Law relating to marriage & kinship;
customary practices and State Regulation;
conversion and its effect on Family;
Matrimonial remedies;
Alimony and Maintenance;
Family and its changing patterns;
Settlement of spousal property;
Uniform Civil Code

Prescribed Cases

(1) Marriage and kinship:
1. Evolution of the institution of marriage and family
2. Role of religious rituals and practices in moulding the regulating to marital relations.
3. Types of Family based upon.
4. Lineage - patrilineal matrilineal.
5. Authority structure - patriarchal and matriarchal
6. Location - patrilocal and matrilocal
7. Number of conjugal units - nuclear, extended, joint and composite.
8. Emerging concepts : maitri sambandh and divided home.

(2) Customary practices and state regulation:
(1) Polygamy (2) Concubinage (3) Child Marriage
(4) Sati (5) Dowry

(3) Conversion and its effect on family:
(1) Marriage (2) Adoption (3) Guardianship (4) Succession

(4) Matrimonial Remedies:
1. Non-Judicial resolution
2. Customary desolution of marriage, unnatural divorce, divorce by mutual consent and other modes of dissolution.
3. Divorce under Muslim Personal Law - talaq and talaq-c-tafweez.
5. Nullity of marriage
6. Option of puberty.
7. Restitution of Conjugal rights
8. Judicial separation
11. Adultery: a ground for matrimonial relief.
12. Others: ground for matrimonial relief
13. Divorce by mutual consent under: Special Marriage Act, 1954; Hindu Marriage Act, 1955; Muslim Law (Khula and Mubaraat)
14. Bar to matrimonial relief
15. Doctrine of strict proof.
16. Taking advantage of one's own wrong of disability
17. Accessory
18. Connivance
19. Collusion
20. Condonation
21. Improper or unnecessary delay.
22. Residuary clause - no other legal ground exists for refusing the matrimonial relief.

(5) **Alimony and Maintenance**:  
2. who are unable to support themselves: provisions under the Code of Criminal Procedure, 1973.
3. Alimony and maintenance as an independent remedy: a review under different personal law - need for reforming the law.
4. Alimony and maintenance as a relief
5. Maintenance of divorced Muslim women under the Muslim Women (Protection of Rights on Divorce) Act, 1986 a critical review.

(6) **Family and its changing patterns**:  
1. New emerging trends  
2. Attenuation of family ties
4. New property concepts, such as skill and job as new forms of property.
5. Factors affecting the family: demographic environmental, religious and legislative.
6. Processes of social change in India: Sanskritization, Westernization, secularization, universalization, parochialization, modernization, industrialization and urbanization.
(7) **Settlement of spousal property:**
   1. Need for development of law

(8) **Uniform Civil Code - need for:**
   1. Religious pluralism and its implications.
   2. Connotations of the directive contained in Article 44 of the Constitution.
   3. Impediments to the formulation of the Uniform Civil Code
   4. The idea of optional Uniform Civil Code.

**Cash Law:**

(1) Smt. Sarojrani Vs. Sudarshankumar Chadha  
   AIR 1984 SC 1759  
   (Restitution of Conjugal Rights)

(2) Kalpana Shrivastave Vs. Surendranath Shivastava  
   AIR 1985 All 253  
   (Cruelty)

(3) Bhagat Vs. Bhagat  
   AIR 1994 SC 121

(4) Dastane Vs. Dastane  
   AIR 1975 SC 1534

(5) Hamirabibi Vs. Zubedabibi  
   AIR 1916 43 IA 294  
   (Mahr)

(6) Modh. Ahmedkhan Vs. Shahuabanu Begum  
   AIR 1985 SC 556  
   (Maintenance)

(7) Smt. Sarla Mudgal Vs. Union of India  
   AIR 1995 SC 1931  
   (UCC)

(8) Bai Taahira Vs. Ali Hussain Fissali  
   AIR 1979 SC 362

(9) Smt. Mohinidevi Vs. Virendrakumar  
   AIR 1975 SC 1539
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S.Y. LL.B.
SEMESTER – III

PAPER-11 FAMILY LAW - II

Law relating to joint family; inheritance; child and the family; family courts; 85 Marks

Prescribed Cases 15 Marks

(1) Joint Family :
1. Mitakshara joint family
2. 'Mitakshara coparcenary' - formation and incidents.
3. Property under Mitakshara law - separate property and coparcenaries property.
4. Dayabhaga coparcenary - formation and incident.
5. Property under Dayabhaga law.
6. Karta of the joint family - his position, powers, privileges and obligations.
7. Alienation of property - separate and coparcenary.
8. Debts - doctrines of pious obligations and antecedent debt.
9. Partition and re-union.
10. Joint Hindu family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.
11. Matrilineal joint family

(2) Inheritance :
1. Hindus
2. Historical perspective of traditional Hindu law as a background to the study of Hindu Succession Act, 1956.
4. Devolution of interest in Mitakshara coparcenary with reference to the provision of Hindu Succession Act, 1956.
5. Succession property of a Hindu female dying the testate under the provision of Hindu Succession Act, 1956.
6. Disqualification relating to succession.
8. Marum akkatayam and Aliyasantana laws governing people living in Travancore-Cochin and the districts of Malabar and South Kanara.
9. Muslims
10. General rules of Succession and exclusion from succession.
11. Classification of heirs under Hanafi and Ashira schools and their shares and distribution of property.
13. Heirs and their shares and distribution of property under the Indian Succession Act, 1925.

(3) **Child and Family**:

1. Legitimacy
2. Adoption
3. Custody, maintenance and education.

(4) **Establishment of Family Courts**:

1. Constitution, power and functions.
2. Administration of gender justice

**Cash Law**:

1. Arunachala Mudlier Vs. Mruganatha AIR 1954 SCR 243
2. Raman Nadar Vs. Snehapoo AIR 1970 SC 1759
5. Ddhanraj Vs. Smt. Surajbai AIR 1975 SC 1103
6. Hunooman Persoud Vs. Musummat Babooee 1856 6 MIA 393
7. Nawab Alikhan Vs. Mohamada Begum 1867 75 IA 62
9. Seethalakshmi Ammnal Vs. Ponnuswamy Nadar ILR 1966 Mad. 373
11. Chunilal Vs. Bai Samarath 16 Bom. LR 366 PC 380
Select Bibliography (For Family Law - I & II)
Paras Diwan : Hindu Law (1985)
P.V. Kane, History of Dhamasastra Vol. pt.1 at 624-632 (1974)
A. Kuppuswami (ed.) Mayne's Hindu Law and Usage Ch. 4 (1986)
B. Sivaramayys, Inequalities and the Law (1985)
J.D.M. Derrett, Hindu Law: past and Present
J.D.M. Derrett, Death of Marriage Law.
A.A.A. Fyzee, Outline of Mohammedan Law (1998)
Alladi Kuppuswami (ed.) Mayne's Hindu Law and Usage (1986)
VEER NARMAD SOUTH GUJARAT UNIVERSITY, SURAT.
S.Y. LL.B.
SEMESTER – III
PAPER-12 JURISPRUDENCE (LEGAL THEORY)

Jurisprudence 100 Marks

The Paper includes the following UGC Model Curriculum Details:

(1) Introduction
   1.1 Meaning of the terms Jurisprudence
   1.2 Norms and 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 of 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 42
      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 Means 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

Bodenheimer Jurisprudence - The Philosophy and Method of Law (1996), Universal, Delhi
W. Friedmann, Legal Theory (1999) Universal, Delhi
V.D. Mahajan, Jurisprudence and Legal Theory (1996 re-print), Eastern, Lucknow
Paton G.W., Jurisprudence (1972) Oxford, ELBS
Roscoe Pond, Introduction to the Philosophy of Law (1998 Re-print) Universal, Delhi
Das, Jurisprudence (1994 First Indian re-print), Adithya Books, New Delhi
Interpretation of Statutes

(1) Introduction
(2) General Rules of Construction
(3) Presumptions
(4) Internal Aids
(5) External Aids
(6) Retroactive effect of Statutes
(7) Repleas & Temporarily Statutes
(8) Taking Statutes
(9) Penal & Remedial Statutes
(10) Subordinate and Conditional Legislation in Re Delhi Laws
(11) Interpretation of the Constitution
(12) Miscellaneous
(13) Legislative Drafting
  (General Clauses Act, 1897)

The Paper includes the following UGC Model Curriculum Details:

1. Principles of Legislation
   1.1 Law making - the legislature, executive and the judiciary
   1.2 Principle of Utility
   1.3 Relevance of John Rawls and Robert Nozick-individual interest to community interest.
   1.4 Operation of these principles upon legislation
   1.5 Distinction between morals and legislation

2. Interpretation of Statutes
   2.1 Meaning of the term "statutes".
   2.2 Commencement, operation and repeal of statutes
   2.3 Purpose of interpretation of statutes
3. **Aids to Interpretation**

3.1 Internal aids
   3.1.1 Title
   3.1.2 Preamble
   3.1.3 Headings and marginal notes
   3.1.4 Sections and sub-sections
   3.1.5 Punctuation marks
   3.1.6 Illustrations, exceptions, provisos and saving clauses
   3.1.7 Schedules
   3.1.8 Non-obstante clause

3.2 External aids
   3.2.1 Dictionaries
   3.2.2 Translations
   3.2.3 Travaux Preparatoires
   3.2.4 Statutes in pari materia
   3.2.5 Contemporanea Exposito
   3.2.6 Debates, inquiry commission reports and Law Commission reports

4. **Rules of Statutory Interpretation**

4.1 Primary Rules
   4.1.1 Literal rule
   4.1.2 Golden rule
   4.1.3 Mischief rule (rule in the Heydon's case)
   4.1.4 Rule of harmonious construction

4.2 Secondary Rules
   4.2.1 Noscitur a sociis
   4.2.2 Ejusdem generic
   4.2.3 Reddendo singular singulis

5. **Presumptions in statutory interpretation**

5.1 Statutes are valid
5.2 Statutes are territorial in operation
5.3 Presumption as to jurisdiction
5.4 Presumption against what is inconvenient or absurd
5.5 Presumption against intending injustice
5.6 Presumption against impairing obligations or permitting advantage from one's own wrong.
5.7 Prospective operation of statutes
6. **Maxims of Statutory Interpretation**
   6.1 Delegatus non potest delegare
   6.2 Expressio unius exclusion alterius
   6.3 Generalia specialibus non derogant
   6.4 In pari delicto potior est conditio possidentis
   6.5 Utres valet potior quam pareat
   6.6 Expressum facit cessare tacitum
   6.7 In bonam partem

7. **Interpretation with reference to the subject matter and purpose**
   7.1 Restrictive and beneficial construction
      7.1.1 Taxing statutes
      7.1.2 Penal statutes
      7.1.3 Welfare legislation
   7.2 Interpretation of substantive and adjunctival statutes
   7.3 Interpretation of directory and mandatory provisions
   7.4 Interpretation of enabling statutes
   7.5 Interpretation of codifying and consolidating statutes
   7.6 Interpretation of statutes conferring rights
   7.7 Interpretation of statutes conferring powers.

8. **Principles of Constitutional Interpretation**
   8.1 Harmonious construction
   8.2 Doctrine of pith and substance
   8.3 Colourable legislation
   8.4 Ancillary powers
   8.5 "Occupied field"
   8.6 Residuary power
   8.7 Doctrine of repugnancy
Select Bibliography

P.K. Tripathi: Spotlight on Constitutional Interpretation
H.M. Seervai: Constitutional Law of India (1st chapter)
M.P. Tandon: Interpretation of Statutes
Relevant issue of the Journal of Indian Law Institute.
PAPER-14  LABOUR LAW

Industrial Disputes Act - 1947  25 Marks
Factory Act - 1948  25 Marks
Trade Union Act - 1926  10 Marks
Workmen Compensation Act - 1923  20 Marks
Employees Provident Fund Act - 1952  10 Marks
Prescribed Cases  10 Marks

Prescribed Cases:

(1) Industrial Dispute Act - 1947
   - Bangalore Water Supply Vs. Rajappa AIR 1978 SC (Pg.-548)
   - Uptron India Ltd. Vs. Shammi Bhan & Others (SC) 1998 (I) CLR (Pg.-1043)
   - The Rajasthan State Road Transport Corporation Vs. Krishna Kant AIR 1995 SC (Pg.-335)
   - Palghat BPL & RSP Thzilati Union Vs. BPL India Ltd. (SC) 1996 (II) LCJ (Pg.-335)
   - M/s. Gamon India Vs. Shri Niranjan Das (SC) 1984 (I) LCJ (Pg.-233)
   - Excel Wear Vs. Union of India AIR 1979 SC 25
   - M/s. Glaxo Laboratory Vs. Presiding Officer Labour Court, Meerut AIR 1975 SC (Pg.-50)

(2) Trade Union Act - 1926
   - State Bank of India Staff Association Vs. State Bank of India 1996 II LCJ (Pg.-288)
   - Blue Star Ltd. Vs. Blue Star's Union and Ors. 1996 II FLR (Pg.-866)

(3) Employees Provident Act - 1952
   - P.M. Patel & Sons. Vs. Union of India 1986 (I) LCJ (Pg.-88) SC
   - Organo Chemical Vs. Union of India 1979 (II) LCJ (Pg.-416)

(1) Workmen Compensation Act-1923
   - Ved Prakash Garg Vs. Premidevi 1998 (I) ACJ (Pg.-I) SC
   - Francis De Costa Vs. E.S.I. Corporation 1996 (6) SCC (Pg.-I) SC

(2) Factory Act - 1948
   - J.K. Industries Ltd. And Others Vs. Chief Inspector of Factories and Boilers and Ors. 1998 (I) ACJ (Pg.-722) SC
   - The Clothing Factory National Workers' Union Vs. Union of India 1996( II) LCJ (Pg.-201) SC

The Paper includes the following UGC Model Curriculum details:

(1) \textbf{Historical Perspectives on Labour}

1.1 Labour through the ages – slave labour – guild system division on caste basis – labour during feudal days.
1.2 Colonial labour law and policy

1.3 Labour – Capital conflicts: exploitation of labour, profit motive, poor bargaining power, poor working conditions unorganized labour, bonded labour, surplus labour, division of labour and super specialization – lack of alternative employment:

1.4 Theories of labour and surplus value

1.5 From laissez faire to welfarism and to globalisation: transition from exploitation to protection and from contract to status: changing perspectives on labour.

(2) Trade unionism:

2.1 Labour movement as a counter measure to exploitation – history of trade union movement in India.

2.2 Right to trade union as part of human right to freedom of association-international norms and the Indian Constitution.

2.3 Legal control and protection of trade union: registration, amalgamation, rights immunities, liabilities and dissolution.

2.4 Problems: multiplicity of unions, over politicization – intra-union and inter-union rivalry, outside leadership, closed shop and union-shop, recognition of unions.

(3) Collective bargaining:

3.1 The concept

3.2 International norms – conditions precedent – merits and demerits.

3.3 Bargaining process

3.3.1 Negotiation

3.3.2 Techniques of pressurization: strike and lockout, go-slow, work to rule, gherao, bundh.

3.4 Structure of bargaining: plant, industry and national levels

3.5 Durations and enforcement of bipartite agreement

3.6 Reforms in law

(4) State Regulation of Industrial Relations:

4.1 Theoretical foundations: social justice, labour welfare, public interest, productivity, industrial peace and development and price control.

4.2 Methods of regulation.

4.2.1 Recognition mutual arrangements.

4.2.2 Assistance to bipartite settlement: conciliation, voluntary arbitration, formulation of standing orders.

4.2.3 State prescription of machinery: reference for adjudication (the political overtones), the adjudicatory mechanisms (How do they differ from courts?), award and its binding nature, judicial review of awards.

4.2.4 State prescription of standards in lay off, strike, lockout, retrenchment, closure and transfer of undertakings.

4.3 The conceptual conundrum: industry, industrial dispute, workmen.

4.4 Unfair labour practices.
(5) **Discipline in industry**:  
5.1 Doctrine of hire and fire – history of management's prerogative.  
5.2 Fairness in disciplinary process:  
   5.2.1 Punishment for misconduct – meaning of misconduct  
   5.2.2 The right to know: the charge sheet  
   5.2.3 The right to defend: domestic enquiry, notice, evidence, cross-examination, representation, unbiased inquiry officer and reasoned decision.  
   5.2.4 Prenatal (permission) and postnatal (approval) control during pendency of proceedings (S.33 of the I.D. Act.)  
5.3 Role of management and labour.  

(6) **Remuneration for Labour**  
6.1 Theories of wages: marginal productivity, subsistence, wages fund, supply  
6.2 Concepts of wages (minimum wages, fair wages, living wages, need-based minimum wages)  
6.3 Components of wages: dearness allowance, principle of fixation.  
6.4 Disparity in wages in different sectors – need for retionlisation and national approach.  
6.5 Wage determining process – modes and modalities.  
   6.5.1 Unilateral fixation by employer  
   6.5.2 Bilateral fixation  
   6.5.3 Conciliation, arbitration and adjudication  
   6.5.4 Wage Board and Pay Commission  
   6.5.5 Principles of wage fixation  
6.6 Concept of bonus – computation of bonus  
6.7 Protection of wages: non-payment, delayed payment, unauthorized deductions-remedial measures.  

(7) **Health and Safety**:  
7.1 Obligations for health and safety of workmen – legislative controls: factory, mines and plantations.  
7.2 Employer's liability  
   7.2.1 Workmen's compensation  
   7.2.2 Employee's State Insurance  
   7.2.3 Liability for hazardous and inherently dangerous industries – environmental protection.  

(8) **Labour Welfare**:  
8.1 Welfare provided by the employers and through bipartite agreements and by statutory prescription.
8.2 Provident fund and family pension.
8.3 Gratuity
8.4 Insurance
8.5 Inter-state migrant workmen – regulation of employment and conditions of service.
8.6 Employment of young persons : prohibition of employment of children, regulation of employment of young persons.
8.7 Woman and labour force
  8.7.1 Equal remuneration law, maternity benefits, protective provisions for women under factories, plantations and mines laws.

(9) Protection of the weaker sectors of labour:
  9.1 Tribal labour : need for regulation
  9.2 Unorganized labour like domestic servants : problems and perspectives
  9.3 Bonded labour : socio-economic programmes for rehabilitation.
  9.4 Contract labour – regulation
  9.5 Daily wage workers.

Select bibliography
Srivastava K.D. : Disciplinary Action against Industrial Employees and its Remedies (1990), eastern, Lucknow.
V.V. Girl : Labour Problems in Indian Industry Chs. 1 and 15, (1972)
Report of the National Commission on Labour, Ch. 14-17, 22, 23 and 24.
VEER NARMAD SOUTH GUJARAT UNIVERSITY, SURAT.

S.Y. LL.B.

SEMESTER – IV

PAPER-15 LAW OF TAXATION

Income Tax Act 50 Marks
Gujarat (VAT) Act. 25 Marks
Central Sales Tax Act. 25 Marks

Statutory Material Prescribed:
(1) Income Tax Act - 1961
(2) Income Tax Rules – 1962
(3) Constitution of India Act – 265 & 289

The Paper includes the following UGC Model curriculum Details:

(1) General Perspective:
   1.1 History of tax law in India.
   1.2 Fundamental principles relating to tax laws
   1.3 Governmental financial policy, tax structure and their in the national economy.
   1.4 Concept of tax
      1.4.1 Nature and characteristics of taxes
      1.4.2 Distinction between
         1.4.2.1 Tax and fee
         1.4.2.2 Tax and cess
         1.4.2.3 Direct and indirect taxes
         1.4.2.4 Tax evasion and tax avoidance.
   1.5 Scope of taxing powers of Parliament, state Legislature and local bodies.

(2) Income Tax
   2.1 Basic Concepts
      2.1.1 Income
      2.1.2 Total Income
      2.1.3 Income not included in total Income
      2.1.4 Deemed income
      2.1.5 Clubbing of income
   2.2 Assessee
   2.3 Person
   2.4 Tax Planning
2.5 Chargeable income

2.5.1 Heads of Income

2.5.1.1 Salaries
2.5.1.2 Income from house property
2.5.1.3 Income from business or profession
2.5.1.4 Capital gains.
2.5.1.5 Income from other sources

2.5.2 Deductions, relief and exemptions

2.5.3 Rate of income tax

2.6 Income Tax Authorities

2.6.1 Power and functions

2.7 Offences and penal sanctions

2.8 Settlement of grievances

2.8.1 Authorities, powers and functions

(3) Other Tax Laws:

3.1 Wealth Tax

3.1.1 Taxable wealth, determination of value of assets, exemptions and rate of wealth tax
3.1.2 Wealth tax authorities
3.1.3 Offences and penalties

3.2 Central Sales Tax and/or State Sales Tax

3.2.1 Sale or purchases of goods

3.2.1.1 Meaning of sale
3.2.1.2 Sale in the course of inter-state trade and commerce
3.2.1.3 Sale to take place outside a state
3.2.1.4 Sale in the course of export of import
3.2.2 Charge of tax
3.2.3 Exemption and rebate
3.2.4 Sales tax authorities
3.2.5 Offences and penalties

3.3 Service Tax

3.3.1 Taxable service

3.3.1.1 Meaning and importance of service tax
3.3.1.2 Constitutional perspective
3.3.1.3 Salient provisions of the service tax law
3.3.1.4 Valuation of taxable service
3.3.1.5 Offence and penalties

Select bibliography:

Remesh Sharma: Supreme Court on Direct Taxes (1998), Bharath Law House, New Delhi.
Law and Practice relation to Central Sales Tax Act: Govt. Publication.
Singhania: Direct Taxes Law and Practice.
Sundaram: Law of Income Tax in India.
VEER NARMAD SOUTH GUJARAT UNIVERSITY, SURAT.
S.Y. LL.B.
SEMESTER – IV

PAPER-16 HUMAN RIGHTS AND INTERNATIONAL LAW

Human Rights 50 Marks
International Law 50 Marks

Human Rights:
(2) Civil and Political Rights & Part-III of Indian Constitution.
(3) Economic, Social and Cultural Right and Part-IV of Indian Constitution.
(5) Enforcement of Human Rights:
   - International Mechanism (U.N.O.)
   - National Mechanism (Legislative, Executive, Judicial)
(6) Human Rights, Legal Aid and Access to Justice – Problems and Perspectives role by N.G.O. (PUCL, PUOR, Citizen for Legal Aid to Democracy, Common Cause)
   - International Organizations (Amnesty International, Asia Watch, Law Asia)
   - International Bar Association
   - National Commissions on Minorities Women, Scheduled Cast and scheduled Tribe.

International Law:
(1) Historical Background
(2) Basic Principles of International Law
   - Sovereignty of States and Equality of States.
   - Non intervention into internal and external affairs of State.
   - International Co-operation
   - Non use of force
   - Peaceful settlement of Disputes.
(3) Sources of International Law
   - Treaties
   - Custodians
   - General Principles of International Law

21
- U.N. Statistic Assembly Resolutions as source of International Law
- Non Statistic Sources of International Law

(4) Relationship Between National Law and International Law

(5) Subjects of International Law:
- State (Recognition of States and Government & State Succession)
- Internal Organization
- Individuals/People
- In NCS and other Private Entities

(6) Jurisdiction of State
- Territorial
- Personal
- Protective
- Universal (terrorism, high seas, narcotics, War crimes & Crimes against Peace)
- Diplomatic immunities and Privileges
- State Immunities
- Law of Sea
- Law of Air & Outer Peace


(8) Permanents Settlements of Disputes (Art.33 of U.N. Chapter)

(9) International Economic Law – GATT/WTO Regime
- International Fiscal Institutions
- International Regime of Intellectual Property rights
- Foreign Investment

The Paper includes the following UGC Model Curriculum Details:

(1) Theoretical Foundations of Human Rights and International Law

1.1 Basic principles: Sovereign equality of states, non-intervention, non use of force, international co-operation, peaceful settlement of disputes.

1.2 Individuals as subjects of international law

1.3 State jurisdiction on terrorism, hijacking, narcotics, war crimes and crimes against peace.

1.4 Treatment of aliens.

(2) Historical development of the concept of Human Rights.

2.1 Human Rights in Indian tradition: ancient, medieval and modern.

2.2 Human Rights in western tradition.

2.2.1 Concept of natural law
2.2.2 Concept of natural right

2.3 Human Rights legal tradition: International and National Law.

(3) UN and Human Rights

3.1 Universal Declaration of Human Rights (1948) – individual and group rights
3.2 Covenant on Political and Civil Rights (1966)
3.3 Covenant on Economic, Social and Cultural Rights (1966)
3.4 I.L.O. and other Conventions and Protocols dealing with human rights.
3.5 Solidarity rights
3.6 Disarmament: threat to human rights.
3.7 International HR Commission
   3.7.1 Mandates of States
3.8 Right to development

(4) Role of Regional Organizations:

4.1 European Convention on Human Rights
4.2 American Convention on Human Rights
4.3 African Convention on Human Rights
4.4 SAARC

(5) Protection agencies and mechanisms

5.1 International Commission of Human Rights
   5.1.1 Amnesty International
   5.1.2 Non-Government Organizations (NGOs)
5.2 European Commission on Human Rights/Court of Human Rights.
5.3 U.N. Division of Human Rights
5.4 International Labour Organization
5.5 UNESCO
5.6 UNICEF

(6) Impact and implementation of International human rights norms in India.

6.1 Human Rights norms reflected in fundamental rights in the Constitution.
6.2 Directive Principles: legislative and administrative implementation of international human rights norms
6.3 Implementation of international human rights norms through judicial process

(7) Enforcement of Human Rights in India

7.1 Role of Courts: the Supreme Court, High Courts and other courts.
7.2 Statutory commissions – human rights, women's minority and backward class.
Select bibliography:


Batra T.S. : Human Rights – A critique


National Human right Commission : Annual reports, Bulletin.

Basu D.D. : Human Rights in Institutional Law

Journals of Indian Society of International Law

M.P. Tandon : Public International Law

Paras Diwan : Human Rights and Law

VEER NARMAD SOUTH GUJARAT UNIVERSITY, SURAT.

S.Y. LL.B.

SEMESTER – IV

PAPER-17 COMPANY LAW

Companies Act, 1956 85 Marks
Prescribed Cases 15 Marks

Prescribed Cases:
(1) Saloman Vs. Saloman & Co. Ltd. 1891 A.C. 22
(2) Damlar Co. Ltd. Vs. Continental Tier & Rubber Co. (1916) 2 C. 307
(3) Bacha F. Guzdar Vs. Comm. of Income Tax (Bombay) AIR (1955) SC 74
(4) Ashbury Railway Carriage and Iro Co.Ltd. Vs. Riche (1875) 44 L.J.Exch.185
(5) Dr. A. Lakshman Swami Mudaliar Vs. L.I.C. AIR (1963) SC 1185
(6) Royal British Bank Vs. Turquand (1856) 118 ER 886
(7) Derry Vs. Peek (1889) 14 AC 337
(8) Foss Vs. Harbottle 67 ER 189-1843, 2 Hare 461
(9) State Trading Co. of India Ltd. Vs. C.T.O. (1963) SCI 705
(10) Heavy Engineering Mazdoor Union Vs. Sate of Bihar AIR (1970) SC 82
(11) In Kingston Cotton Mill Co. No.2 (1896) Ch.D. 228-229

The Paper includes the following UGC Model Curriculum Details:
(1) Meaning of Corporation
   1.1 Theories of Corporate Personality
   1.2 Creation and extinction of corporations
(2) Forms Corporate and Non-Corporate organisations
   2.1 Corporations, partnerships and other association 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.
   3.4 Promoters – position – duties and liabilities.
      3.4.1 Shares – general principles of allotment statutory restrictions – share certificate its objects and effects – transfer of shares – restrictions on transfer – procedure for transfer – refusal of transfer – role of public
finance institutions – relationship between transferor and transferee – issue of shares at premium and discount – depository receipts – dematerialized shares (DEMAT)

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.


3.5.1 Meetings – kinds – procedure – voting.

3.5.2 Dividends – payment – capitalisation – profit.

3.6 Audit and accounts

3.7 Borrowing powers – effect of unauthorized borrowing – charges and mortgages – loans to other companies – investments – contracts by companies.


3.9 Protection of minority rights


3.11 Investigation – powers

3.12 Private companies – nature and advantages – government companies – holding and subsidiary companies.

3.13 Regulation and amalgamation.


(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:

R.R. Pennington : Company Law (1990), Butterworths.
M.J. Shetna : Company Law.
(1) Historical Background
(2) Revenue Code and Revenue Rules
   (I) Revenue officers and Courts Jurisdiction, Power and Functions
   (II) Survey and Settlement
   (III) Assessment of Land Revenue
   (IV) Tenure Holder – His rights and obligations
   (V) Lease – Tenant
   (VI) Devolution of Rights in Land

(3) Ceiling Act – Agricultural and land Ceiling
(4) Consolidation

Statutory Legislations:
(1) Gujarat State Revenue Code and Gujarat Land Revenue Rules-1879 40 Marks
(2) Land Acquisition Act-1894 (1984 – Amended) 15 Marks
(3) The Bombay Prevention of Fragmentation and Consolidation of Holding Act-1947 & Rules 10 Marks
(4) The Bombay Tenancy and Agricultural Land Act-1948 15 Marks
(5) The Mamalatdar Courts Act. 10 Marks
(6) Agricultural coiffing 10 Marks

Recommended Books:
(1) Annual Survey of Indian Law – Volume Relevant Section on "Law and Agarian Reforms".
(2) Land Tenure in India Vol.-3 (By : B.H. Eodenpowell)

The Paper includes following UGC Model Curriculum Details:
(1) Constitutional Provisions:
   1.1 Fundamental Rights
   1.2 Agricultural Reform
   1.3 Legislative Powers
      1.3.1 The Union
      1.3.2 States
      1.3.3 Local bodies