

Subodh Law College

B.A, LL.B. Five Year Integrated course

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Syllabus

VI Semester

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Paper 6.26 FAMILY LAW - II

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20(10 internal Exam
10 Project & Viva)

One is to provide adequate sociological perspectives so that the basic concepts relating to family are expounded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts. The third objective is to view family law not merely as a separate system of personal laws based upon religious but as the one cutting, across, the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code. Such a restructuring would make the study of familial relations more meaningful.

Module No-1

- (a) Child and the Family
 - i. Legitimacy
 - ii. Adoption
- (b) i Custody, Maintenance & Education
 - ii Guardianship & Parental Rights, Welfare of the child principle

Module No-2

- (a) Inheritance
 - i. Succession to property of a Hindu male dying intestate under the provisions of IAS 1956
 - ii. Succession to property of a Hindu female dying intestate disqualification relating to succession
- (b) i General rules of succession & exclusion from succession
 - ii Heirs and their shares and distribution of property

Module No- 3

- (a) Joint Family & Coparcenaries

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- i. Mitakshara Joint Family
- ii. Mitakshara Coparcenaries-formation & incidents
- iii. Property under Mitakshara law-separate property and coparcenaries property

- (b) i Dayabhaga Coparceners- formation & incidents
- ii Property under Daybhaga Law

Module No- 4

- (a) i. Partition and reunion
- ii. Property Jointly acquired by coparceners
- iii Income of hereditary profession
- iv Property thrown into common stock and blended property
- (b) Karta of Joint Family- his position, powers, privilege and obligations

Module No- 5

- (a) i Alienation of Property
- ii. Separate Property
- iii Coparcenaries Property
- (b) i. Debts- Doctrines of Pious obligations
- ii. Antecedent debt

Module No- 6

- (a) i. Alimony & Maintenance
- ii. Maintenance as a personal obligation
- iii. Neglected wives divorced
- (b) i. Quantum of Maintenance
- ii. Arrears of Maintenance
- iii. Maintenance as charge on property
- iv. Alternation of the amount of Maintenance
- v. Alimony & Maintenance as an Ancillary relief

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Module No- 7

- (a) Maintenance of neglected wives, divorced wives, minor children, disabled children and parent who are unable to support themselves under the code of Criminal Procedure 1973
- (b) Special Marriage Act: Who and how a person can marry under the act. Right to property to people who marry under special marriage act

Case Laws:

1. K.V. Narayana v. K.V. Ranganathan AIR 1976 SC 1715
2. Commissioner of Wealth Tax v. Chandersen AIR 1986 SC 1754
3. Raghavamma v. Chanchamma AIR 1964 SC 136
4. Balmukund v. Kamlawati AIR 2006 SC 3282
5. Anar Devi & others v. Parmeshwari Devi & others AIR 2006 SC 3332
6. Mrs Bay Berry Apartments Pvt. Ltd. & Anr v. Shobha & ors AIR 2007 SC 226
7. Gurupad v. Hirabai AIR 1978 SC 1239
8. Ritu Dutta & Anr v. Subhendu Dutta AIR 2006 SC 189
9. Sharad Subramanyam v. Saumi Mazumdar & ors. AIR 2006 SC 1993
10. Bhogadi Kannababu & ors v. Vuggina Pydamma AIR 2006 SC 2403

Reference:

1. Paras Diwan. Hindu Law (1985)
2. Paras Diwan. Muslim Law
3. Mulla. Muslim Law
4. Pyzee Outlines of Muslim Law
5. Tahir Mahmood. Hindu Law
6. Jaspal Singh. Law of Marriage and Divorce in India
7. N.D.Basu. Law of Succession

Paper 6.27 LABOUR LAW – II

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20(10 internal Exam
10 Project & Viva)

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Module- 1

Concept & Philosophy of Labour Law

- (a) Theories of Labour Welfare
- (b) Role of Labour Welfare Officers and Trade Union

Module- 2

The Child Labour Prohibition & Registration Act. 1986

- (a) Definitions
- (b) Prohibition of Employment of Children in certain occupations and processes.

Module- 3

- (a) The Factories Act 1948
 - i. Definition and concept of factory
 - ii. Manufacturing process
- (b) Provision relating to health, safety and labour welfare

Module- 4

- (a) Working hours leaves and holding under F.A. 1948
- (b) Protection to Women & Children

Module- 5

The Payment of Wages Act 1956

- (a) Definitions
- (b) Payment of wages and deductions from wages

Module- 6

International Law Organisation

- (a) Aims, objectives, origin and development
- (b) Constitution and organs

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Module- 7

Ratification of I.L.O. Convention by India
reasons of non ratification

Suggested Readings

1. Misra S.N. Labour and Industrial Laws
2. Srivastava K.D. Commentary on Factories Act. 1948
3. Dhyani S.N.: I.L.O. and India
4. Chopra D.S.- Payment of Wages Act
5. Report of National Commission Labour
6. K.A. Vaid: Labour Welfare in India
7. Moorthy: Principles of Labour Welfare
8. B.D. Rawat: I.L.O.

Paper 6.28 COMPANY LAW – II

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20(10 internal Exam
10 Project & Viva)

Aims and Objectives:

Industrialisation plays a very vital role in the economic development India. In the post independence era. The industrial regulation is employed as a principal means in the strategy for attaining constitutional values. Companies are no doubt powerful instruments for development. Besides bringing and financial benefits to the capital and labour they help amelioration of the living conditions of masses. In developing society like India. Vast various of consumer goods are manufactured or produced and different kinds of public utility services are generated both for general welfare and consumption purposes. Obviously it is beyond the capacity of one or a few entrepreneurs there is a looming

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danger of market risks. Hence taking recourse to the device of incorporation is the only efficacious way to surmount on such hurdles.

This course comprises of 7 parts of 6 hours duration. Each unit is further divided into two parts:

Module- 1

- (a) Shares:-
- i. Allotment of Shares
 - ii. Transfer of Shares
- (b) Call, Forfeiture, Surrender of Shares

Module-2

- (a) Debentures
(b) Kinds of Debentures

Module- 3

- (a) Directors
- i. Position
 - ii. Appointment
 - iii. Removal

Module -4

- (a) Power of Directors
(b) Duties of Directors

Module- 5

- (a) Meetings
- i. Statutory Meeting
 - ii. Annual General Meeting
 - iii. Extraordinary General Meeting
 - iv. Procedure & requisite of a valid meeting
- b) Majority powers & Minority Rights
- i. Rule in Foss v. Harbotile
 - ii. Exceptions

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Module- 6

- (a) Prevention of oppression
- (b) Prevention of Micromanagement

Module- 7

- (a) Winding up of companies
 - i. By Court
 - ii. Voluntary Winding up
 - Members voluntary winding of
 - Creditors voluntary winding of

JUDGMENT:-

1. Corporation of India v. Escorts Ltd (1986) comp. cas. 548
2. New horizons ltd another v. Union of India (1995) comp. 100 (SC)
3. Lakshmanaswami Mydaliar v. HC. AIR 1963 SC 1185
4. Raymonds synthetics ltd v. Union of India (1992) 73 comp. cas. 762 (SC)
5. ICICI ltd v. Srinivas agencies (1996) (2) SCALE 774 (SC)
6. Union of India v. Shalimar works ltd. (1987) comp. cas. 664
7. Bajaj Auto ltd. v. N.K. Firodia & Ors. AIR 1971 SC 321
8. Unity Company v. Diamond suger mills. AIR 1971
9. M/s Madhusudan Goverdhan Das and Company v. Madhav Wollen Industries ltd. AIR 1971 SC 2600
10. Shanti Prasad Jain v. Kalinga Tubes ltd. AIR 1965 SC 1535

Suggested Readings

1. S.M.Shan: lectures on Company Law. N.M. Tripathi Mumbai
2. Avtar Singh : Company Law, Eastern Book Co. Lucknows
3. Taxmans: Company Law and Practice.
4. A Ramaiya: Guide to Companies at. Wedhwa

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5. S.M. Shaw :lectures on Company Law ,Trapathi Mumbai
6. Topham and I vamy : Company Law. Butterworth
7. I.C.B. Gower: Principles of Modern Company Law. Sweet and Maxwell. London
8. Palmer: Plamers Company Law. Stevans London

Paper 6.29 Health Law

Total Marks: 100 (80+20)
External Exam: 80
Internal Marks: 20 (10 Internal Exam
10 Project & Viva)

Aims and Objectives:

Medical profession is considered to be one of the best professions in the world. India is no exception to it. Indian people used t respected the doctors next to god but with the passing of exception to it. Indian people lost faith in the Medical Profession because of the fact it turned to be commercialized & service of mankind become the secondary element. Due to the changed attitude of the doctors towards his patients study of Medical Jurisprudence by the law students grew up to be the need of the hour so that they are aware of the duty of care of the doctor towards the patient.

So this syllabus of Medical Jurisprudence is divided in 7 parts.

Module - I

- i. Definition & Scope of Medical Jurisprudence
- ii. What are different parts of human body

Module - 2

Discuss post mortem examinations in the following

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- i. Aims & Objectives with
- ii. What is the examination of decomposed bodies. Discuss with rules

Module – 3

- i. Discuss human injuries in details
- ii. What is exhumation. Discuss its effects on human bodies

Module – 4

What are irritant poisons

- i. Inorganic
- ii. Organic
- iii. Mechanical
- iv. Spinal
- v. Cardiac

Module – 5

- i. Examination of biological stains and hair
- ii. Examination of Blood
- iii. Blood Stains
- iv. Other body fluids
- v. Semens
- vi. Artificial Semens

Module – 6

- i. Death and its modes
- ii. Medico legal aspects

Module – 7

- i. Law relating to Medical Men
- ii. Medical ethics

Books recommended:

1. **Dr. Jai Singh P. Modi**
2. **Dr. K.S. Reddy**
3. **Dr. Nandi Apurba**
4. **Dr. C.K. Parikh**
5. **Taylor: Medical Jurisprudence**

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Paper 6.30 Law of Insurance

Total Marks: 100 (80+20)

External Exam: 80

Internal Marks: 20 (10 Internal Exam
10 Project & Viva)

The insurance idea is an old institution of transactional trade. Even from olden days merchants who made great adventures gave money by way of consideration to other persons who made assurance against loss their goods. The rates of money consideration were mutually agreed upon. Such an agreement enabled other merchants more willingly and more freely to embark upon further trading adventure. The operational framework of insurance idea is provided by the general principles of contract. The insurance policy being a contract is subject to all the judicial interpretative techniques of rule interpretations propounded by the judiciary. Besides the insurance idea has compensatory justice component.

This course is designed to acquaint the students with the conceptual and parameters of insurance law.

Module - I

- (a) (i) Definition, nature and history of insurance
- (ii) Concept of insurance and law of contract and law of torts.
- (b) (i) History and development of insurance in India.
- (ii) Insurance Regulatory Authority- Role and Functions

Module – 2

- (a) (i) Contract of insurance- Classification of contract of insurance, nature of various insurance contracts parties thereto.
- (ii) Principles of good faith-non disclosure misrepresentation in insurance contract

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- (b) (i) Insurable interest, the risk conditions of policy
 - (ii) Alternation of the risk.
- Assignment of the subject matter.

Module – 3

- (a) (i) Nature & Scope of Life Insurance
- (ii) Definition, Kinds of Life Insurance
- (b) (i) The policy and formation of a life insurance contract
- (ii) Circumstances affecting the risk

Module – 4

- (a) (i) Amounts recoverable under the life policy
- (ii) Person entitled to payment
- (b) (i) Settlement of claim and payment of money
- (ii) structural set of the life insurance corporation

Module – 5

- (a) (i) The Motor Vehicles Act. 1988 (Charter VII)
- (ii) Nature & scope, persons governed, definitions of 'use', 'drives', 'motor vehicle'
- (b) (i) Effect of insolvency or death on claims, insolvency and death of parties, certificate of insurance

Module –6

- (a) (i) Nature & Scope
- (ii) Marine Insurance Act 1963
- (b) (i) Insurable interest, insurable interest
- (ii) Marine insurance policy condition express warranties

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Module- 7

- (a) (i) Public Liability insurance
- (ii) No fault liability
- (b) (i) Medical Insurance Act
- (ii) Risk Cover Scheme

Case Laws

1. Chandulal v. I.T. Commissioner AIR 1967 SC 816
2. Mithu Lal Nayak v. Life Insurance Corporation of India AIR 1962 SC 814
3. Reserve Bank of India v. Peerless General Finance and Investment Co. AIR 1987 1023
4. Rajni Bai v. New India Assurance AIR 1956 Bom. 633

Bibliography

1. Singh Bridge Anand. New Insurance Law (2000)
2. Union Book Publishers. Allahabad
3. Ivamy. Case Book on Insurance Law (1984) Butterworths
4. Ivamy. General Principles of Insurance Law (1993) Butterworths
5. Screenvasan M.N. Principles of Insurance Law (1997) Ramaniya Publishers, Bangalore

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