

Devi Ahilya Vishwavidyalaya ,Indore, M.P.

LL.B. (Hons) Revised Syllabus

LL.B. (HONS) PART -II SEMESTER – IV

PAPER I : Environmental Laws

**Unit – I**

Concept of Environment and Pollution 1. Environment. Meaning and Concept 2. Pollution- Meaning and Effects of pollution 3. Environmental Pollution (Water, Air and Noise Pollution) 4. Meaning and standards, Culprits and victims , Offences and penalties

**Unit – II**


International Historical Perspective 1. Stockholm conference 2. Rio conference 3. U.N. declaration on right to development 4. Green house effect and ozone depletion


**Unit – III**

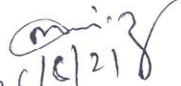
Constitutional Provisions related to Environment 1. Constitution in making-development and property oriented approach 2. Directive Principles, - Status, role and interrelationship with fundamental rights and fundamental duties 3. Fundamental Duties 4. Judicial approach 5. Fundamental Rights (Rights to clean and healthy environment, Environment Vs. Development) 6. Enforcing agencies and remedies (Courts, Tribunal, Constitutional, statutory and judicial remedies) 7. Emerging principles (Polluter pays: public liability insurance, Precautionary principles) 8. Sustainable development.


**Unit – IV**

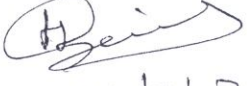
Environment Protection Measures VIS A VIS Environment Pollution 1. Protection: means and sanctions 2. Protection agencies: power and functions 3. Emerging protection through delegated legislation 4. Hazardous waste 5. Bio- medical waste 57 6. Judiciary and complex problems in administration of environment justice


  
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### Unit - V

Forest and wildlife Protection 1. Greenery conservation laws 2. Forest conservation laws 3. Conservation agencies 4. Prior approval and non-forest purpose 5. Symbiotic relationship and tribal people 6. Judicial approach Deforestation 7. Wild life - Sanctuaries and national parks 8. State monopoly in the sale of wild life and wild life articles - Licensing of zoos and parks 9. Offences against wild life Bio- diversity 1. Legal control 2. Control of eco-unfriendly experimentation on animals, plants, seeds and micro-organisms

### Texts & References

1. Environmental Laws -S.N Dubey
2. Environmental Law Pranjape

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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

Accounts and audit - inspection and investigation

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

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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 : Principle Of Taxation Law

**Unit - I**

Income Tax Act 1 Basic concepts- basis of charges of tax 2 Definitions 3 Residential status of assesses – its impact on tax liability

**Unit – II**

Heads of Income - 1. General concepts 2. Chargeability to tax- admissible & inadmissible deductions, exclusions and deductions from income, 3. Set off and carry forward of losses. 4. salaries 5. Income from House Property 6. Income from Profits of Profession and business 7. Capital Gains 8. Income from other sources 9. Clubbing of income

**Unit – III**

Income tax Authorities 1. Powers & functions, 2. Assessment 3. Allotment of permanent account number, 4. Economic criteria scheme.

**Unit – IV**

Appeal, Revision and Reference 1. Appeal, 2. Revision, 3. Reference 4. Rectification, (Sec.269N, 269 UJ)

**Unit – V**

Prosecution and Penalties 1. Prosecutions under Income Tax Act, 1961 2. Non-compliance, 3. Contravention, 117 4. Avoidance 5. Evasion of tax. 6. Penalties

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## Texts & References

1. Taxman : Tax Planning and Management, (1998), Taxman
2. Agarwal, A.N. : Indian Economics (Selected Chapters) (1997) Wishwa Prakashini, N.Delhi.
3. N.K. Palkhivala & B.A. Palkhivala (eds) : Kanga and Palkhivala's Income Tax Law and Practice (7th ed. 1976).
4. Agrawal, V.S. : Taxation of Salaries with Tax Planning (1990), Professional Book Publishers, New Delhi.
5. V.S. Sunderam : Law of Income Tax in India (11th ed. 1978).
6. A.C. Sampat Iyengar : Three Taxes (6th ed. 1987).
7. K. Chaturvedi and S.M. Pithisaria : Income Tax Law (3rd ed. 1981).
8. V.P. Gandhi : Some Aspects of Indian Tax Structure : An Economic Analysis (1970)
9. T. Mathew: Tax Policy (1975).
10. H.M. Seervai : Constitutional Law of India (3rd ed. 1984)
11. I.P.S. Siddhu : Company Taxation Cases.

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**PAPER IV :HUMAN RIGHT LAW & PRACTICE**

**Unit - I**

Concept 1. Historical Development and concept of Human Right 2. Human Right in India ancient, medieval and modern concept of rights 3. Human Right in Western tradition 4. Concept of natural law and natural rights 5. Human Right in legal tradition: International Law and National Law 6. UN and Human Rights 7. Universal Declaration of Human Rights (1980) - individual and group rights 8. Covenant on political and Civil Rights (1966)

**Unit - II**

Conventions 1. Convention on economic social and cultural Rights 1966 2. Convention on the elimination of all forms of discrimination against women 3. Convention on the rights of the child

**Unit - III**

Impact and Implementation 1. Impact and Implementation of International Human Rights Norms in India 2. Human rights norms reflected in fundamental rights in the constitution 3. Directive principles: legislative and administrative implementation of international human rights norms through judicial process

**Unit - IV**

Disadvantaged Groups 1. Human Rights and disadvantaged Groups – women, prisoners, child, Dalits, Aid victims, and Minorities 2. Enforcement of Human Right in India

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**Unit - V**

Remedies 1. Role of courts: the Supreme Court, High Courts and other courts 2. Statutory commissions- human rights, women, minority and backward class 64

**Select bibliography**

1. S.K. Awasthi and R.P. Kataria. Law Relating to Human Rights, Orient New Delhi.
2. Human Rights Watch women's Rights Project, The Human Rights Watch Global Report on women's Human Rights (2000) Oxford.
3. Ermacora, Nowak and Tretter. International Human Rights (1993), Sweet & Maxwell.
4. Wallace, International Human Rights: Text & Materials (1996), Sweet & Maxwell.
5. Human Rights and Global Diversity (2001), Frank Cass, London
6. Nirmal. B.C., The Right to Self determination in International (1995). Deep & Deep.

P.R. Gandhi. International Human Rights documents (1999) Universal, Delhi.

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PAPER V :ALTERNATE DISPUTE RESOLUTION

**Unit - I**

I Concept 1. Arbitration : Meaning scope and types 2. Arbitration Agreement- Essentials, Kinds 3. Who can enter into arbitration agreement ? 4. Validity 5. Reference to arbitration 6. Interim measures by court

**Unit - II**

Arbitration Tribunal Composition 2. Jurisdiction 3. Grounds of challenge 4. Powers 5. Procedure 6. Court assistance 7. Award, Rules of guidance, Form and content, Correction and interpretation 66 8. Grounds of setting aside an award- Want of proper notice and hearing, Contravention of composition and procedure. 9. Impartiality of the arbitrator 10. Bar of limitations, res judicata 11. Consent of parties 12. Enforcement 13. Appeals

**Unit - III**

Conciliation 1. Distinction between "conciliation", "mediation", and "arbitration". 2. Appointment of conciliator 3. Interaction between conciliator and parties 4. Communication, disclosure and confidentiality 5. Suggestions by parties 6. Settlement agreement and its effect 7. Resort to judicial proceedings, legal effect 8. Costs and deposit

**Unit - IV**

International Arbitration 1. Enforcement of Foreign Award 2. New York convention Award 3. Geneva Convention Award

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**Unit - V**

Rule making Power 1. Legal Service Authorities Act, 1987 2. Lok Adalat 3. Legal  
Litrecy and Legal Aid Camp. 67

**Select bibliography**

1. Avtar Singh : Arbitration and Conciliation
2. Goyal : Arbitration and Conciliation Act
3. Shukla : Legal remedies
4. Jhabvala : Law of Arbitration and Conciliation

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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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1. B.M. Sankudhar : Encyclopaedia of Education System in India 1999, Deep Publications
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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**OPTIONAL PAPER VII : Equity And Trust**

**Unit -I**

Introduction 1 The concept of trust: distinction with agency and contract 2 Origin and growth of equity in England 3 Development of law: common law and equity 4 The Maxims of equity 5 Trusts: classification, (Including Religious, Constructive Trust, Charitable Trust and Public Trust)

**Unit-II**

Definition and Nature of trust under Indian law 1 Obligations and Nature of trust 2 Creation of trust: rules 3 Appointment of new trustees 4 Extinction of trust 5 Fiduciary Relations.

**Unit-III**

Rights and Duties of Trustees Rights - 1 Title deed 2 Reimbursement 3 Indemnity 4 Seeking direction from court 5 Settlement of accounts 6 General authority Duties - 1 Execution 2 Acquaintance with the nature of property 3 Duties in respect of title 4 Duty of care 5 Conversion 41 6 Impartiality 7 Prevention of waste 8 Keeping of accounts and giving of information 9 Investment 10 Sale

**Unit -IV**

Powers and Liabilities including Disabilities of trustee. 1 Sale 2 Varying of Investment 3 Property of minors 4 Giving receipts 5 Power to compound, compromise and settle 6 Exercising authority on death or disclaimer of one of the trustees 7 Suspension of trustee's power 8 Discharge of trustees. 9 Liability for breach of trust.

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## Unit-V

Rights and Liabilities of Beneficiaries 1 Rents and profits 2 Specific execution 3 Inspection and information 4 Transfer 5 Suit for execution 6 To have proper trustees 7 Right to compel the trustee to do the duties 8 Rights on wrongful purchase or acquisition by trustees 9 Follow up of trust properties in the hands of third parties 10 Blending of property by trustee 11 Wrongful application of trust property by partner trustee for partnership purposes. 42

### Select bibliography

1. S. Krishnamurthy Aiyar and Harbans Lal Singh, Principles and Digest of Trusts Laws (1998). Universal Book Agency, Allahabad.
2. R.H. Mandsley and E.H. Bum, Trust and Trustees Cases and materials (1978) Butterworth London.
3. R.E. Megarry and P.V. Baker Snell's principles of Equity (1964) ELBS, Sweet and Maxwell.
4. Philip H. Pettit, Equity and Law of Trust (1970).
5. Iyer N., Indian Trust Act (1997), Delhi Law House, New Delhi.
6. Ahmedullah Khan, The Law of Wakf in India (1991) Delhi Law House, Delhi.
7. Rao. C.R., The Indian Trust Act and Allied Laws (1999).
8. G.P. Singh, Equity Trust, Mortgages and Fiduciary relations, Central Law Agency.
9. B.M. Gandhi, Equity, Trusts and Specific Relief Eastern Book Company.

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**OPTIONAL PAPER VII : FINANCIAL MARKET REGULATION**

**UNIT I :Introduction to Financial System**

A) An Overview of Financial System - Structure of Indian financial system, the nature and role of financial system, Relationship between financial system and economic development, Constituents of Financial System – Primary and Secondary, Development of Financial Markets in India, Components of financial system. B) Theories –Prior savings theory, Credit creation theory, Theory of post savings, Financial regulation theory, Financial liberalization theory.

**UNIT :2 Overview of Capital Market**

A) Introduction to Capital Market - Structure and Growth of the Indian Capital Market, Indian Capital Market Forms - Industrial Securities , New Issue markets and Old Issue markets- Introduction, Features, Types and Government Securities (Gilt-edged market)- Introduction, Features, and Types B) Ownership Securities – Equity Shares, Preference Shares, No-par stock- (Introduction, Features and Types) C) Creditorship Securities – Debentures –Introduction, Features, and Types

**UNIT: 3 Overview of Money Market**

A) Money market- Meaning, Features, Structure of money market, Regulatory framework,- RBI/FIMMDA/FEDAI, Disadvantages of Money market, Characteristics and Features of developed money market, Recent development in money markets-DFHI, STCI B) Money Market Instruments-T Bills, Money at short and call notice, Commercial bills,

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Promissory notes, Certificate of deposits Commercial papers, Banker's Acceptance CBLO, IBPC, MMMF and LAF

#### UNIT : 4 Overview of Derivatives Market

- A) Derivatives Market - Meaning, Importance and Need for Derivatives Market, Kinds of financial derivatives and financial derivatives in India. B) Globalization of Financial Market - Indigenous Bond markets, Foreign Currency Bond Markets, Euro market, FDI Inflows Outflows, Emerging Trends and Challenges in Global Financial Markets and Impact of globalization on financial markets.

#### UNIT : 5 : REGULATION AND PRESERVATION OF INTEGRITY OF FINANCIAL MARKETS:

1. Legal aspects of functioning of the financial market
2. Financial market participants - statuses
3. Preservation of integrity of financial markets
4. Disputes and arbitration on financial markets
5. Professional ethics on financial markets

#### 6. Securities and Exchange Board of India (SEBI)

Role and powers

#### SUGGESTED BOOKS :

1. Pathak, Bharathi. V.P.: Indian Financial System, Pearson Education India
2. Singh, Preethi : Dynamics of Indian Financial System, Ane Books Pvt. Ltd.
3. Guruswami, S. Capital Markets, Tata McGraw Hill, New Delhi
4. Khan. M.Y : Indian Financial System, Tata McGraw Hill, New Delhi
5. Avadhani, V.A., Investment And Security Markets in India, Himalaya Publishing House

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