

SEMESTER IV (TOTAL MARKS 500)

PAPER NO.	TITLE OF PAPER	PAPER CODE	MAX MARKS
I	Company Law	K-401	100
II	Labour And Industrial Law	K-402	100
III	Environmental Law	K-403	100
IV	<u>OPTIONAL PAPER</u> Student has to opt any one optional Paper (subject to availability of expert Faculty in the Department) among the following :		
	Criminology And Penology OR	K-404	100
	Law of Trust, Equity And Fiduciary Relation OR	K-405	100
	Banking Law Including Negotiable Instrument Act	K-406	100
V	Arbitration, Conciliation And Alternate Dispute Resolution (Practical Training)	K-407	100

Note : Paper Code – K-407 entitled, “Arbitration, Conciliation And Alternate Dispute Resolution (Practical Training)” will be taught partly through class room lectures including simulating exercise and partly through extension programme like Lok-Adalat, etc. The Course will be taught in association with practicing lawyers / retired Judges / retired Law Teachers. The Class room instructions shall include lessons on the concepts and practice of Arbitration, Conciliation and Alternate Dispute Resolution. Students will be required to maintain the Diary of the Sessional Work for this paper in which they shall record the written exercises assigned to them by the subject teacher during the session and their observations about the field work / training work of LokAdalat etc. organized by the Law Department of the College / University and attended by them. This Paper will carry Maximum 100 Marks. The Sessional Diary will carry 40 Marks and will be evaluated by the Board of Examiners at the time of Semester Practical / Viva-voce examination. Forty (40) Marks are assigned for the legal field work assigned by his / her subject teacher / supervisor carried on by student during the Session. Such field work will be evaluated by Board of Examiners. The marks earned by the students for the legal field work during the Session will be conveyed to the Ch. Charan Singh University, Meerut by Board of Examiners to be held at the time of Practical / Viva-voce examination. The Viva-voce will carry 20 Marks.

Guidelines : It is advisable that the Law Department of the College / University should organize field work in such a manner that all the students get an opportunity to participate in field work so that each candidate may be able to attend at least two such field assignments.

PAPER – I
COMPANY LAW(Paper Code : K-401)

The course shall comprise of the following :

I. Formation of Companies :

- (1) History of Company Legislation in India
- (2) Meaning and Nature of Company with Emphasis on its Advantages and Disadvantages over Other Forms of Business Organisations.
- (3) Kinds of Companies
- (4) Corporate Personality and Lifting the Corporate Veil
- (5) Promotion of Companies :
 - (a) Promoters and Pre-Incorporation Contracts
 - (b) Registration of Companies
- (6) Memorandum of Association and Articles of Association :
 - (a) Meaning, Nature and Contents and Relationship Between the two
 - (b) Objects Clause and Doctrine of *Ultra-vires*
- (7) Prospectus and Statement in Lieu of Prospectus
- (8) Membership of Company - Its Acquisition and Termination.

II. Corporate Capital :

- (1) Share and Share Capital : Meaning, Nature and Kinds; Various Rights and Duties Attached to these Shares.
- (2) Issuance and Allotment of Shares
- (3) Alteration of Share Capital :
 - (a) Increase in Share Capital
 - (b) Reduction of Share Capital
 - (c) Pre-Emptive Rights and Variation of Class Rights

III. Company Management and Administration :

- (1) Company and its Various Organs Including Division of Powers between Board of Directors and Company in General Meeting.
- (2) Company Meetings and Resolutions : Types / Kinds of Meetings, Essential Conditions of a Valid Meeting, Procedure for Calling Company Meetings, Resolution Kinds and Procedures Relating Thereto.
- (3) Directors and Managing Director : Appointment and Legal Position.
- (4) Oppression and Mismanagement
- (5) Investigation into the Affairs of Companies
- (6) Reconstruction and Amalgamation
- (7) National Company Law Tribunal : Composition and Powers

IV. Winding up of Company : Modes of Winding Up, Compulsory Winding Up - Conditions and Positions, Voluntary Winding Up : Kinds and Distinctions, Officials Liquidator and Liquidator : Appointment and Powers.

BOOKS RECOMMENDED

- Majumdar A.K., Company Law and Practice.
Kapoor G.K. (Dr.) & Gower L.C.B., Principles of Modern Company Law.
Singh Avtar (Dr.), Indian Company Law.
Ramayya A., A Guide to Companies Act.
Rai Kailash, Principles of Company Law.
Dhingra L.C. (Dr.), Principles of Company Law
Tripathi S.C. (Dr.), Modern Company Law. 27

PAPER – II
LABOUR AND INDUSTRIAL LAW
(Paper Code : K- 402)

The course shall comprise of the following :

I. Evolution of Industrial Legislation in India.

II. Industrial Disputes Act, 1947.

- (a) Scope and Object, Main Features, Important Definitions
- (b) Industry
- (c) Industrial Dispute and Individual Dispute
- (d) Workman and Employee
- (e) Reference of Disputes
- (f) Voluntary Arbitration (Section 10 A)
- (g) Award
- (h) Authorities under the Act.
- (i) Procedures, Powers and Duties of Authorities
- (j) Strike
- (k) Lock- out
- (l) Retrenchment
- (m) Lay-off
- (n) Transfer and Closure
- (o) Regulation of Managements Prerogative During Pendency of Proceedings

III. Trade Unions Act, 1926

- (a) Growth of Unions
- (b) Important Definitions
- (c) Registration of Trade Unions
- (d) Rights and Liabilities of Registered Trade Unions
- (e) Collective Bargaining.

BOOKS RECOMMENDED

- Bangri P.R., Law of Industrial Disputes.
Dhingra L.C., Law on Industrial Adjudication in India.
Kothari G.M. (Dr.), A Study of Industrial Law.
Malhotra O.P., Law of Industrial Disputes (Volume-I).
Mishra S.N., Labour and Industrial Law.
Puri S.K., Labour and Industrial Law.
Srivastav K.D., Law relating to Trade Unions Indian Act .28

PAPER – III
ENVIRONMENTAL LAW
(Paper Code : K-403)

The course shall comprise of the following :

(1) General Background

- (a) Problems of Environmental Pollution and Protection
- (b) History of Indian Environmental Laws
- (c) Importance and Scope of Environmental Laws

(2) Constitutional Aspects :

- (a) Distribution of Legislative Power,
- (b) Directive Principles of State Policy
- (c) Fundamental Duties,
- (d) Fundamental Rights.

(3) Select Legal Controls - The Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. (a) Salient Features of the Acts, (b) Definitions (c) Authorities - Composition, Power and Function, (d) Mechanism to Control the Pollution,(e) Sanctions

(4) Environment (Protection) Act, 1986 : Definition of 'Environment', Salient Features of the Act, Authorities - Composition, Powers, Functions, Mechanism to Control Environmental Pollution, Sanctions.

(5) Control of Noise Pollution : Legal Control, Judicial Control.

(6) Emerging Principles : Historical Background and Judicial Approach in India (1) Polluter Pays Principle, (2) Precautionary Principle, (3) Public Trust Doctrine, (4) Sustainable Development

(7) Environmental Dispute and Grievance Settlement Mechanism :National Environment Tribunal Act,

1995-Powers, Functions and Jurisdiction of the National Environment Tribunal; National Environment Appellate Authority Act, 1997- Powers, Functions and Jurisdiction of the National Environment Appellate Authority.

BOOKS RECOMMENDED

DiwanParas, Environment Administration, Law and Judicial Attitude.

Jaswal P.S., Environmental Law.

Kumar Naresh :Air Pollution and Environment Protection.

Pal Chandra, Environmental Pollution & Development.

Singh Gurdip, Environmentl Law.

Central Legislations :

The AIR (Prevention and Control of Pollution) Act, 1981.

The Environment (Protection) Act, 1986

The National Environment Tribunals Act, 1995.

The Public Liability Insurance Act, 1991

The Water (Prevention and control of Pollution) Act, 1974 29

PAPER – IV
CRIMINOLOGY AND PENOLOGY
(Optional Paper)
(Paper Code : K-404)

The course shall comprise of the following :

(A) CRIMINOLOGY

Definition, Nature, Scope and Importance of Criminology; Methods of Criminological Studies; Schools of Criminology; Future Directions in Criminology with Special Reference to Peacemaking Criminology, Postmodern Criminology and Feminist Criminology; Cause of Crime; Juvenile Delinquency Causes, Prevention and Treatment.

(B) PENOLOGY

Concept of Punishment; Relationship Between Criminology and Penology; Forms of Punishment - From Ancient to Modern; Theories of Punishment; Capital Punishment; Police and its Role in Crime Prevention; Concept of Treatment with Special Reference to Prison, Probation and Parole; New Dimensions of Penology - Compensation to the Victims of Crime; Victimology.

BOOKS RECOMMENDED

Sutherland E. and Cressy, Principles of Criminology.
James Teary, Introduction of Criminology.
Sethna S.M., Society and Criminology.
Pannanan M., Criminology and Penology.
Siddique Ahmad, Criminology: Problems and Perspectives.
Paranjape N.V. ,Criminology and Penology.
Sirohi J.P., Criminology and Criminal Administration.30

PAPER – IV
LAW OF TRUST, EQUITY AND FIDUCIARY RELATION
(Optional Paper)
(Paper Code : K-405)

The course shall comprise of the following :

History, nature and principles of Equity-Emergence of law of trust from Equity— The making of Indian Law of Trust and provisions of law of Trust-Religious Trusts-Principles of Equity and Equitable Remedies, Equitable Relief in different branches of law with special reference to property law.

(1) Equity

- (a) Nature of Equity,
- (b) History of Courts of Equity,
- (c) Relations of law of Equity,
- (d) The maxims of equity,
- (e) Different Equitable remedies.

(2) Trust & Fiduciary Relations :

- (a) Essentials of Trust
- (b) Fiduciary Relationship— Concept, kinds *vis-a-vis* Trusteeship
- (c) Trust and contract, Power, condition, charge and personal obligations— distinguished
- (d) Classification of Trust and its importance
- (e) Private Trusts
- (f) Public Trusts
- (g) Appointments, Retirement and removal of Trustee
- (h) Rights, Power, Discretion and control of Trustees
- (i) Duties of trustee in relation to :
- (j) Trust property; and (ii) Beneficiary
- (k) The Administration of Trust
- (l) Liability for Breach of Trust
- (m) Rights and Remedies of the Beneficiary
- (n) Constructive Trusts.

BOOKS RECOMMENDED

Ahmad Aquil, Equity, Trusts and Specific Relief.
Desai S.T., Equity, Trusts and Specific Relief.
Hansbury&Mousley, Modern Equity.
Jhabwala N.H, Elements of Equity, Trusts and Specific Relief.
Rao GCV Subha, Equity, Trust and Fiduciary Relation.
Singh G.P., Principles of Equity.
Snell, Principles of Equity.
Tondon M.P., Principles of Equity and Trusts.

PAPER – VI
BANKING LAW INCLUDING NEGOTIABLE INSTRUMENT ACT
(Optional Paper)
(Paper Code : K-406)

The course shall comprise of the following :

(1) Nature and Development of Banking

(2) Relationship of Banker and Customer:

(a) Banks, Banking Business, Meaning of Customer, Types of Accounts, Banker as Borrower

(b) Contract Between Banker and Customer - Their Rights and Duties

(c) Banker's Lien

(d) Banking Instruments

(e) Banking Services.

(3) Laws Regulating the Business of Banking (Salient Features Only) :

(a) Banking Companies Act, 1949

(b) Reserve Bank of India Act, 1934

(c) Foreign Exchange Management Act, 1998

(4) Meaning and Kinds of Negotiable Instruments

(5) Indorsement, Negotiability and Assignability

(6) Holder and Holder in Due Course

(7) Rights and Liabilities of Paying and Collecting Banker

(8) Dishonour of Negotiable Instruments Including Criminal Liability of Drawer and Protection of Collecting Banker.

BOOKS RECOMMENDED

Bangia R.K., Negotiable Instrument Act.

Bashyam&Adiga: The Negotiable Instrument Act.

Chorley Lord, Law of Banking.

FaiziO.P., The Negotiable Instrument Act.

Gupta S.N., Banks and the Customer Protection Law.

Gupta S.N.,The Banking Law and Practice in India.

Megrah Maurice & Ryder F.R., Pagets Law of Banking.

Parthasarathy M.P., Negotiable Instrument Act.

Singh Avtar (Dr.), Negotiable Instrument Act.

Tannen M.L., Banking Law and Practice in India.

PAPER – V
ARBITRATION, CONCILIATION AND ALTERNATE DISPUTE RESOLUTION
(Practical Training)
(Paper Code : K-407)

The Course will be taught partly through class room lectures including simulating exercise and partly through extension programme like Lok-Adalat, etc. The Course will be taught in association with **practicing lawyers / retired Judges / retired Law Teachers**. The Class room instructions shall include lessons on the concepts and practice of Arbitration, Conciliation and Alternate Dispute Resolution. Students shall be required to maintain the **Diary of the Sessional Work** for this paper in which they shall **record the written exercises assigned to them** by the subject teacher during the session and their observations about the field work / training work of LokAdalat etc. organized by the Law Department of the College / University and attended by them. **This Paper will carry Maximum 100 Marks.** The **Sessional Diary** will carry **40 Marks** and will be **evaluated by the Board of Examiners at the time of Semester Practical / Viva-voce examination. Forty (40) Marks** are assigned for the **legal field work** assigned by his / her subject teacher / supervisor carried on by student during the Session. **Such field work will be evaluated by Board of Examiners.** The marks earned by the students for the legal field work during the Session will be conveyed to the Ch. Charan Singh University, Meerut by Board of Examiners to be held at the time of Practical / Viva-voce examination. **The Viva-voce will carry 20 Marks.**

Guidelines :It is advisable that the Law Department of the College / University should organize field work in such a manner that all the students get an opportunity to participate in field work so that each candidate may be able to attend at least two such field assignments.

The course shall comprise the followings :

- (1) Existing Justice Delivery System in India -Effectiveness and Menaces.**
- (2) Reforms in the Legal System for Achieving Effective and Speedy Resolution of Disputes - Public Interest Litigation**
- (3) Alternate Dispute Resolution System - Objectives, Meaning and Advantages.**
- (4)Types of ADR System - Mini Trial, Mediation – Arbitration, Neutral Fact Finding Expert, Early Neutral Evaluation, Court-annexed Arbitration, Mediation and Hybrid Process, Judicial Settlement Conferences etc., Multi-Door Court House.**
- (5) Other Amicable Settlement Process - LOK ADALAT**
- (6) Arbitration Agreement, International Commercial Arbitration, Composition and Jurisdiction of Arbitral Tribunals.**
- (7) Conduct of Arbitral Proceedings and its Termination and Making of Arbitral Award**
- (8)Finality and Enforcement of Arbitral Award - Recourse Against Arbitral Award, Enforcement of Foreign awards (New York Convention Awards and Geneva Convention Awards).**
- (9)Conciliation - Commencement of Proceedings, Appointment and Role of Conciliators, Submission of Statement to Conciliators, Settlement Agreement, Termination, Cost and Deposits of Proceedings, Protection for Conciliation Proceedings.**
- (10)Mediation - Meaning, Advantages, Techniques, Common Errors of Mediation Advocacy.**

BOOKS RECOMMENDED

Rao P.C., Alternative Dispute Resolution.

Basu N.D., Law of Arbitration and Conciliation.

Kwatra G.K., The Arbitration and Conciliation Law of India.

Bansal A.K., Law of International Commercial Arbitration.

Saraf B.P.&Jhunjhnuwala M., Arbitration and Conciliation.

Malhotra O.P., The Law and Practice of Arbitration and Conciliation

Shaffer Thomas L., Legal Interviewing and Counseling in Nutshell.

Binder David A. & Bergman Paul et al, Lawyers as Counselors.

Law Commission of India Report :

Law Commission of India Report on GramaNyayalayas

Law Commission of India Report on Urban Litigation- Mediation