

# **SANJIVANIE COLLEGE OF LAW**

## **LL.B. SECOND SEMESTER**

### **PAPER-I**

#### **LAW OF CONTRACT –II (SPECIFIC CONTRACTS)**

##### **UNIT -1**

Indemnity – concept and need for indemnity to facilitate commercial transaction,. definition of indemnity and its essential element , nature and extent of liability of the indemnifier commencement of liability of the indemnifier.

Guarantee – concept of the contract of guarantee : its definition , nature and scope distinction with indemnity : continuing guarantee ; nature and extent of surety's liability's rights of surety ; position of surety in the eye of law ; discharge of surety's liability

##### **UNIT- II**

Bailment – definition of bailment, kinds of bailees; duties of bailor and bailee towards each other, rights of bailor and bailee : finder of goods as a bailee

Pledge – definition comparison with bailment, rights of the pawner and pawnee.

##### **UNIT-III**

Agency – its definition and essential elements, distinction between agent and servant essentials of agency transaction, various methods of creation of agency, duties and rights of agent scope and duties and rights extent of agent 's authority ; liability of the principal for act of agent including misconduct and tort of the agent, liability of the agent towards the principal ; personal liability towards the parties, method of termination of agency.

##### **UNIT-IV**

Concept of sale as a contract , definition and essentials of contract of sale, implied terms in contract of sale, the rule of caveat emptor and the exceptions there to under the sale of Goods Act, Transfer of Title and Passing of risk ; unpaid seller and his rights ; remedies for breach of contract.

##### **UNIT- V**

Partnership- definition , essential and nature ; distinct advantages and disadvantages vis a vis partnership and private limited company, mutual relationship between partners ; authority of partners ; admission of partners ; outgoing of partners registration of partnership and dissolution of partnership.

**Acts**

Indian Contract Act 1872

Sale of Goods Act 1930

Indian Partnership Act 1932

**Books**

Anson Law of Contract

Pollock and Mulla on Contract and Specific Relief Act

Avtar Singh - Principles of the Law of Sale Of Goods and Hire Purchase

S. K. Singh, Sale Of Goods Act . CLA ALLAHABAD

H K Saharay, Indian Partnership and Sale of Goods Act , Universal , Delhi.

## **LL.B. SECOND SEMESTER**

### **PAPER-II**

#### **CONSTITUTIONAL LAW –II**

##### **UNIT -1**

President of India – election ; qualification, salary, impeachment ; power s – legislation executive and discretionary

Prime Minister - cabinet system council of ministers , collective responsibility , position of the Prime Minister

Governor and State Government – constitutional relationship, appointment , qualification term of office and powers including ordinance-making and to grant pardons, etc

Legislative privileges and Fundamental Rights.

##### **UNIT –II**

Constitution Of Parliament, Qualification for membership of parliament qualification duration powers, privileges and immunities of parliament and its members constitution of Legislatures in States – Composition, duration, Qualification power privileges and immunities of State legislature its members.

Legislative Procedure – rules of Procedure : provisions as to introduction and passing Bills : definition of Money Bill- Special Procedure in respect of Money Bill.

Procedure in Parliament with respect to estimates Appropriation Bills : Special Procedure as to Financial Bills.

##### **UNIT –III**

Establishment and constitution of the Supreme Court, Qualifications and Disqualification Of the Judges ; Power and Jurisdiction of the Supreme Court

Constitution of the High Court: appointment, qualifications and disqualifications of Judges of a High Court; powers and jurisdiction of a High Court

Appointment of District Judges: Control over subordinate judiciary

Judicial independence

##### **UNIT –IV**

Emergency – meaning and Scope: proclamation of emergency- conditions; effect of emergency on Centre- State relations; emergency and suspension of fundamental rights Constitutional amendment- methods of constitutional amendment ; development of the basic structure Relations between the Union and the States- legislative relations and administrative relations

## **UNIT –V**

Freedom of trade commerce and intercourse

Services under the Constitution – Doctrine of Pleasure (Art 310); protection 'against arbitrary dismissal. Removal or reduction in rank (Art 311); exceptions to Article 311

Administrative tribunals

### **Act**

The Constitution of India

Administrative tribunals Act. 1985

### **Books**

As above in LL.B. First Semester

K.N. Goyal, Administrative Tribunals Act

Dr. Kailash Rai , Constitutional Law

Avtar Singh, Constitutional Law

Shri Ram Singh, Constitutional Law

## **LL.B. SECOND SEMESTER**

### **PAPER-III**

#### **FAMILY LAW-II (MUSLIM LAW)**

##### **UNIT-I**

Who is a Muslim?

Sources and Schools of Muslim Law

Marriage- definition essential of a valid marriage, Kinds- valid, irregular, void and Muta

Marriage – effects of void (Batil) marriage and irregular marriage

Conversion and its effect of marriage.

##### **UNIT-II**

Dower , (Mehr)- definition, Concept and kinds of dower (Proper dower – Mehr-i-Mish)

(Prompt dower- muajjal), and (Deferred dower- Muwajjal)

Confirmation of dower and remission of dower by the wife.

Nature and rights of divorced wife in case of unpaid dower.

Divorce and Talak – different forms of talak (Talak- ul –Sunnat, Talak-ul-Biddat, Ila, Zihar khula and Mubarat ) different modes of talak. (Talak ahsan, Talak hasan, Talak-ul-biddat)

When talak becomes irrevocable

Divorce under the Dissolution of Muslim Marriage Act, 1939

##### **UNIT-III**

Maintenance of Wives Maintenance of Divorced women under Muslim Law

Maintenance of divorced Muslim women under the Cr. P.C. and the Muslim

Women, (Protection of Rights on Divorce )Act , 1986

Maintenance of neglected wives, minor children and Parents who are unable to support themselves Under the provisions of Cr.P.C.

Guardianship- natural testamentary and de facto

Rights of mother to custody of infant children (Hizanant)

Legal guardian of Property

##### **UNIT- IV**

Gift (Hiba)- definition essential s and kinds (Hiba- bil-iwaz, Hiba –ba-shart-ul-iwas Sadagah , Musha)

Revocation of gifts

Will (Vasiyat)- definition essentials of a valid will and its kinds; limits of testamentary Power; abatement of legacies: revocation of will

Pre-emption (the right of Shufaa)- definition essentials, classification and formalities

## **UNIT- IV**

Inheritance

Parentage and legitimacy

### **Act**

Dissolution of Muslim marriage Act, 1939

Muslim Women (Protection Of rights on Divorce) Act, 1986

Criminal Procedure Code, 1973

### **Books**

Aquil Ahmad , Family Law

R.K.Sinha LAW, Family Law

## **LL.B. SECOND SEMESTER**

### **PAPER- IV**

#### **LAW OF TORTS – II (LAW OF TORTS , M.V. ACCIDENTS AND CONSUMER PROTECTION LAW)**

##### **UNIT-I**

Trespass to land, trespass ab initio, dispossession

Movable Property – trespass to goods, detinue, conversion

Torts against business interests – injurious falsehood , misstatement , passing off

##### **UNIT-II**

Negligence – basic concepts, definition and essentials

Acts which constitute negligence

Theories of negligence

Doctrine of contributory negligence

Res ipsa loquitur and its importance

Liability of Common Carriers for negligence

Nuisance - definition. Essentials and types

Defamation – definition , essential and defences

##### **UNIT- III**

Legal remedies

Award of damages – simple, special and punitive

Remoteness of damage- foresee ability and directness

Injunction

Specific restitution of Property

##### **UNIT- IV**

Motor vehicle accidents

Compulsory insurance- object of compulsory insurance

Insurer's liability –for third party risks, towards the owner of the vehicle , for persons on roof of a bus, for 'use of the vehicle' in a public place

Liability when the vehicle on insurer's liability

Effect of transfer of vehicle on insurer's liability

Claims Tribunals- Constitution , matters of adjudication by Claims Tribunals, procedure and the award : Appeal to the High Court

## **UNIT-V**

Consumerism in India

Chief characteristic of the Consumer Protection Act

Definitions : Consumer – who is not a consumer? Goods Service , Consumer dispute; Defect- meaning of defect in goods standard of purity quality, quantity; and Purity Deficiency- what is deficiency in service? Restrictive trade practices and unfair trade Practices

Consumer for a under the Consumer Protection Act- District Forum, State Commission and National Commission – constitution, jurisdiction, powers and function.

Remedies

### **Acts**

Motor Vehicles Act

Consumer Protection Act, 1986

### **Books**

As above in First Semester (on law of Torts)

Avtar Singh The Law of Consumer Protection Principles and Practice

D N Saraf Law of Consumer production in india

R.M. Vats, Consumer and the Law

S.K. Singh , Consumer Protection Act(in Hindi)

R.K. Bangia , Law of Torts, M.V. Accidents and Consumer Protection Law



## **LL.B. Second Semester**

### **PAPER - V**

#### **HUMAN RIGHT AND INTERNATIONAL LAW**

##### **UNIT-I**

Human Right – Meaning and evolution of human rights.

Human Rights in Indian Tradition ancient, medieval and modern

Human rights in western tradition.

Concept of natural Law.

Concept of Natural rights, natural rights & human rights

Human Rights in legal tradition- international Law and National Law.

##### **UNIT-II**

United Nations and Human Rights.

Universal Declaration of Human Rights (1948)-Individual and Group rights.

Covenant on Political and Civil Rights(1966)

Covenant on Economic Social And Cultural Rights.

European Convention on Human Rights.

American Convention on Human Rights.

African Convention on Human Rights.

SAARC

##### **UNIT-III**

International Commission of Human Rights.

Amnesty International

European Commission on Human Rights.

U.N.: Division Of Human Rights.

International Labour Organization

UNESCO

UNICEF

##### **UNIT-IV**

Human Rights in India

Human Rights norms reflected in fundamental rights in the Indian Constitution.

Directive Principles- legislative and administrative implementation of international human rights norms.

Judicial activism and protection from of Human Rights in India.

Role of Non-Governmental Organization.

## **UNIT-V**

Role of Courts the Supreme Court, High Courts and other Courts.

National Human Rights Commission.

National Commission for Minorities.

National Commission for Women.

National Commission for Backward Classes.

National Commission for Scheduled Castes and Scheduled Tribes.

### **Acts etc.**

The Charter of UNO

The Universal Declaration Human Rights, 1948

The Protection Of Human Rights Act 1993.

### **Books**

S K Awasthi SR. P. Kaladaiti human Rights

S. K. Kapoor : International Law and Human Rights

S.K. Verma , Public International Law

Nirmal : C.J. (ed.) Human Rights Indian

P. R. Gandhi International Human Rights Documents (1999) Universal, Delhi

H.O.Agarwal , Human Right & International Law

## **LL.B. Second Semester**

### **PAPER-VI**

#### **LAW OF CRIMES-II (IPC INCLUDING PREVENTION OF CORRUPTION, ACT, 1988)**

##### **UNIT-I**

Culpable homicide

Murder- When culpable homicide is not murder . difference between culpable homicide and murder.

Rash and negligent act causing death.

Dowry death

Hurt-simple and grievous

Wrongful restraint and wrongful confinement

Kidnapping

Abduction

##### **UNIT-II**

Insulting the modesty of woman

Assault or criminal force with intent to outrage the modesty of woman

Causing miscarriage without woman's consent

Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse

Selling or buying a minor for purposes of prostitution

Rape- definition custodial rape , marital rape

Cruelty by husband or her relatives.

Prohibition of indecent representation of women

##### **UNIT-III**

Theft

Extortion

Robbery & Dacoity

Forgery

Cheating

Criminal Misappropriation & Criminal Breach Of Trust.

##### **UNIT-IV**

Mischief

Criminal trespass

House breaking

Bigamy

Defamation

Criminal Intimidation

Prevention of Corruption Act , 1986 An Overview

Definitions: election, public duty , public Servant

Gratification- definition and acceptances of gratification

Offences and penalties

Special Judge- appointment, power and Jurisdiction

Investigation into cases under the Prevention of Corruption Act

Sanction- essentials of sanction form of sanction, grant of sanction, validity of sanction

## **Acts**

Indian Penal Code

Prevention Of Corruption Act, 1988

## **Books**

As Above in the First Semester

S.N.Mishra , Law of Crimes

## **LL.B. Second Semester**

### **Paper-VII**

#### **INTERPRETATION OF STATUTES**

##### **UNIT-I**

Meaning of the term 'Statute'

Purpose of interpretation of statutes

Internal aids- Title, Preamble Heading and Marginal notes; Sections and sub-sections

Punctuation marks. Illustrations. exceptions, provisos and saving clause; Schedules Non-obstante clause

External aids- Dictionaries : Translations ; Travaux repertoires ; Statutes in pari materia

Contemporanea Expositio : Debates , Inquiry commissions reports and Law Commission Reports

Presumptions in statutory interpretation – statutes are valid; statutes are territorial in operation, presumption as to jurisdiction, presumption against what is inconvenient or absurd, presumption against intending injustice

Prospective operation of statutes.

##### **UNIT-II**

Rules of Statutory Interpretation

Primary Rules – Literal rule; Golden rule; Mischief rule (rule in the *Hayden's* case)

Rule of harmonious construction

Secondary Rules- *Noscitur a sociis*; *Ejusdem generis*; *Reddendo singulari singularis*

##### **UNIT-III**

Maxims Of Statutory Interpretation

*Delegatus non potest delegare*

*Expressio unius exclusion alterius*

*Generalia specialibus non derogant*

*In pari delicto potior est conditio possidentis*

*Ut res valet potius quam pareat*

*Expressum facit cessare tacitum*

*In bonam Partem*

##### **UNIT –IV**

Restrictive and beneficial, construction- Taxing Statutes; Penal statutes; Welfare legislation

Interpretation of enabling statutes

Interpretations of Statutes concerning rights

Interpretations of Statutes concerning rights

## **UNIT –V**

Principles of Constitution interpretation

Harmonious construction

Doctrine of pith and substance

Colourable legislation

Ancillary powers

Residuary powers

Doctrine Of repugnancy

## **Books**

G.P. Singh Principal at Statutory Interpretation

Maxwell on the Interpretation of Statutes

V. Sarathi , Interpretation of Statutes

N.S. Bindra 's Interpretation Of Statutes

Dr. Devendra Nath Singh, Interpretation of Statutes

