



**C. U. SHAH UNIVERSITY**  
**Name of Program :B.COM. LL.B.**  
**Name of Branch : LAW**  
**Semester : 8**  
**Name: COMPANY LAW**  
**Code:4LW08CMP1**

Teaching & evaluation scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme								
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total	
							Sessional Exam		University Exam		Internal		University		
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr		
4LW08CMP1	Company Law	5	0	0	5	5	30	1.5	70	3	---	---	---	100	

## COMPANY LAW

**100**

### Syllabus.

#### 1. Meaning of Corporation.

- 1.1. Theories of corporate personality.
- 1.2. Creation and extinction of corporations.

#### 2. Forms of corporate and Non-corporate Organisations.

- 2.1. Corporations, partnerships and other associations of persons, state corporations, government companies, small scale, co-operative, corporate and joint sectors.

#### 3. Law relating to companies – public and private – Companies Act, 1956.

- 3.1. Need of company for development formation of a company registration and incorporation.

- 3.2. Memorandum of association – various clauses – alteration therein – doctrine of ultra vires.
- 3.3. Articles of association – binding force – alteration – its relation with memorandum of association – doctrine of constructive notice and indoor management – exceptions.
  - 3.3.1. Prospectus – issue – contents – liability for misstatements – statement in lieu of prospectus.
- 3.4. Promoters – position – duties and liabilities.
  - 3.4.1. Shares – general principles of allotment statutory restrictions – share certificate its objects and effects – transfer of share – restrictions on transfer – procedure for transfer – refusal of transfer – role of public finance institutions – relation ship between transferor and transferee – issue of shares at premium and discount – depository receipts – dematerialised shares.
  - 3.4.2. Shareholder – who can be and who cannot be a shareholder – modes of becoming a shareholder – calls on shares – forfeiture and surrender of shares – lien on shares.
  - 3.4.3. Share capital – kinds – alteration and reduction of share capital – further issue of capital – conversion of loans and debentures into capital – duties of courts to protect the interests of creditors and share holders.
- 3.5. Directors – position – appointment – qualifications – 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 – compensation for loss of office – managing directors and other managerial personnel.
  - 3.5.1. Meetings – kinds – procedure – voting.

- 3.5.2. Dividends – payment – capitalisation – profit.
- 3.6. Audit and accounts.
- 3.7. Borrowing powers – powers – effect of unauthorised borrowing – charges and mortgages – loans to other companies – investments – contracts by companies.
- 3.8. Debentures – meaning – fixed and floating charge – kinds of debentures – share-holder and debenture holder – remedies of debenture holders.
- 3.9. Protection of minority rights.
- 3.10. Protection of oppression and mismanagement – who can apply ? – Powers of the company, court and of the central government.
- 3.11. Investigation – powers.
- 3.12. Private companies – nature and advantages – government companies – holding and subsidiary companies.
- 3.13. Regulation and amalgamation.
- 3.14. Winding up – types – by court – reasons – grounds – who can apply – procedure-powers of liquidator – powers of court – consequences of winding up order – voluntary winding up by members and creditors-winding up subject to supervision of courts – liability of past members – payment of liabilities – preferential payment, unclaimed dividends – winding up of unregistered company.

#### **4. Law and Multinational companies.**

- 4.1. International norms for control.
- 4.2. National law FEMA (Foreign Exchange Management Act 1999) controls joint-ventures – investment in India – repatriation of project.
- 4.3. Collaboration agreements for technology transfer.

## **5. Corporate liability.**

- 5.1. Legal liability of companies – civil and criminal.
- 5.2. Remedies against them civil, criminal and tortuous – Specific Relief Act, writs, liability under special statutes.

### **Select Bibliography:**

- 1. Avtar Singh, Indian Company law (1999), Eastern, Lucknow.
- 2. Company Law – Ashwin Shah.

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**C. U. SHAH UNIVERSITY**  
**Name of Program : B.COM.LL.B.**  
**Name of Branch : LAW**  
**Semester : 8**  
**Name: FAMILY LAW-1**  
**Code:4LW08FML1**

Teaching & evaluation scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
4LW08FML1	FAMILY LAW-1	5	0	0	5	5	30	1.5	70	3	---	---	---	100

## **FAMILY LAW –1**

**100**

### **Syllabus.**

#### **1. Marriage and Kinship.**

- 1.1. Evolution of the institution of marriage and family.
- 1.2. Role of religious rituals and practices in moulding the rules regulating to marital relations.
- 1.3. Types of family based upon.
  - 1.3.1. Lineage – partilineal matrilineal.

- 1.3.2. Authority structure – patriarchal and matriarchal.
- 1.3.3. Location – partilocal and matrilocal.
- 1.3.4. Number of conjugal units – nuclear, extended, joint and composite.
- 1.4. emerging concepts : maitri sambandh and divided home.

## **2. Customary practices and State regulation.**

- 2.1. Polygamy.
- 2.2. Concubinage.
- 2.3. Child marriage.
- 2.4. Sati.
- 2.5. Dowry.

## **3. Conversion and its effect on family.**

- 3.1. Marriage.
- 3.2. Adoption.
- 3.3. Guardianship.
- 3.4. Succession.

## **4. Joint Family.**

- 4.1. Mitakshara joint family.
- 4.2. Mitakshara coparcenary – formation and incidents.
- 4.3. Property under Mitakshara law – separate property and coparcenary property.
- 4.4. Davabhaga coparcenary - formation and incidents.
- 4.5. Property under Dayabhaga law.
- 4.6. Karta of the joint family – his position, powers, privileges and obligations.
- 4.7. Alienation of property – separate and coparcenary.
- 4.8. Debts – doctrines of pious obligations and antecedent debt.
- 4.9. Partition and re-union.

- 4.10. Joint hindu family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.
- 4.11. Matrilineal joint family.

## **5. Inheritance.**

- 5.1. Hindus.
  - 5.1.1. Historical perspective of traditional Hindu law as a background to the study of Hindu Succession Act 1956.
  - 5.1.2. Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession Act 1956.
  - 5.1.3. Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession Act 1956.
  - 5.1.2. succession to property of Hindu female dying intestate under the Hindu Succession Act 1956.
  - 5.1.3. Disqualification relating to succession.
  - 5.1.4. General rules of succession.
  - 5.1.5. Marumakkattayam and Aliyasantana laws governing people living in Travancore-Cochin and the districts of Malabar and south Kanara.
- 5.2. Muslims.
  - 5.2.1. General rules of succession and exclusion from succession.
  - 5.2.2. classification of heirs under Hanafi and Ithna Ashria schools and their shares and distribution of property.
- 5.3. Christians, Parsis and Jews.
  - 5.3.1. Heirs and their shares and distribution of property under the Indian Succession Act of 1925.

## **Books Recommended :**

1. Hindu Law, D.F. Mulla.
  2. Mohammedan law, D.F. Mulla.
  3. Law of Marirage & Divorce., Kusum.
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**C. U. SHAH UNIVERSITY**  
**Name of Program : B.COMLL.B.**  
**Name of Branch : LAW**  
**Semester : 8**  
**Name: FAMILY LAW-II**  
**Code:04LW08FML2**

Teaching & evaluation scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
O4LW08FML2	FAMILY LAW-II	5	0	0	5	5	30	1.5	70	3	---	---	---	100

**FAMILY LAW –II**

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**Syllabus :**

**1. Matrimonial Remedies.**

- 1.1 Non-judicial resolution of marital conflicts.
  - a. Customary dissolution of marriage – unilateral divorce, divorce by mutual consent and other modes of dissolution.
  - b. Divorce under Muslim personal law – talaq and talq-e-tafweez.
- 1.2. Judicial resolution of marital conflicts : the family court.

- 1.3. Nullity of marriage.
- 1.4. Option of puberty.
- 1.5. Restitution of conjugal rights.
- 1.6. Judicial separation.
- 1.7. Desertion : a ground for matrimonial relief.
- 1.8. Cruelty: a ground for matrimonial relief.
- 1.9. Adultery: a ground for matrimonial relief.
- 1.10. Other grounds for matrimonial relief.
- 1.11. Divorce by mutual consent under : Special Marriage Act 1954; Hindu Marriage Act 1955; Muslim law (Khula and mubaraat).
- 1.12. Bar to matrimonial relief:
  - 1.12.1. Doctrine of strict proof.
  - 1.12.2. Taking advantage of one's own wrong or disability.
  - 1.12.3. Accessory.
  - 1.12.4. Connivance.
  - 1.12.5. Collusion.
  - 1.12.6. Condonation.
  - 1.12.7. Improper or unnecessary delay.
  - 1.12.8. Residuary clause – no other legal ground exists for refusing the matrimonial relief.

## **2. Alimony and maintenance.**

- 2.1. Maintenance of neglected wives, divorced wives, minor children, disabled children, and parents who are unable to support themselves: provisions under the code of Criminal Procedure 1973.
- 2.2. Alimony and maintenance as an independent remedy: a review under different personal laws – need for reforming the law.
- 2.3. Alimony and maintenance as an ancillary relief.
- 2.4. Maintenance of divorced Muslim women under the Muslim Women (Protection of Rights on Divorce) Act 1986: a critical review.

### **3. Child and the Family.**

- 3.1. Legitimacy.
- 3.2. Adoption.
- 3.3. Custody, maintenance and education.
- 3.4. Guardianship and parental rights – welfare of the child principles.

### **4. Family and its changing patterns.**

- 4.1. New emerging trends:
  - 4.1.1. Attenuation of family ties.

- 4.1.2. Working women and their impact on spousal relationship : composition of family, status and role of women.
- 4.1.3. New property concepts, such as skill and job as new forms of property.
- 4.2. Factors affecting the family: demographic, environmental, religious and legislative.
- 4.3. Processes of social change in India: sanskritization, westernisation, secularisation, universalization, parochialization, modernization, industrialization and rganization.

## **5. Settlement of spousal property.**

- 5.1. Need for development of law.

## **6. Establishment of Family Courts.**

- 6.1. Constitution, power and functions.
- 6.2. Administration of gender justice.

## **7. Uniform Civil code – need for**

- 7.1. Religious pluralism and its implications.

- 7.2. Connotations of the directive contained in Article 44 of the constitution.
- 7.3. Impediments to the formulation of the Uniform Civil Code.
- 7.4 The idea of Optional Uniform Civil Code.

**Select bibliography.**

- 1. Paras Diwan, Hindu law (1985)
- 2. Hindu Law – D.F. Mulla
- 3. Mohammedan Law – D.F. Mulla.

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**C. U. SHAH UNIVERSITY**  
**Name of Program : B.COMLL.B.**

**Name of Branch : LAW**

**Semester : 8**

**Name: HR & Public International Law**

**Code:4LW08HMR1**

Teaching & evaluation scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
4LW04HMR1	HR & Public International Law	5	0	0	5	5	30	1.5	70	3	---	---	---	100

## *HR & Public International Law*

**100**

- 1) Definition, Nature and Basis of International law. Is International Law a true Law ? Weakness of International Law. Codification and development of International Law. Relation between international Law and State Law. Sources of International Law, Subjects of International Law, Place of Individual in International Law, Nationality. Extradition and Asylum, Human Rights.
  
- 2) State in general. Kinds of States and Non-States entities, Acquisition and loss of State Territory. Territorial water, Continental shelf, Contiguous Zone and exclusive economic zone. Recognition of states and Governments. Recognition of insurgency and belligerency, de facto and de-jure

recognition. State succession. State Jurisdiction, Territorial sovereignty, Criminal jurisdiction in International Law. Intervention. Freedom of the High Sea, Piracy.

- 3) Diplomatic agents, Consultants, Classification and Functions of diplomatic agents, Privileges and immunities with reference to Vienna Convention on Diplomatic relations 1961. Treaties definition, basis, classification and formation of treaties, Interpretation and revision of treaties, principles of jus cogens and pacta sunt servanda, termination of treaties, Vienna convention on the law of treaties, Peaceful and compulsory means of settlement of International disputes. International court of justice Jurisdiction and contribution towards development of international law.
- 4) International institution : League of Nations. United Nations, History and formation of United Nations, organs of United Nations with specific reference to General Assembly, Security council and International Court of Justice. International Law Commission. War, its legal character and effects, enemy character, Armed conflicts and other hostile relations. Belligerent occupation. War Crimes, Termination of war and doctrine of postliminium Prize courts.
- 5) The Law of Neutrality – basis of neutrality. Rights and duties of neutral states, neutrality, neutrality and U.N. Charter. Right of Angary. Contraband, Blockade Un-neutral service. Right of visit and search.

Books Recommended :

1. Starke : An Introduction to International Law
2. Briggs: Law of Nations.
3. S.K. Varma, Public International Law (1998), Prentice-Hall, New Delhi.

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**C. U. SHAH UNIVERSITY**  
**Name of Program : B.COMLL.B.**  
**Name of Branch : LAW**  
**Semester : 8**  
**Name: Jurisprudence**  
**Code:4LW08JUR1**

Teaching & evaluation scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
4LW08JUR1	Jurisprudence	5	0	0	5	5	30	1.5	70	3	---	---	---	100

## *Jurisprudence.*

**100**

### **Syllabus.**

#### **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.

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 in a case : 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 :**

1. V.D. Mahajan, Jurisprudence and Legal Theory (1996 re-print), Eastern, Lucknow.
2. Kaydana Khyalo – B.M. Sukla.

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