

Devi Ahilya Vishwavidyalaya ,Indore, M.P.

B.Com.LL.B. (Hons) Revised Syllabus

B.Com.LL.B. (HONS) PART –IV SEMESTER - VII

PAPER 1: Property Law

Unit - I

Introduction: 1. Concept and meaning of property, 2. Various definitions given under Transfer of Property Act, 3. Kinds of property (i) movable and immovable property (ii) tangible and intangible property 4. intellectual property-copyright, patents and designs, trademarks

Unit - II

Law relating to Transfer of Property under Transfer of Property Act, 1882 1. General principles of transfer of property whether movable or immovable (Sec. 5 to 37) 2. What may be transferred 3. Competence, operation, conditions of restraining, alienation and repugnant to interest 4. Other Conditions – determinable on insolvency, transfer to unborn person, Rule against perpetuity, accumulation, transfer for benefit of Public in perpetuity 5. Conditional transfers – Condition precedent and subsequent, Vested and Contingent interest, Void condition, Election – Doctrine and Apportionment

Unit - III

Transfers of Immovable Properties and Movable Properties 1. Sale 2. Mortgage 3. Gift 4. Leases 5. Exchanges 6. Actionable claims

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Unit - IV

M.P. Accommodation Control Act 1961 1. Preamble, Definitions and Provisions Regarding Rent 2. Control of Evictions of Tenants 3. Eviction on grounds of bonafide Requirement 80 4. Deposit of Rents

Unit - V

Rent Controlling Authority 1. Appointment 2. Powers and Functions of Rent Controlling Authority 3. Procedure 4. Appeals 5. Special obligations and penalties of Land Lords 6. Miscellaneous provisions Selected

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1. Mulla : Transfer of Property Act
2. V.P. Sarthy : Transfer of Property
3. R.K. Sinha : Law of Transfer of Property

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PAPER II : COMPANY LAW

Unit – I Meaning and Definition of company-characteristics of company

Corporate personality - lifting the corporate veil

Registration and incorporation- procedure

Memorandum of Association - Doctrine of Ultra Vires

Articles of Association-Doctrine of Indoor management

.Unit – II Prospectus - misrepresentation and remedies -criminal responsibility Shares – Types of shares-Allotments of shares - call on shares

Share capital -preference share capital - equity share capital

Alteration and reduction of share capital - further issue of shares

Unit – III Borrowing powers of the company

Mortgages and charge loans - investments

Debentures

Unit – IV Corporate governance

Appointment of directors-position –Powers and duties of Directors

meetings -minutes of meetings – kinds of meeting-procedure

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Accounts and audit - inspection and investigation

powers of Company Law Board - limitations - preventing operation and mismanagement

Amalgamation - takeover - reorganization

Unit - V Winding up and corporate liability

Winding up of companies - types - grounds - procedure

Powers of liquidators - consequences of winding up - liability of member removal from register.

Legal liability of company - civil, criminal and tortious

Texts & References

1. Avatar Singh, Company Law.
2. S.M. Shah, Lecturers on Company Law.
3. L.C.B. Gower, Principles of Modern Company Law.
4. Palmer, Company Law.
5. Robert R. Pennington, Company Law.

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PAPER III : Labour And Industrial Law - I

Unit - I

Introduction :

a. Labour Laws – Origin and Development, Nature and Need b. Objectives and Principles of Labour Law Development of Labour Laws in India c. Pre and Post Independence Period Indian Constitution and Labour Laws d. Social Justice - Fundamental Rights – Directive Principles –Judicial Activism and Labour Welfare in India - Impact of Liberalization and Globalization – Labour Policy of India.

Unit - II

Trade Unions and Collective Bargaining :

a. Trade Unionism in India b. Definition of trade union and trade dispute c. Registration of trade unions i) Legal status of registered trade union ii) Mode of registration iii) Powers and duties of Registrar iv) Cancellation and dissolution of trade union v) Procedure for change of name vi) Amalgamation and dissolution of trade union d. Disqualifications of office-bearers, Right and duties of office-bearers and members e. General and Political funds of trade union f. Civil and Criminal Immunities of Registered trade unions g. Recognition of trade union h. Collective bargaining.

Unit - III

Standing Orders :

a. Concept and nature of standing orders b. Scope and coverage of the Industrial Employment (Standing Orders) Act, 1946 c. Certification process i) procedure for certification ii) appeals against certification iii) Condition for certification iv) Date of operation of standing orders v) Building nature and effect of certified standing orders vi) Posting of standing orders d. Modification and temporary application of

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model Standing Orders e. Interpretation and enforcement of Standing Orders f. Penalties and procedure.

Unit – IV

Resolution of Industrial Dispute a. Industrial dispute and individual dispute b. Arena of interaction and Participants– Industry, workman and employer c. Settlement of industrial dispute i) Works Committee ii) Conciliation Machinery iii) Court of Enquiry iv) Voluntary Arbitration v) Adjudication – Labour Court, Tribunal and National Tribunal d. Powers of the appropriate Government under the Industrial Disputes Act, 1947 e. Unfair Labour Practice.

UNIT V :

Instruments of Economic Coercion Strikes, lock outs, lay offs - retrenchment and closure - legal controls- protected workman.

Texts & References

1. Statutory Material - Trade Union Act, 1926, Industrial Employment (Standing Orders) Act, 1946 and Industrial Dispute Act, 1947
2. S.C. Srivastava, Industrial Relations and Labour Law, Vikas Publishing House, New Delh
3. Labour Law –
4. Dr. G V Goswami, Labour Industrial Laws, 8th Edn. – 2004, Central Law Agency, Allahabad, Part VI
5. K M Pillai, Labour and Industrial Law, 10th Edn- 2005, Allahabad Law Agency, Allahabad, Chapter's 4-6
6. O.P. Malhotra, Industrial Disputes Act, Vol. I & II
7. Indian Law Institute – Cases and Materials on Labour Law and Labour Relations

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PAPER IV : Professional Ethics And Professional Accounting
System

Unit – I

Admission, Enrolment & Rights of Advocate 1. Importance of Legal Profession. 2. Persons who may be admitted as advocate on a State roll. 3. Disqualification for enrolment 4. Rights of Advocates 5. State Bar Councils (i) Establishment and Organization (ii) Powers and Functions 6. Bar Council of India (i) Organization (ii) Powers and Functions

Unit – II

Ethics of Legal Profession 1. Meaning, Nature and Need 2. Duty to the Client

Unit – III

Punishment for Professional or Other Misconduct 1. Professional or other Misconduct- Meaning and Scope 2. The Body or Authority empowered to punish for professional or other misconduct. (i) State Bar Council and its disciplinary committee (ii) Bar Council of India- and its disciplinary committee 102 3. Complaint against advocates and procedure to be followed by the Disciplinary Committee. 4. Remedies against the order of punishment.

Unit – IV

Bench Bar Relation 1. Role of Judge on Maintaining Rule of Law 2. Mutual Respect 3. Maintenance of orderly society 4. Invaluable aid of

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advocates to Judges 5. Privilege of Advocates 6. Duty to avoid interruption of Council 7.

Administration of Justice clean & Pure 8. Uncourteous conduct, Misconduct of lawyers and Insulting Language.

Unit – V

Meaning and Categories of Contempt of Court 1. Contempt of Court- Its meaning and Nature 2. Kinds of Contempt (i) Criminal Contempt (ii) Civil Contempt 3. Contempt by Lawyers 4. Contempt by Judges, Magistrates or other persons acting judicially 5. Contempt by State, Corporate bodies & other officers

Texts & References

1. J.P.S. Sirohi : Professional Ethics, Lawyer's Accountability, Bench- Bar Relationship.

Kailash Rai : Legal Ethics, Accountability, for Lawyer's , Bar-Bench Relation

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PAPER V : Land Laws Including Tenure Tenancy System

Unit-I Concept

1. Objects and Reasons and Basic features of enacting Madhya Pradesh Land Revenue Code and 1959 and M.P.L.R.C.(Amendment) Act .2019
2. Definitions : Abadi, Agriculture, Agriculture and Revenue years, Board, Bonafide Agriculturist, Co-operative Society, Government Forest, Government Lessee, Holding, Improvement, Land, Landless Person, Land Records, Mango grove, Orchard, Plot number, Rents, Revenue Officer.
3. Tenant, Tenure-holder,

Unit – II Revenue Board and Revenue officer

1. Constitution and Conditions of service of members.
2. Jurisdiction of Board and Powers of Board.
3. Revenue Officers, Their Classes and Powers and Procedure of Revenue Officer and revenue courts.
4. Powers of State Government to alter the limits
5. Powers of State Government of appointing Revenue Officers
6. Sub-Divisional Officers
7. Powers to transfer Cases
8. Conferral of Status of Courts, Inherent Powers and other Powers of Revenue Courts
9. Appeal, Revision and Review

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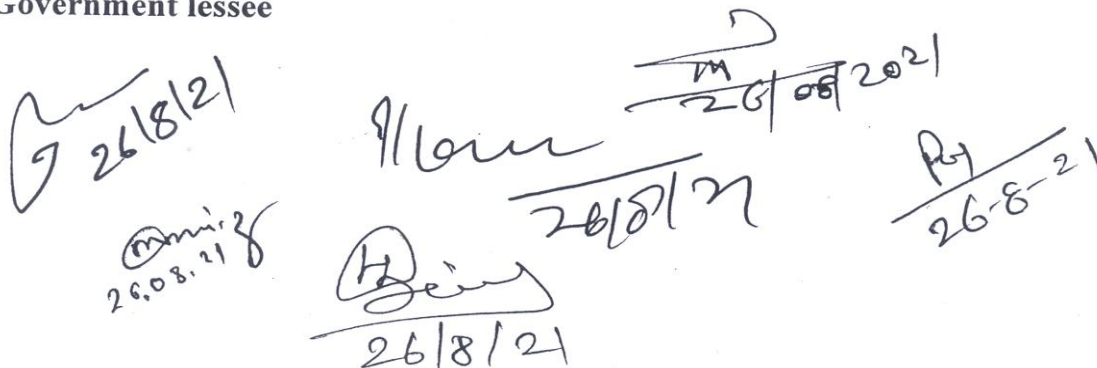
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10. Appellate, Authorities and their powers and limitation for appeals,
11. Revision
12. Review of orders
13. Stay of execution of orders 97 Land and Land Revenue
1. State ownership in all lands, Liability of land to pay land revenue, land exempted from payment of land revenue, and variation of land revenue
2. Assessment, Reassessment,
3. Revenue Survey and Settlement in Non Urban Area.
4. Appointment and Powers of Settlement Officers,
5. Revenue Survey,
6. Settlement of Rent,
7. Assessment and Re-Assessment of Land in Urban Area,
8. Land Records
9. Formation of circles and appointment of Patwari and Revenue Inspectors,
10. Land Records, Field Map, Record of rights,
11. Realization of Land Revenue

Unit – III Tenure Holders

1. Bhuswami
2. Right of Transfer, Forfeiture, lease, set aside of transfer, Reversion of land of members of aboriginal tribes, Diversion of land, Relinquishment, abandonment, disposal and partition of holding,
3. Occupancy Tenants,

Unit – IV Government lessee and service land rights and liabilities of Government lessee


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1. Government lease - Appointment, Termination of lease, Service Land
2. Alluvion and Deluvion
3. Consolidation of Holding
4. Village Officers
5. Patels
6. Kotwars

Unit – V Rights in Abadi and unoccupied Land

1. Gram Sabha
2. Wajib-ul-arz
3. Nistar Patrak
4. Rights in forest Easement
5. Exclusive Jurisdiction of Revenue Courts
6. Miscellaneous Provisions

Texts & References

1. M.P. Land Revenue Code – 1959 (Jindal) 2008 Ed.
2. M.P. Land Revenue Code- (Amendment) Act .2019

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OPTIONAL PAPER V :ANIMAL PROTECTION LAWS

UNIT-I

General Background : Concept of Right with Reference to Animals;General Legal Framework - Early Legislations. Constitutional Provisions Relating to Animals - Directive Principles of State Policy and Fundamental Duties; Wild Life (Protection) Act, 1972 . Historical Background of Legislation; Definitions; Authorities Under the Act. Hunting of Wild Animals. Sanctuaries, National Parks and Closed Areas..Central Zoo Authorities and Recognition of Zoos. Trade or Commerce in Wild Animals Articles and Trophies. Prohibition on Trade or Commerce in Trophies and Animal Articles; Prevention and Detection of Offences

UNIT-II

Provisions Under the Indian Penal Code, 1860 . Concept of Cruelty. The Prevention of Cruelty to Animals Act, 1960, Definitions : Animal Welfare Board - Constitution, Powers and Function; Performing Animals; Experimentation on Animals.

UNIT-III

Street Dogs and Companion Animals: Humane street dog population management – law and policy, Breeders and Pet shops, Online trade in animals, Responsible pet ownership, Law relating to feeding of street dogs, Right of the companion animal to live with its guardians and 139 use common facilities restrictive regulations by RWA, builders, landlords etc. Domestic disputes: how to establish intentional harm and evaluate it.

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Prosecuting animal abuse: using article 226 and 32 to seek writs to implement laws to protect animals, common types of animal abuse: Simple Neglect, Abandonment, Severe Neglect, Hoarding, Commercial breeders and pet shops, Animals in Hot Vehicles, Intentional Harm, Illegal Transport and Slaughter, Organized Criminal Enterprise: Animal Fighting, Ritualistic Abuse, Dog culling, Bestiality (act, video production and distribution). Responding to Animal Abuse: Investigating Animal Abuse Response to Complaint, Early Co-ordination, Search Warrants and Warrantless Seizures, Gathering evidence, Seizure and Holding of Animal Victims, Preparing the Animal Abuse Case for Prosecution.

UNIT - V :

Investigating & Prosecuting Animal Abuse: Taking the Animal Abuse Case to Trial, Anticipating Defences, Meet with your Investigator, Witnesses and attending Veterinarian, Expert Witnesses: Veterinary Testimony, Other Expert Testimony, Sentencing Options: Fine Imprisonment, Fine and Imprisonment Banning ownership/possession of animals.

SUGGESTED BOOKS :

- Raj Panjwani, Ozair Husain, Maneka Gandhi. Animal Laws of India (Latest Ed.)
- David DeGrazia. Animal Rights: A Very Short introduction, (Latest Ed.)
 - Jonathan Safran Foer. Eating Animals, (Latest Ed.)
 - Gary L. Francione and Robert Garner. The Animal Rights Debate, Abolition or Regulation? (Latest Ed.)
 - Robert Garner. Political Animals: Animal Protection Politics in Britain and the United States, (Latest Ed.)
 - Andrew Linzey Dominion. Why Animal Suffering Matters, Philosophy, Theology and Practical Ethics (Latest Ed.)

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PAPER VI : Law On Education

Unit - I

Education : Constitutional Allocation of Power 1. Art. 246 read with the Seventh Schedule OF Indian Constitution 2. Concurrent List Entry 25. 3. Union List Entries 63, 64, 65 and 66. 4. Gujarat University Vs. Srikrishna AIR 1963 SC 703. 5. Why was education transferred from the State list to the Concurrent list ? 6. Areas of Central legislation over Education the U.G.C. Act, etc.

Unit - II

Constitutional Goals 1. Right to Education. 2. Fundamental Right to education for children below 14 years. 3. Preamble and Right to Education

Unit - III

Equality of opportunity to education 1. Articles 14, 15, 16, 21, 29(2) 41 and 45. 2. Reasonable classification. 3. Affirmative action and the deprived.

Unit - IV

Minority and Education 1. Minority Rights – Right to conserve distinct script and culture. 2. Right to establish and administer educational institutions of their choice. 3. Minority institutions – right to compensation. 4. No discrimination in grant in aid.

Unit - V

Dispute Settlement Mechanism for Educational Institution 1. Students – Discipline and Action, Mass Copying etc. 2. Grievances. 3. Rules and Natural Justice. 4. Educational Tribunals. 5. Chancellor 6. Judicial Mechanison 7. Zilla Parishad and Primary secondary schools relationship 8. Government power to nominate members on various bodies and their role 69

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2. P.L Mehta, R. Poonga : Free and Compulsory Education (1999) Deep & Deep Publication.
3. R.D. Agrawal : Law of Education and Educational Institutions (Higher Secondary) 70

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