

JIWAJI UNIVERSITY, GWALIOR

SYLLABUS AND SCHEME OF EXAMINATION

SESSION 2022 - 25

LL. B (3YDC) V SEMESTER

The Candidate Shall be examined in the following compulsory subjects through same number and nomenclature of paper -

Paper/ Subjects	Subject/ Name of the Paper	Max. Marks	Min. Marks	Practical Marks	Min. Marks	Aggregate
I	Civil Procedure Code and Limitation Act.	100	36	---		48
II	Administrative Law	100	36	---		48
III	Company Law	100	36	---		48
IV	Industrial and Labour Laws	100	36	--		48
V	Drafting of Pleading and Conveyancing (Clinical Course) (80+20=100)	80	29	20	07	48
Total		500				240

The Percentage of marks required for Passing in LL. B. (3YDC) V Semester

Examination is as follows.

1. 36% ie . 36 in each of the above Fifth subjects/ papers
2. 48% ie . 240 marks in aggregate of all the above subject/ paper

Jiwaji University, Gwalior

LL.B (3YDC) Vth Semester

Paper – Ist Civil Procedure Code and Limitation Act

UNIT – I

Introduction

Concepts

1. Affidavit, order, judgment, decree, plaint, restitution, execution, decree – holder, judgment – debtor, mense profits, written statement
2. Distinction between decree and judgment and between decree and order

Jurisdiction

1. Kinds
2. Hirearchy of courts
3. Suit of civil nature – scope and limits
4. Res subjudice and resjudicata
5. Foreign judgment – enforcement
6. Place of suing
7. Institution of suit
8. Parties to suit: joinder mis – joinder or non – joinder of parties: representative suit
9. Frame of suit: cause of action
10. Alternative disputes resolution (ADR)
11. Summons

UNIT – II

Pleading

1. Rules of pleading, signing and verification
2. Alternative pleading
3. Construction of pleadings
4. Plaint: Particulars
5. Admission, return and rejunction
6. Written statement : particulars, rules of Evidence
7. Set off and counter claim: distinction
8. Discovery, inspection and production of documents
9. Interrogatories
10. Privileged documents
11. Affidavits

UNIT – III

Appearance, Examination and Trial

1. Appearance
2. Ex-prate procedure
3. Summary and attendance of witnesses

4. Trial
5. Adjournments
6. Interim orders: commission, arrest or attachment before judgment, injunction and appointment of receiver
7. Interests of costs
8. Execution
9. The concept
10. General Principles
11. Power for execution of decreets
12. Procedure for execution (section 52-54)
13. Enforcement, arrest and detection (Ss 55-56)
14. Attachment (Ss 65-97)
15. Sale (Ss 65-97)
16. Delivery of property
17. Stay of execution

UNIT – IV

Suits in Particular Cases

1. By or against government (Ss. 79- 82)
2. By aliens and by or against foreign rules or ambassadors (Ss. 83- 87A)
3. Public nuisance (Ss. 91-93)
4. Suits by or against firm
5. Mortgage
6. Interpleaded suits
7. Suits relating to public charities

UNIT – V

Appeals review, reference and revision

1. Appeals from decree and order general provisions relating to appeal
2. Transfer of cases
3. Restitution
4. Caveat
5. Inherent Powers of Courts
6. Law reform : Law Commission on Civil Procedure
7. Amendments
8. Law of Limitation
9. The concept – the Law assists the vigilant and not those who sleep over the rights

Selected Bibliography

1. Mulla, Code of Civil Procedure (1999), Universal Delhi
2. C.K. Thacker, Code of Civil Procedure (1999), Universal Delhi
3. M.R. Mallick (ed.), B.B. Mitra on Limitation Act (1998), Eastern Lucknow
4. Majumdar P.K. and Kataria R.P. Commentary on the Code of Civil Procedure, 1908 (1998), Universal Delhi
5. Saha A.N. The Code of Civil Procedure, (2000), Universal Delhi
6. Sarkar's Law of Civil Procedure, Vols/(2000), Universal Delhi
7. Universal's Code of Civil Procedure (2000)




Jiwaji University, Gwalior

LL.B (3YDC) Vth Semester

Paper – IInd Administrative Law

UNIT – I

Meaning, definitions, nature, historical development, sources, relationship with Constitutional law, Droit administrative, rule of law and separation of powers, classification of administrative function and distinction between them

UNIT – II

Delegated legislation and its kinds, administrative directions and distinction between delegated legislation and administrative directions, control over delegated legislation procedural, judicial and parliamentary control, principles of natural justice

UNIT – III

Administrative discretion and judicial control of discretionary powers, act of State, tortious and contractual liability of the State

UNIT – IV

Government privileges in legal proceedings, Estoppel and Waiver, official secrets and right to information, lokpal, lokayukt and central Vigilance Commissions, Commission of inquiry

UNIT – V

Administrative Tribunals – merits, demerits, reasons for growth distinction between court and tribunals
Public corporation – classification characteristics, control
Remedies Constitutional and ordinary

Books Recommended:-

Administrative Law – C.K. Takwani

Administrative Law – I.P. Massey

Administrative Law – K.C. Joshi

Administrative Law – Rajneesh Kumar

Administrative Law – Kailash Rai

Administrative Law – Jay Jay Updhaya

प्रशासनिक विधि – यू.पी.डी. केसरी

प्रशासनिक विधि – एस. पी. साठे

प्रशासनिक विधि – डॉ. गंगा सहाय शर्मा

Jiwaji University, Gwalior
LL.B (3YDC) Vth Semester
Paper – IIIrd Company Law

UNIT – I

Meaning of Corporation

1. Theories of corporate Personality
2. Creation and extinction of corporations

UNIT – II

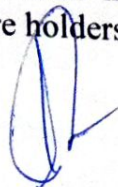
Forms of Corporate and non-corporate organization

1. Corporations, Partnership and other association of persons, state corporations Government companies, small scale, co- operative, corporate and joint sectors

UNIT – III

Law Relating to Companies – Public and Private – Companies Act, 2013

1. Promoters – Position – duties and Liabilities
2. Need of company for development, formation of a company, registration and incorporation
3. Memorandum of association – various clauses – alteration - therein – doctrine of ultra virus
4. Articles of association – binding force – alteration - its relation with memorandum of association – doctrine of constructive notice and indoor management – exceptions
5. Prospectus – issue – contents – liability for misstatements - statement in lieu of prospectus
6. Shares – general Principles of allotment, statutory restrictions transfer of shares – relationship between transferor and transferee
7. Shareholder – who can be And who cannot be shareholder – modes of becoming shareholder – calls on shares – forfeiture and surrender of shares – lien on shares
8. Share capital – kinds – alteration and reduction of share capital – further issue of capital – conversion of loan and debentures into capital – duties of courts to protect the interests of creditors and share holders



UNIT – IV

1. Directors – Position – appointment – qualification – 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
2. Meetings – kinds - procedure – voting
3. Dividends - payment – capitalization – profit
4. Audit and accounts
5. Borrowing powers – powers – effect of unauthorized borrowing – charges and mortgages – investments
6. Debentures – meaning – fixed and floating charges – kinds of debentures share holder and debenture holder remedies of debenture holders
7. Protection of minority rights
8. Protection of oppression and mismanagement – who can apply? Powers of the company, court and of the central Government
9. Investigations – Powers
10. Private companies – nature and advantages – government companies holding and subsidiary companies
11. Winding up – types –by court – reason – ground – who can apply – procedure –powers of liquidator – powers of court – consequences of winding up order voluntary winding u subject to supervisions of courts liability of past members – payment of liability preferential payment, unclaimed dividends – winding up of unregistered company

UNIT – V

Corporate Liability

1. Legal liability of companies – civil and criminal
2. Remedies against the civil, criminal and tortuous – specific relief Act, writs liability under special statues

Selected Bibliography

1. Avtar Singh Indian Company Law (1999), eastern Lucknow
2. L.C.B. Gower, Principles of Modern Company Law (1997), Sweet and Maxwell, London
3. Palmer Palmer's Company Law (1987), Stevens, London
4. R.R. Pennington, Company Law (1990), Butterworths
5. A. Ramiya, Guide to the Companies Act, (1998), Wadhwa
6. S.M. Shah Lectures on Company Law (1998), Trijpathi, Bombay

Jiwaji University, Gwalior

LL.B (3YDC) Vth Semester

Paper – IVth Industrial and Labour Laws

UNIT – I

General Introduction,
Industrial Jurisprudence.
Labour Policy in India,
Industrial Revolution in India, Evils of Industrialization. Labour Problems.
Growth of Labour Legislation in India.

UNIT – II

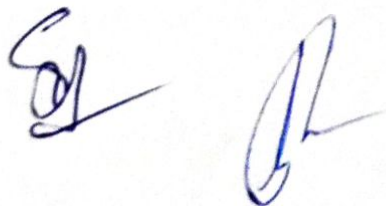
Industrial Dispute Act, 1947
Short title, definition & authorities
Notice of change
Reference of certain industrial dispute to grievance settlements authorities, board, courts,
tribunals
Power Procedure & duties of authorities
Strike, lock out lay, Retrenchment
Penalties

UNIT – III

Trade Union Act, 1926
Registration of trade union
Rights & liabilities of registered trade union
Regulation
Penalties & Procedure

UNIT – IV

Minimum Wages Act, 1948
Introduction & definition
Minimum wages; fixation & procedure
Authorities under the Act
Fixation of hours of work & wages
Claims & their determination
Cognizance of offence



UNIT -V

Factories Act, 1948

Introduction, definition, registration & licensing

The inspecting staff

Health

Safety

Working hours of adult

Annual leave with wages

Penalties & Provisions

Selected Bibliography

1. John Bowers and Simon Honeyball, Text book on Labour Law (1996)
2. Srivastava K.D. Commentaries on payment of wages Act 1936 (1998), Eastern Lucknow
3. Srivastava K.D. Commentaries on minimum wages Act 1948 (1995), Eastern Lucknow
4. Rao S.S. Law and Practice on Minimum wages (1999) Law Publishing House, Allahabsd
5. Seth D.D. Commentaries on Disputes Act 1947 (1998), Law Publishing House, Allahabsd
6. Shrivastava K.D. Commentaries on factories Act 1948 (2000), Eastern Lucknow
7. R.C. Saxena Labour problems and social welfare
8. V.V. Giri Labour problems in India Industries
9. O.P. Malhotra, The Law of Industrial Disputes (1998) Universal Delhi
10. S.C. Srivastava, Social Securities and Labour laws pts. 5 and 6 (1985), Universal Delhi
11. S.C. Srivastava, Commentary on the Factories Act 1948 (1999) Universal Delhi



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LL.B (3YDC) Vth Semester

Paper – Vth Drafting of Pleading and Conveyancing

Drafting

General Principles of Drafting and relevant substantive rules shall be taught

Pleadings

Civil : Complaint, W/s; Interlocutory application; Original petition; Affidavit; Execution petition; Memorandum of appeal and Revision; petition under Article 226 and 32 of the constitution of India

Criminal

Complaints; Misc, petition; Bail application; Memorandum of appeal and revision
Conveyancing

Sale deed; Mortgage deed; Lease deed; Gift deed; Promissory Note; Power of Attorney; and Will – The remaining 10 marks will be given in a Viva – Vocie which will test the understanding of Legal Practice in relation to Drafting Pleading and Conveyancing

Clinical Course

This paper shall consist of theory (80 marks) and Viva (20 marks)

In Practical : the student will prepare Civil/Criminal Case – (10 marks)

Viva – (10 marks)

Books Recommended:-

Drafting Pleading and Conveyancing - Mogha s Indian Conveyancer

Drafting Pleading and Conveyancing - The Advocacy Dr. Jayant L. Aparajit
– Udayan Law Publishes Nagpur

Drafting Pleading and Conveyancing - R.K. Chaturvedi

प्रारूपण अभिवचन तथा अभिहस्तान्तरण लेखन – डॉ. वाई एस. शर्मा

प्रारूपण अभिवचन तथा अभिहस्तान्तरण लेखन – एस.सी. दीक्षित

प्रारूपण अभिवचन तथा अभिहस्तान्तरण लेखन – ए.एन. पाण्डेय