

BARKATULLAH UNIVERSITY, BHOPAL
LL.B. Part III (Semester-VI)
Paper-III Company Law

Maximum Marks : 100
Minimum Marks : 40

Meaning of Corporation

- ✓ Theories of corporate personality
- Creation and exemption of corporations

Forms of corporate and non-corporate organization

- Corporation partnership and other association of persons, state corporations
Government companies, small scale, co-operative, corporate and joint sector

Law relating to Companies - Public and Private - ~~Companies Act, 1956~~ Companies Act, 2013

- Promoters
- Need of company for development, formation of a company, registration and incorporation. *Kind - one person company*
- Memorandum of association - various clauses - alteration therein - doctrine of ultra vires
- Articles of association - binding force - alteration - its relation with memorandum of association - doctrine of constructive notice and indoor management, exceptions
- Prospectus - issue - contents - liability for misstatements, in lieu of prospectus
- Shares - general principles of allotment, statutory restrictions, transfer of shares - relationship between transferor and transferee
- Shareholder - who can be? and who cannot be shareholder - modes of becoming shareholder - calls on shares - forfeiture and surrender to "shares - lien on shares
- 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 shareholders
- Directors - position - appointment - qualifications - vacation of office - removal - resignation - powers and duties of directors - meeting, registers, loans - remuneration of directors - role of nominee directors - companies for loss of office - managing directors and other managerial personnel.
- Meetings - kinds, procedure - voting
- Dividends payment - capitalization - profit
- Audit and accounts

- Borrowing powers-effect of unauthorized borrowing-charges and mortgages-investments
- Debentures - meaning - fixed and floating charges - kinds of debentures share holder and debenture holder, remedies for debenture holders
- Protection of minority rights
- Protection of oppression and mismanagement - who can apply? Powers of the company, court and of the central Government.
- Investigations - powers
- Private companies - nature and advantages, - government companies - holding and subsidiary companies
- 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 subject to supervisions of courts- liability of past members - payment of liability, preferential payment, unclaimed dividends - winding up of unregistered company.

Corporate Liability

- Legal liability of companies - civil and criminal
- Remedies against them - Civil, Criminal and Tortious, Specific relief Act. Writs, liability under special statutes. *National Company Law Tribunal and Special Courts*
Company Tribunal

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,
3. Palmer 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), Tripathi, Bombay
7. Bangia R.K. Company Law
8. Tripathi S.C. Modern Company Law

BARKATULLAH UNIVERSITY, BHOPAL
LL.B. Part III (Semester-VI)
Paper-IV Banking Law

Maximum Marks : 100
Minimum Marks : 40

UNIT-I

Introduction

1. Evolution of Banking institution in India banking definition, banking company in India, banking legislation in India- common law and statutory,
2. Commercial banks: functions
3. Essential functions
4. Agency services
5. System of banking: Unit banking, branch banking, group banking and chain banking

UNIT-II

Bank and Customers

1. Customer: meaning
2. Legal character of banker - customer relationship
3. Special types of customers: Lunatics, minors, agents, administrators and executors, partnership firms and companies
4. Cheque- Duties and liabilities of banks payment of cheques by bank liabilities of the banker in case of dishonour- protection of paying banker - forged cheques-alteration of cheque - collection of cheques and drafts- protection of collecting banker.

UNIT-III

1. Bill of exchange, promissory note - Hundi types of hundi, notary public noting protest acceptance for honour payment for honour
2. Holder and holder in due course- distinction between a holder and holder in due course essential features of negotiable instrument - different types of bill and note reasonable, acceptance and negotiations-
3. types of endorsement - restrictive endorsement - endorsement excluding personal liability- partial endorsement - (once a bearer instrument always a bearer instrument)
4. Dishonour of negotiable instrument

UNIT-IV

Control Banking Theory and RBI

1. Characteristics and function of central banks
2. The Reserve Bank of India as central bank of India

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UNIT-IV

Control Banking Theory and RBI

1. Characteristics and function of central banks
2. The Reserve Bank of India as central bank of India

3. Objectives and organizational structure
4. Functions, Regulations of the monetary system, Monopoly of note issue
5. Credit control, Determination of bank rate policy, Open market operations, Banker of Government, Control over non-banking financial institutions, Economic and statistical research, Staff training, Control and supervisions of other banks,
6. Interest: Rule against penalties, default and recovery

UNIT-V

Banking

Banking in India

(Bankers) Regulations, 1992

and Financial Institutions Act, 1993

SELECTED BIBLIOGRAPHY

1. M.S. Parthasarthy (ed.) *Kharganvala on the Negotiable Instruments Act (1998)*, Butterworth, New-Delhi
2. M.L. Tannen, *Tannen's Banking Law and Practice in India*, (2000) India Law House, New - Delhi
3. S.N. Gupta, *The Banking Law in Theory and Partice*, (1999), Universal New Delhi
4. G.S.N. Tripathi (ed.), *Sethi's Commentaries on Banking Regulation Act 1949 and Allied Banking Laws (2000)*, Law Pub. Allahabad

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LL.B. Part III (Semester-VI)
Paper-V Alternate Dispute Resolution

Maximum Marks : 100
Minimum Marks : 40

A Arbitration : meaning scope and types

Arbitration Agreement

1. Essentials
2. Kinds
3. Who can enter into arbitration agreement?
4. Validity
5. Reference to arbitration
6. Interim measures by court

Arbitration Tribunal

1. Appointment
2. Challenge
3. Jurisdiction of arbitral tribunal
4. Powers
5. Grounds of challenge
6. Procedure
7. Court assistance

Award

1. Rules of guidance
2. Form and content
3. Correction and interpretation
4. Grounds of setting aside an award
5. Want of proper notice and hearing
6. Contravention of composition and procedure
7. Breach of confidentiality
8. Impartiality of the arbitrator
9. Bar of limitations. res judicata
10. Consent of parties
11. Enforcement

Appeal and revision

Enforcement of foreign awards

1. New York convention Award