

**Shri Rawatpura Sarkar University,
Raipur**



**Examination Scheme & Syllabus
for
L.L.B.
Semester-V**

(Effective from the session: 2019-20)



**Faculty of Law,
Shri Rawatpura Sarkar University, Raipur
L.L.B.**

Semester-V

Examination Scheme

(Effective from the session: 2019-20)

S · N	Paper Code	Name of Subject	Th/ Pr	Type of Paper	Teaching hours per week				Examination Scheme				Total Marks
					L	T	P	TC	Theory		Practical		
									EX	IN	EX	IN	
1	BL501	Company Law	Th	Core	3	1	-	4	70	30	-	-	100
2	BL502	Public International Law	Th	Core	3	1	-	4	70	30	-	-	100
3	BL503	Interpretation of Statutes	Th	Core	3	1	-	4	70	30	-	-	100
4	BL504	Human Rights Law	Th	Core	3	1	-	4	70	30	-	-	100
5	BL505	Moot Court Exercise and Internship (Practicals)	Th	Core	3	1	-	4	70	30	-	-	100
Total contact hrs. per week					40				Total Credit: 20		Grand Total Marks: 500		



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Course Title	Company Law			
Course Code	BL501			
Course Credits	L	T	P	TC
	3	1	-	4
Prerequisites	Introduction regarding Company law			
Course Objectives	<ul style="list-style-type: none"> Companies play a very vital role in an economy. In India, the Companies Act, 2013 primarily regulates the formation, financing, functioning and winding up of companies. The students will be elaborately taught about the regulatory mechanism regarding all relevant aspects including organizational, financial and managerial aspects of companies. Regulation of financial and managerial aspects constitutes the main focus of the subject 			
Course Contents	<p>UNIT-I Introduction, History and Definition of Company, Registration of Corporate Entity, Corporate Veil, Company and Hindu undivided Family, company and Partnership, Club, Association of Persons, Advantages and Disadvantages of Incorporation, Kinds Companies and Application of the Act. Interpretation and Definitions of Various Terms.</p> <p>UNIT-II Formation of Companies, Promotion, Promotor and his Rights and Liabilities, Incorporation, Memorandum of Association and Articles of Association, Doctrine of Ultra-Vires, Prospectus, Definition, Contents of Prospectus Punishment for Misrepresentation in the Prospects, Members of the Company, Members and Shareholders and Public Trustees.</p> <p>UNIT-III Share and Share Capital, Allotment of Share, Statutory Restriction on Allotment, General Principles as to Allotment, Company which cannot issue prospectus, Irregular Allotment, Return as to Allotment, Issue of Share at Discount, Underwriting Commission, Brokerage, Issue of Share at Premium, Share Capital : Definition, Nature of Share Certificate, Position of Transferor and Transferee, Procedure, Blank Transfer, Right to Refuse Registration, Restriction on the Acquisition and Transfer of Share, Certificate of Transfer, Kinds of Share, Power of Company to Accept Payment in Advance of Calls. Reserve Liability, Alteration of Capital Reorganisation of Share Capital. Reduction of Capital, Share Warrant. Directors, Position of Directors, Appointment, Powers and Duties of Directors, Other Office Bearers of the Company.</p> <p>UNIT-IV Dividend, Debenture, Accounts and Audit, Borrowing Powers of the Company, Investment and Contract, Majority Powers and Minority Rights and Rule of Foss and Harbottle, Mismanagement and Remedies, Compromise. Arrangement, Reconstruction and Amalgamation, Investigation and Liquidation and</p>			



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	<p>Consequences of Winding up of the Companies.</p> <p>UNIT-V</p> <p>Leading Cases;1.Saloman Vs. Soloman and Company Ltd., 1897, PC 22.,2.Income Tax Commissioner Vs. Shri Meenakshi Mills, A.I.R., 1967, SC 819.3.Nareshchand Vs. Calcutta Stock Exchange Association AIR 1971, SC 422.4.N. Goverdhandas & Company Vs. N.W. Industries Pvt. Ltd. AIR 1971, SC 2600.5.Official Liquidator Vs. P.A. Tandolkar AIR 1973, SC 1104.6.R. Methlone Vs. Bombay Life Insurance Corporation Ltd. AIR 1953, SC 195.</p>
Course Outcomes	<ul style="list-style-type: none">• After completion of course students will have Sound knowledge of corporate laws.• Students will acquire knowledge relating to company law, formation of company, its functioning and means by which company's existence can be dissolved.• Also students will acquire knowledge relating to company restructuring, mergers and amalgamations.• Also students will get to know about company law board and its functioning.
Text Books	<ol style="list-style-type: none">1. Company Lax - Philip. K. Thayil.2. Lectures on Company Law - S.M. Shah.3. Indian Company Law - Awtar Singh.4. Company Law - R.R. Maurya.
Reference Books	<ol style="list-style-type: none">1. Company Law - Dr. Ramchandran.2. Students Guide to Company Law – Taxmann3. Company Law- N.V Paranjape.



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Course Title	Public International law				
Course Code	BL502				
Course Credits	L	T	P	TC	
	3	1	-	4	
Prerequisites	Introduction regrading Public International.law				
Course Objective	<ul style="list-style-type: none"> To impart knowledge relating to international laws. It would contain within its ambit study of development of international laws, its sources, legality and its relation with the municipal laws of the state. Further the course also aims to explain concept of state, its recognition and also focuses on international organizations. 				
Course Contents	<p>UNIT-I</p> <p>INTRODUCTION:a)Definition and Concept of International Law, Object of International Law, Nature and Origin and development of International Law, b)Sources of International Law, Codification of International Law Relationship between international and Municipal law and difference between Public International law and Law of conflicts subjects of PIL.c) Relationship between international and Municipal law and difference between Public International law and Law of conflicts, subjects of Public International Law</p> <p>UNIT-II</p> <p>GENERAL PRINCIPLES OF INTERNATIONAL LAWa)State - its nature, evolution, and criteria of statehood, Recognition of States and Governments, Meaning and theory of Recognition, Mode of Recognition and legal effects of Recognition, Acquisition and Loss of State Territory b)State Succession-Its kinds and Principles of State Succession, Effect of Succession, State Jurisdiction and State Responsibility, Nationality, Extradition, Asylum, Diplomatic Agents and Treatie c)Law of the Sea - Territorial water, continental shelf, sea bed, ocean-floor, Economic zone, Contiguous Zone</p> <p>UNIT-III</p> <p>LAW OF WAR AND PEACE AND SETTLEMENT OF DISPUTES</p> <p>a) Settlement of International Disputes- Peaceful or amicable methods and forcible or coercive methods for settlement of disputes, Intervention, Neutrality, Blockade, Contraband and Prize Courts b) International Organization- League of Nations and reasons of its failure, Role of United Nations Organization(UNO) and their specialized agencies. Composition, Powers and Functions of The General Assembly and The Security Council, Composition, Powers and Jurisdiction of the International Court of Justice</p> <p>UNIT-IV</p> <p>Some recent trends –International Criminal Courts of Justice, Doctrine of Self determination, International Terrorism Disarmament and Genocide</p>				



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	UNIT-V LEADING CASES:1-Daimlar Co. Ltd Vs. Continental Tyre and Rubber Co. Ltd.(1961)2 A.C. 307 2-Anglo Indian Oil Co. Case(1952) I.C.J.R. 93,3-Harbhajan Singh Vs. Union of India, AIR 1987 S.C. 9
Course Outcomes	After completion of semester students will have <ul style="list-style-type: none">• Knowledge of international law, its sources and legality of international law. In addition they will also get to know the concept of state and its recognition Students will gain knowledge relating to United Nation organization and its functioning.
Text Books	<ol style="list-style-type: none">1. J.K. Stare-An Introduction to the International Law.2. J. L. Brierley -The Law of Nations (Oxford)3. K.C. Joshi - International Law and Human Rights4. S.K. Verma-An Introduction to Public International Law (Prentice-Hall India).
Reference Books	<ol style="list-style-type: none">1. Shaw M.N. - International law (CUP).2. M.C. Nair - The Law of Treaties (Oxford)3. S.K.Kappor - Human Rights under International Law and Indian Law Central Law



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Course Title	Interpretation of statute law			
Course Code	BL503			
Course Credits	L	T	P	TC
	3	1	-	4
Prerequisites	Introduction regarding Interpretation of statute.law			
Course Objectives	<ul style="list-style-type: none"> • :Interpretation takes place whenever the meaning of a legal document must be determined. Lawyers and judges search for meaning using various interpretive approaches and rules of construction. In constitutional and statutory law, legal interpretation can be a contentious issue. 			
Course Contents	<p>UNIT-I</p> <p>Principles and Legislation-Law Making - Legislature, Executive and Judiciary, Principle of Utility, Operation of these Principles upon Legislation, Distinction between Morals and Legislation.</p> <p>INTERPRETATION OF STATUTES - Introduction, Meaning, Commencement, Operation and Repeal of Statutes, Purpose of Interpretation of Statutes Classification of Statutes.</p> <p>UNIT-II</p> <p>GENERAL PRINCIPLES OF INTERPRETATION - Primary Rules, Literal Rule, Golden Rule, Mischief Rule (Rule in the Hydon's Case) Rule of Harmonious Construction. Secondary Rules, Noscitur a Soclis, Ejusdem Generis, Reddendo Singula Singulis, Utres Magis Valeat Quam Pereat, Contemporanea Expositio est Fortissima in Lege.</p> <p>PRESUMPTIONS IN STATUTORY INTERPRETATION - Presumption as to Jurisdiction, Presumption Against inconvenient or Absurd, Presumption Against Intending Injustice,Presumption Against Impairing Obligations or Permitting from One's Own Wrong, Prospective Operation of Statutes.</p> <p>UNIT-III</p> <p>AIDS TO INTERPRETATION AND MAXIMS OF STATUTORY INTERPRETATION - Internal Aids and External Aids, MAXIMS - Delegates Non Potest Delegare, Expressio Unius Exclusio Alterius, Generalia Specialibus non Derogant, In Pari Delicto Potior Est Condition Possidentis,Utresvalet Potior Quam Pareat, Expressum Facit Cessare Tacitum, Jure Nature Sunt Immutabilia.</p> <p>UNIT-IV</p> <p>Interpretation with Reference to the Subject Matter and Purpose - Beneficial Construction,Strict Construction of Penal Statutes and Taxing Statutes, Construction and Interpretation of Welfare Legislation, Harmonious Costruction of the Statutes, Interpretation of Statutes in Pari Materia, Amending, Consolidating and Codifying Statutes, Mandatory and Directory Enactments and Conjunctive and Disjunctive Enactments.</p>			



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	<p>UNIT-V</p> <p>Principles of Constitutional Interpretation - Principles of Implied Powers, Incidental or Ancillary Power, Doctrine of Pith and Substance and Colourable Legislation, Principles of Implied Prohibition, Occupied Field and Territorial Nexus, Doctrine of Severability and Repugnancy and Doctrine of Eclipse and Ancillary Powers. Retrospective and Prospective Operation of Statutes.</p>
Course Outcomes	<p>After completion of this student will be able-</p> <ul style="list-style-type: none">• To analyse and explain various laws and its interpretation• To identify which law should be applied'• To understand various meaning of the same terms used in legal system
Text Books	<ol style="list-style-type: none">1. Principles of Statutory Interpretation - G.P. Singh.2. Interpretation of Statutes and Legislation - M.P. Tondon and Rajesh Tondon.3. Statute Law - Craies.
Reference Books	<ol style="list-style-type: none">1. Interpretation of Statutes - V.P. Sarthi.2. Maxwell's Interpretation of Statute - N.M. Tripathi



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Course Title	Human Rights law				
Course Code	BL504				
Course Credits	L	T	P	TC	
	3	1	-	4	
Prerequisites	Introduction regarding Human Rights				
Course Objectives	<ul style="list-style-type: none"> The objective principles of international humanitarian law and to be acquainted with laws governing the refugees. Human rights are an important focal point in international affairs in the 21st century. Decisions about many crucial issues – how aid funding is distributed, how refugee and migration movements are regulated, when and why states may engage in armed conflict with each other, and the control and distribution of material goods – are guided by human rights theory, and governed by human rights treaties and international human rights law. Human rights influence domestic politics, in the justice system, healthcare, education, and welfare. Human rights also figure in many people’s ethical judgments and personal values. 				
Course Contents	<p>UNIT-I</p> <p>GENERAL BACKGROUND & HISTORICAL PERSPECTIVE: Historical Development and concept of Human Right, Meaning and definition of Human Rights, Theories of Human Rights, Kinds and Classification of Human Rights, Human Right in India ancient, medieval and modern concept rights, Human Right in Western tradition, Concept of natural law and natural rights</p> <p>INTERNATIONAL PROTECTION OF HUMAN RIGHTS: Evolution of the concept of Human Rights, Sources of International Human Rights Law, Protection and implementation of Human Rights under the U.N.O. Charter, Universal Declaration of Human Rights, 1948 –Importance of declaration, Legal, Effect and influence of the Universal Declaration, International Covenant on Economic, Social and Cultural Rights, 1966, International Covenant on Civil and Political Rights, 1966, Convention on the elimination Of all forms of discrimination against women</p> <p>UNIT-II</p> <p>REGIONAL PROTECTION OF HUMAN RIGHTS: European Convention for the protection of Human Rights and Fundamental Freedoms (1950) and European Social Charter, 1961, American Convention on Human Rights, 1969, African Charter on Human and People’s Rights, 1981, Arab Commission on Human Rights</p> <p>UNIT-III</p> <p>NATIONAL PROTECTION OF HUMAN RIGHTS:</p> <p>Impact and Implementation of International Human Rights Norms in India, Human rights norms reflected in fundamental rights in the constitution, Directive principles: legislative and administrative implementation of international human, rights norms through judicial process, Enforcement of Human Right in</p>				



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	<p>India, Role of courts: the Supreme Court, High Courts and other Courts</p> <p>UNIT-IV</p> <p>PROTECTION OF HUMAN RIGHTS ACT, 1993: The National Human Rights Commission- Constitution, Functions and powers of the Commission, Power of Investigation and inquiry into Complaints, The State Human Rights Commission—Constitution, Functions and powers of the Commission, Power of Investigation and inquiry into Complaints, Human Rights Courts, Other Statutory Commissions – Women’s, Minority, ST, SC and Backward classes</p> <p>UNIT-V</p> <p>LEADING CASE: Gaurav Jain Vs. Union of India, AIR 1997 SC 3021, Vikram Dev Sing Tomar Vs. State of Bihar, AIR 1988 SC 178</p>
Course Outcomes	<ul style="list-style-type: none">• After completion of semester students will have• Knowledge of history and evolution of human rights.• In addition they will also get to know the rights, privileges available to the refugees.• Students will gain knowledge relating to International criminal court and functions of United National Human Rights Commission.
Text Books	<ol style="list-style-type: none">1. P.R. Gandhi, International Human Rights Documents (1999) Universal Delhi2. H.O. Agrawal, International Law and Human Rights, Central Law Publication3. S.K. Kapoor, Human Rights Under International Law and Indian Law
Reference Books	<ol style="list-style-type: none">1. P.R. Gandhi, International Human Rights Documents (1999) Universal Delhi2. H.O. Agrawal, International Law and Human Rights, Central Law Publication3. S.K. Kapoor, Human Rights Under International Law and Indian Law



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Course Title	Moot Court Exercises			
Course Code	BL505			
Course Credits	L	T	P	TC
	3	1	-	4
Prerequisites	Introduction and detail.bote in Moot.Court.exercises			
Course Objectives	<ul style="list-style-type: none"> Generally Moot Court means a mock court at which law students argue imaginary cases for practice. A Moot Court is an extracurricular activity in which participants take part in simulated court proceedings, which usually involves drafting briefs (or, memorials) and participating in oral argument. The term moot means ‘a gathering of prominent men in a locality to discuss matters of local importance.’ The modern activity differs from a mock trial, as moot court usually refers to a simulated appellate court or arbitral case, while a mock trial usually refers to a simulated jury trial or bench trial. In most countries, the phrase ‘moot court’ may be shortened to simply ‘moot’ or ‘mooting’. Participants are either referred to as mooters or mooties. 			
Course Contents	<p>This paper may have three components of 30 marks each and a viva for 10 marks :Moot Court (30 marks)- every student may be required to do at least three moot courts in a year with 10 marks for each. The moot court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.Observance of Trial in two cases, one Civil and one Criminal (30 marks). Students may be required to attend two trials in the course of the last two or three years of LL.B studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.(c)Interviewing techniques and Pre-trial preparations and Internship dairy 30 marks. Each student will observe two interviewing sessions of clients at the Lawyer’s Office/ Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/ petition. This will be recorded in the dairy, which will carry 15 marks. (d)The fourth component of this will be Viva Voce examination on all the above three aspects. This will carry 10 marks.</p> <p>The Court work shall be submitted by Student in own handwriting in the College/SOS in Law. The evaluation shall be made by the college/SOS in Law on the basis of participation and record. The college/SOS in Law after valuation shall sent the diaries and marks to the University. The Principal/ Head may himself evaluate and allot marks on the record or authorize any senior members of the staff, for this purpose. In the later case the Principal/Head shall countersign on the awarded marks. Viva-voce shall be conducted by the external examiner appointment by University.</p>			



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Course Outcomes	
Text Books	<ol style="list-style-type: none">1. Moot Court, Pre-trial Preparation and Participaticipation in trial Proceedings - O.P. Mishra (Advocate).2. Moot Court Pre-trial Preparation and Participation in trial Proceedings - Dr. S.P. Gupta.
Reference Books	<ol style="list-style-type: none">1. Moot Court Pre-trial Preparation and Participation in trial Proceedings – J.P.S.Sirohi.2. Practical training for Law students – Prof. J. k. Mittal.