles Regarding Exclusion of Oral by Documentary Evidence

9.4. Special problems: re-hearing evidence

9.5. Issue estoppel

9.6. Tenancy estoppel (Section 116)

## **10. Witnesses, Examination and Cross Examination**

10.1. Competency to testify (Section 118)

10.2. State privilege (Section 123)

10.3. Professional privilege (Section 126, 127, 128)

10.4. Approval testimony (Section 133)

10.5. General principles of examination and cross examination (Section 135-166)

10.6. Leading questions (Section 141-143)

10.7. Lawful questions in cross-examination (Section 146)

10.8. Compulsion to answer questions put to witness

10.9. Hostile witness (Section 154)

10.10. Impeaching of the standing or credit of witness (Section 155)

## **11. Burden of Proof**

11.1. The general conception of onus probandi (Section 101)

11.2. General and special exceptions to onus probandi

11.3. The justification of presumption and of the doctrine of judicial notice

11.4. Justification as to presumptions as to certain offences (Section 111A)

11.5. Presumption as to dowry death (Section 113-B)

11.6. The scope of the doctrine of judicial notice (Section 114)

## **12. Estoppel**

12.1. Why estoppel? The rationale (Section 115)

12.2. Estoppel, res judicata and waiver and presumption

12.3. Estoppel by deed

12.4. Estoppel by conduct

12.5. Equitable and promissory estoppel

12.6. Questions of corroboration (Section 156-157)

12.7. Improper admission and of witness in civil and criminal cases.

## **Select bibliography**

Sarkar and Manohar, Sarkar on Evidence (1999), Wadha & Co., Nagpur

Indian Evidence Act, (Amendment up to date)

Rattan Lal, Dhiraj Law: Law of Evidence (1994), Wadhwa, Nagpur

Polein Murphy, Evidence (5th Edn. Reprint 2000), Universal, Delhi.

Albert S.Osborn, The Problem of Proof (First Indian Reprint 1998), Universal, Delhi.

Avtar Singh, Principles of the Law of Evidence (1992), Central Law Agency, New Delhi.

Dr.Arshad Subzwari, Indian Evidence Act Ashok Grover & Sons Aurangabad

Dr.Arshad Subzwari, Criminal Evidence Ashok Grover & Sons Aurangabad

Dr.Arshad Subzwari, Appreciation of Evidence (Criminal)Ashok Grover & Sons Aurangabad

## **Company Law (L220)**

### **Unit-I: Formation, Registration and Incorporation of company**

- a. Nature and kinds of company
- b. Promoters: Position, duties and liabilities
- c. Mode and consequences of incorporation,
- d. Uses and abuses of the corporate form, lifting of corporate veil,
- e. Memorandum of Association, alteration and the doctrine of ultra vires,
- f. Articles of association, binding nature, alteration, relation with memorandum of association, doctrine of constructive notice and indoor management- exceptions.

### **Unit-II: Capital Formation**

1. Prospectus: Issues, contents, Kinds, liability for misstatements, statement in lieu of prospectus,
2. The nature and classification of company securities,
3. Shares and general principles of allotment,
4. Statutory share certificate, its objects and effects,
5. Transfer of shares,
6. Share capital, reduction of share capital,
7. Duties of court to protect interests of creditors and shareholders.
8. Debentures, kinds, remedies of debenture holders.

### **Unit – III: Corporate Administration**

- a. Directors – kinds, powers and duties,
- b. Insider trading,
- c. Meetings kinds and procedure,
- d. The balance of powers within companies - Majority control and minority protection, Prevention of oppression, and powers of court and central government,
- e. Emerging trends in Corporate social responsibility, legal liability of company civil,criminal, tortuous and environmental.

### **Unit-IV: Winding up of Companies**

- a. Kinds, consequences and reasons of winding up,
- b. Role of the court,
- c. Liability of past members,
- d. Payment of liabilities,
- e. Reconstruction and amalgamation.

Text books:

1. Avtar Singh : Indian Company Law
2. Shah S. M : Lectures on Company Law
- 3 Palmer - Company Law
4. Ramiaya: Guide to Companies Act
5. Gower: Principles of Modern Company Law