

**M S BRIJ UNIVERSITY, BHARATPUR**

**SESSION 2017-18**




# **SYLLABUS**

**SCHEME OF EXAMINATION AND  
COURSE OF STUDY**

**FACULTY OF LAW**

**LL.B. 3 YEAR COURSE**

  
अकादमिक प्रभारी



## FACULTY OF LAW

Ordinance for LLB Three years course at MSB University Bharatpur and in its all affiliated colleges from academic session 2017-18 :

The university adopts modern method of six semesters LLB but admissions and promotions shall continue for two semesters on yearly basis for 1st yr to IIInd year and to IIIrd year. Thus movement from 1st sem to IIInd and IIIrd sem to IV and from V sem to VI sem shall be automatic.

There would be automatic promotion from first, third and fifth semester to Second, fourth and sixth semester respectively.

***This Ordinance will supplement or replace that content which is in conflict with what is provided now by MSB University as adopted from UOR.***

The present course structure applicable till 2016-17 shall continue to govern the students already studying the courses who are in their IIInd or Third years of the courses.

The examination in courses applicable in 2016-2017 will be conducted for present LLB IIInd year in 2017-18. For present LLB IIIrd year only in 2018-2019. Due papers exam will be held for one more year. Thereafter if a candidate has to pass full LLB IIIrd year then he will be allowed to complete the LLB third year same thru Semester system.

The examination shall be held for 2 years for supple/ due papers. If a student fails even after 2 years, he she will have to complete their balance papers together with students of semester system

The due papers for LLB 1st year of 20 16-17 shall be held for 2 years till 2017-2018; they will write some courses with students of semester system.

### **LLB Degree must be completed within 6 years**

All the six semesters of LLB must be completed by candidate in a total period of six years. Any ground of medical illness or transfer from city or any other reasons shall have to be availed within six years, In such a situation the candidate has to take fresh admission in LLB 1st year by competing with other candidates.



**SEMESTER WISE- LL.B. SYLLABUS**

**(Meeting dated 20.01.2018)**

The following shall be the subjects and courses of study for the examination with effect from Academic Year 2017-2018.

**SEMESTER -I**

1. Contract Law (Indian Contract Act)
2. Law of Torts including Motor Vehicle Act
3. Family Law-1 (Hindu Law)
4. Property Law and Easements.
5. Legal System in India
  - (a) Major Legal System of the World.
  - (b) Civil Law system.
  - (c) Common Law system.

**SEMESTER -II**

1. Constitution Law-I
2. Specific Contracts (Law of Partnership, Sale of Goods and Consumer Protection )
3. Family Law – II (Mohammedan law)
4. Legal Language, Legal Writing and General English.
5. Law of Crimes

**SEMESTER –III w.e.f. 2018-19**

1. Constitution Law-II
2. Company Law
3. Public International Law and Human Right
4. The Code of Criminal Procedure, 1973, Juvenile Justice and Probation of offenders.
5. Jurisprudence

**SEMESTER – IV**

1. Law of Taxation including GST.
  2. Interpretation of Statues and Law Drafting
  3. Administrative Law.
  4. Insurance Banking and NI Act.
  5. PIL, Para Legal Services, Legal Aid, Lok Adalat & Moot Court  
Practical (Moot Court & Viva Voce)
- 80 Marks  
-20 Marks

**SEMESTER –V w.e.f. 2019-20**

1. Environmental Law including Animal/Birds Protection
2. The Code of Civil Procedure, 1908 and Limitation Act



3. Intellectual Property Law
4. Labour Laws
5. Professional Ethics, Accountancy for Lawyers and Bar Bench Relations – 80 Marks  
Practical (Moot Court & Viva Voce) –20 Marks

**SEMESTER –VI**

1. Law of Evidence
2. Arbitration and Conciliation and ADR System
3. Anyone of: a) Intellectual Property, b) Competition Law
4. Drafting, Pleading and Conveyancing – 80 Marks  
Practical (Moot Court, Pre trial Preparation & Trial Procedure & Viva voc) – 20 Marks
5. Anyone of the following
  - a) Information Technology & Cyber Law
  - b) Criminology & Penology
1. The Course for the Degree of Bachelor of Laws shall extend over a period of 3 academic years (i.e. six semesters in all).
2. The medium of instruction shall be English and/or Hindi. The medium of examination shall be English or Hindi.
3. Instruction shall also include Seminars, Tutorial Work, Moot Courts and Practical Training Programmes.
4. There shall be one examination at the end of each term, the academic year being divided into two terms as may be approved by the Academic Council from time to time. There shall be six terms in all.
5. The examination shall consist of one written examination at the end of each semester in the courses prescribed. One paper shall be set in each of the courses prescribed for study, and the examination in a paper shall be of three hours' duration. All courses will have equal weightage.
6. For the candidates admitted prior to Academic Year 2017-18, the existing course structure as applicable till-the adoption of new course shall continue .

Attendance Rules will continue as it is and shall be applicable per semester. If a candidate falls short of attendance in Ist semester or Illrd semester or Vth semester he shall not be promoted to IInd or IV th or VI th semester.



सत्र 2017-18 से एलएल.बी. पाठ्यक्रम सेमेस्टर सिस्टम से होगा। जिसका प्रारूप निम्नानुसार होगा-

### Promotion Rules

1. 1st से 2nd सेमेस्टर में, 3rd से 4th सेमेस्टर में एवं 5th से 6th सेमेस्टर में विद्यार्थी स्वतः ही प्रवेशित माना जाएगा।
2. विद्यार्थी को प्रत्येक सैद्धान्तिक एवं प्रायोगिक प्रश्न पत्र में पृथक-पृथक न्यूनतम 40 प्रतिशत अंक तथा प्रत्येक वर्ष में 48 प्रतिशत अंक समग्र रूप से प्राप्त करने पर ही अगले वर्ष में प्रवेश हेतु पात्र माना जाएगा।
3. प्रथम वर्ष से द्वितीय वर्ष में प्रवेश हेतु 10 पेपर्स में से 7 पेपर्स में पास होना अनिवार्य होगा।
4. द्वितीय वर्ष से तृतीय वर्ष में प्रवेश हेतु 20 पेपर्स में से 16 पेपर्स में पास होना अनिवार्य होगा।

### Improvement Rules

1. जो विद्यार्थी प्रथम वर्ष में 10 में से जिन पेपर्स को Improvement के लिए सरेंडर करेगा, उनके अलावा भी उस विद्यार्थी के 7 पेपर्स में 48 प्रतिशत प्राप्तांक होने चाहिए। विद्यार्थी उतने पेपर्स को Improvement हेतु सरेंडर कर सकता है, जब सरेंडर पेपर्स के अलावा उस विद्यार्थी के 7 पेपर्स में 48 प्रतिशत अंक Intact होने चाहिए।
2. Improvement के बाद वही प्राप्तांक लागू होंगे जो Improvement वाली परीक्षा में विद्यार्थी प्राप्त करेगा। पहले वाले अंक सरेंडर हो जाएंगे।



# FIRST SEMESTER



**LL.B. First Semester**  
**Contract Law ( Indian Contract Law)**

**Max. Marks: 100**

**Min. Pass Marks: 40**

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. (a) Meaning , elements and characteristics of Contract.  
(b) Basic of Contract.  
(c) Classification of Contract, including the standard form Contract.
2. (a) Proposal: Meaning, Elements, Characteristics and kinds of proposal, Distinction between Proposal and invitation to proposal.  
(b) Acceptance: Meaning, Modes and characteristics of Acceptance.  
(c) Communication, revocation and termination of proposal and acceptance.
3. **Consideration:**  
(a) Meaning definition and Elements of consideration.  
(b) Significance and adequacy of consideration.  
(c) Unlawful consideration and object.  
(d) Concept of stranger to contract.
4. **Capacity to Contract:**  
(a) Who cannot make a contract: Who is minor: The place of minor under the law of Contract  
(b) Person of unsound mind, nature of contract by person of unsound mind.  
(c) Person deprived of the capacity to contract.
5. **Free consent:**  
(a) Meaning of consent and free consent;  
(b) Factors rendering consent not free and their effect upon the validity of contract.  
**Void Agreements:**  
(a) Agreement in restraint of marriage; freedom of trade and right to initiate legal proceedings.  
(b) Agreement involving uncertainty, wager and impossibility.
6. **Performance of Contract:**  
(a) Contingent Contract  
(b) Who is liable to perform? Joint right and joint liability and performance of reciprocal promises.  
(c) Time, place and manner of performance.  
(d) Discharge from liability to perform the contract.
7. **Certain relation resembling to those created by Contract (Quasi Contract).**
8. **Breach of Contract:**  
(a) Meaning and kinds;  
(b) Remedies for breach of Contract:  
(i) Damages – Measure of Damages and remoteness of damage  
(ii) Specific Performance of Contract and Injunctions under Specific Relief Act.
9. **Contract of Indemnity and Guarantee:**  
(a) Meaning, Distinction between indemnity and guarantee and kinds of guarantee.  
(b) Rights of Indemnity holder.  
(c) Rights of Surety, Extent of the Liability of the surety.  
(d) Discharge of Liability of the surety.
10. **Contract of Bailment and Pledge:**  
(a) Meaning of kinds of contract of Bailment --- bailment without consideration.



- (b) Right and duties of bailee and bailor.
- (c) Termination of Contract of Bailment.
- (d) Contract of Pledge- meaning and definition, Pledge by unauthorised persons.

**11. Contract of Agency:**

- (a) Definition, kinds and modes of creation of Agency.
- (b) Relation between:
  - (i) The Principal and agent.
  - (ii) The principal and third party, and
  - (iii) The agent and the third party.
- (c) Determination of agent's authority---
  - (i) By act of parties; and
  - (ii) By operation of Law ---- Irrevocable authority.

**Leading Cases :**

1. Carlill v. Carbolic Smoke Ball Co. (183) 1 QB 256.
2. Bhagwandas v. Girdhari Lal & Co. AIR /1966 /SC / SC 543.
3. Motilas Padampur Sugar Mill Co. Ltd v. State of U.P. AIR /1979/SC 621
4. Lalman Shukla v. Gauri Dutt, (1913) 11 All L J 489.
5. Mohiri Bibi v. Dharmodas Ghoseh, (1903) 30 I.A.114

**Suggested Readings:**

1. Atiyah P.S. : An Introduction the Law of Contract.
2. Pollack: Principles of the Law of Contract.
3. Pollack & Mulla : Indian Contract and Specific Relief act.
4. V.G. Ramchandra: The Law of Contract in India.
5. P.R. Desai: Principles of Law of Contract.
6. Avtar Singh : Law Of Contract. ( English & Hindi)
7. R.K. Bavegia Contract 1 (English & Hindi)
8. I.C. Saxena & R.L. Nawalkha lafonk fof/k
- 10 शर्मा सत्येन्द्र कुमार : संविदा विधि प्रथम



**Law of Torts including Motor Vehicle Act**

**Max. Marks: 100**

**Min. Pass Marks: 40**

**Note :** (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.  
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Definition, Nature, Scope, Object and Elements of Tort, Maximums, Extinction or Discharge of Tortious Liability, Joint Tort-feasors, Maxims,
2. General Defence of Tortious liability.
3. Vicarious Liability, Doctrine of Common employment, State Liability, Absolute of Strict Liability.
4. Remedies, Kinds and measure of damages, Remoteness of damages.
5. Tort to person—Assault, Battery and False Imprison meant
6. Tort to person and property including Negligence, Nuisance, nervous shock, interference with Contract or business, Intimidation, Conspiracy, deceit or fraud, Malicious Prosecution, Defamation.
7. Motor Vehicles Act, 1988

**Leading Cases :**

1. Ushaben v. Bhagya Laxmi Chitra mandir, AIR ( 1978) Guj. 13.
2. N. Nagendra Rao v. State of Andhra Pradesh, AIR ( 1994) SC 2663.
3. Municipal Corporation of delhi v. Smt. Subhagwati, AIR ( 1966) SC 17.
4. Rylands v. Fletcher, (1868) LP, 3 HL 330.
5. Indian Medical Association v. V.P. Shantha, AIR (1966 ) SC 558.

**Suggested Readings:**

1. Winfield, Law of Tort.
2. Ramaswami Iyer : Law of Torts.
3. B.S. Sinha : law of Torts.
4. Salmond : law of Torts.
5. Street :Law of Torts.
6. G.S. Karkara : Contributory Negligence.
7. पाण्डे, जयनारायण : अपकृत्य विधि :
- 8- अग्रवाल शर्मनलाल : अपकृत्य विधि :
- 9- वॉिंगिया, आर. के. : अपकृत्य विधि एवं उपभोक्ता संरक्षण अधिनियम
- 10- शुक्ला, एम.एन. : अपकृत्य विधि ।
11. Gurbax singh : Law of Consumer Protection.
12. P.Leelakrishan : Consumer Protection & Legal Control.
13. के.दीक्षित – अपकृत्य विधि उपभोक्ता संरक्षण कानून
14. Avtar Singh : Law of consumer Protection (Principles and Practice).



## Family Law –I (Hindu Law)

Max. Marks: 100

Min. Pass Marks: 40

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Hindu Law : Sources, school and application, Coparcenary, Joint family property and self –acquired property ; Karta and his powers and obligation, Religious and Charitable endowments—essentials of an endowment, kinds, shebait and Mahant.
2. The Hindu Marriage Act, 1955: condition of a Hindu marriage. Its ceremonies and registration, Void and Voidable marriage : restitution of Conjugal right ; Judicial separation , Legitimacy of children of void and voidable marriage ; Divorce by mutual consent, Alternative relief in divorce proceeding, Divorce by mutual consent, One year bar to divorce ; divorced person when may marry again; Jurisdiction and procedure.
3. The Hindu Succession Act, 1956: Succession to the property of a Hindu female; General rules and disqualification of succession, Escheat.
4. The Hindu Adoption and Maintenance Act, 1956: Requisites of a valid adoption, Effect of Adoption ; Miscellaneous provision of adoption; Maintenance of wife, children and parents; Maintenance of widowed daughter –in – law; Dependants and their maintenance; Amount of Maintenance.
5. The Minority and Guardianship Act 1956: Natural Guardians and their powers; Testamentary guardian and their powers, de facto guardian, general provision of guardianship.
6. Partition under Hindu law --- Meaning. Property for partition, persons entitled to sue for partition and allotment of shares, Re-opening of partition, Reunion debts--- Doctrine of pious obligation; Antecedent Debts

### Leading Cases:-

1. Shastri Yagna Purusdasji v. Muldas, AIR 1956 SC 1119
2. Hanuman Prasad v. Mussamat Babooes Munraj Koonware; (1856) 6MIA 395.
3. Brij Narayan v. Mangla Prasad , (1924) 51 IA 129
4. Bipin Chandra v. Prabhavati, AIR (1957) SC 176
5. Dr. Nararan Ganesh Dastsne v. Sucheta Dastsne AIR (1975) SC 1534.
6. Dharmendra Kumar v. Usha Kumar, AIR (1977) SC 2218
7. Tulsamma v. Sessa Reddi, AIR (1977) SC 1944.

### Suggested Readings :-

1. Mulla: Principles of Hindu Law .
2. Raghavachariar : Hindu Law--- Principles and precedents.
3. Paras Diwan : Modern Hindu Law.
4. Tahir Mehmood : Hindu law .
5. पारस दीवान : आधुनिक हिन्दू विधि ।
6. केसरी, यू.पी.डी. : हिन्दु विधि ।



## Property Law and Easement

**Max. Marks: 100**

**Min. Pass Marks: 40**

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, Examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

**1. Preliminary:** Definition, Essentials of transfer, Competence of parties, Subject matter of transfer, transfer to unborn person, registration of Transfer, etc. General Rules of Transfer:

**(a)** Restraints of alienation absolute or partial, Restraints of free enjoyment, Covenants affecting enjoyment, divesting on insolvency, perpetuities Future estates, Doctrine of acceleration –Accumulation of income. Exceptions, Covenants and transfers, General Rules of Transfer.

**(b)** Conditional Transfer: Condition precedent, Condition subsequent; Vested and contingent interest.

2. Election, Priority of rights, Notice, Implied transfers by limited owners, transfer of property out of which maintenance claims have to be met, ownership by holding out, ownership by estoppels, Doctrine of part – performance, Sale.

3. Mortgage and charge: Kinds of mortgage, Rights and liabilities of Mortgagor and Mortgagee, priority, marshalling, contribution and Subrogation.

4. Exchange, Lease, Gift, Actionable claims.

5. Easement: Essentials of Easement, Imposition Acquisition, Incidents, Disturbance, Extinction. Suspension and Revival of Easement, licence, Difference between Lease and Licence.

### **Leading Cases:--**

1. J.B.Rao v. Vassarayappa, AIR 1956 SC 727,
2. Gokal das gopal Dass v. Premsukh Dass, ILR 10—Cal. 1035 (PC)
3. Ram Kumar Khundoo and others v. Jhon and Maria Mequeen (1872)
4. Webb v. Macpherson, ILR 31 Cal 57 (PC).
5. Associated Hostels of India Ltd v. R.N. Kapoor. AIR 1959 SC 1262.
6. Raja Bajrang Bahadur Singh v. Thukurani Bakhraj Kaur, AIR 1953 SC 7.

### **Suggested Readings:-**

1. The Transfer of Property Act (Act IV of 1882) as amended up to – date.
2. Mulla: transfer of Property Act.
3. Joshi: The Indian Easement Act ( Act V of 1882).
4. Menon, A.K.: The Law of Property.
5. Sarthi, V.P.: Law of Transfer of Property.
6. Shukla , S.N.: Transfer of Property Act
7. Saxena, I.C.: Transfer of property Act.
8. Bhansali & Sharma: Transfer of Property Act (Hindi)
9. Kulshrestha, J.N.: Transfer of Property Act (Hindi)
10. Tripathi, J.P. Transfer of Property Act (Hindi)



**Note :** (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

**1. Legal System**

- (a) Major Legal System of the World, Civil Law System, Common Law System
- (b) Indian Legal System

**2. Legal Method**

- (a) Introduction to the Legal Process
- (b) Using Law Library
- (c) Reading of Statutes and decided cases by the higher judiciary

**3. Sources of Law: Ancient and Modern Sources**

- (a) Constitution and Federalism
- (b) Nature and Characteristics under Govt. of India Act 1935,
- (c) Constituent assembly –its formation and contribution of laws, General Clause Act
- (d) Precedent
- (e) Custom

**4. Growth of Legal Profession in India**

- (a) History of Indian Legal Profession
- (b) The Advocate Act, 1961: By BCI

**5. Judicial & Tribunal Set Up**

Hierarchy of Court & Jurisdiction

- (a) District Courts
- (b) High Courts
- (c) Supreme Court

**Suggested Readings:**

1. Tripathi G. P.: Legal Method, Central Law Publications, 1st Ed. (Rep.) 2016
2. Pandey J.N.: Constitutional Law of India, Central Law Agency, 54<sup>th</sup> Ed. (2017)
3. Mahajan, V.D.: Jurisprudence and Legal Theory, Eastern Book Company, 5<sup>th</sup> Ed. (Reprint 2016)
4. Rama Jois, Justice M: Legal and Constitutional History of India, Universal Law House, Ed. 2016, Reprint



# SECOND SEMESTER



**LL.B. Second Semester**

**Constitutional Law-I**

**Max. Marks: 100**

**Min. Pass Marks: 40**

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination  
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

**1. Constitution**

- (a) Definition, Classification, Nature and Scope of Constitution
- (b) Sources of Constitution

**2. Fundamental Rights**

- (a) Definition of 'State' for enforcement of fundamental right –Justifiability of fundamental right-- Doctrine of eclipse, severability, waiver, Distinction between Pre- Constitutional law and post – constitutional law.
- (b) Right to equality – Doctrine of Reasonable classification and the principle of absence of arbitrariness
- (c) Fundamental freedom: Freedom of speech and expression, freedom of association, freedom of movement, freedom to reside and settle, freedom of trade, business and profession—expansion by judicial interpretation – reasonable restrictions.

**3. Fundamental Right**

- (a) Right to life and personal liberty—scope and content – (extensive interpretation)
- (b) Preventive detention under the Constitution – policy and safeguards- Judicial Review
- (c) Right against exploitation—forced labour and child employment
- (d) Freedom of religion

**4. Right to Constitutional Remedies**

- (a) Right to Constitutional Remedies—Judicial Review—Writs—Hebeas Corpus, Mandamus, Certiorari, Prohibition and Quo Warranto—Art 32 and 226

**5. Directive principles, Fundamental Duties and Social Justice**

- (a) Directive Principle of State Policy – Nature and Justifiability of the Directive Principles—Inter relationship between Fundamental Right and Directive Principles Fundamental Duties.
- (b) Social Justice under the Indian Constitution – Compensatory discrimination for backward classes– Mandal Commission's case and other cases --- protective discrimination doctrine

**Suggested Reading**

1. M.P. Jain—Indian Constitutional Law
2. V.N. Shukla—Constitution of India
3. D.D. Basu—Constitutional Law of India

**Essential Case Law**

1. Electricity Board Rajasthan v. Mohan Lal AIR 1967 SC185
2. Sukhdev v. Bhagat Roy AIR1975 Sc 1331
3. R.D. shetty v. International Airport Authority AIR 1979 SC 1628
- 4.M.C. Mehta v. UOI 1987 (1) SCC 395
5. Mysore Paper Mills v. Mysore Paper Mills Officers Association AIR 2002 SC 609
6. Bhikaji Narain v. State of M.P. AIR 1955 SC 781



7. Kailash Chand Sonkar v. Smt Maya Devi AIR 1984 SC 600
8. Sikkim Subba Associates v. State of Sikkim 2001 (50 SCC629
9. Olga tellis v. Bombay Mumcp.Corp. 1985 (2) SCR 51
10. State of W.B. v. Anwar Ali Sarkar AIR 1952 SC 75
11. Deepak Sibblal v. Punjab University AIR 1989 SC 903
12. Competroller and Auditor General v. K.v. Mehta 2003 (1) SCALE 351
13. E.P. Royppa v. State of T.n. AIR 1974 SC 555
14. Rattan Lal v. State of Hariyana 1985 (4) SCC43
15. Narmada Bacho Andolan V. Union of India 1999(8) SCC 308
16. S. Rangrajan v. Jagjivan Ram 1989 (2) SCC 574
17. Comunist Part of India v. Bharat L. Paricha AIR 1998 SC 184
18. union of India v. Motion Picture 1999 (6) SCC 150
- 19 Railway Board v. Niranjan Singh 1969 (1) SCC 502
20. Himmat Lal K. Shah v. Commissioner of Police AIR 1973 SC 87
21. OK Ghosh v. Ex Joshep AIR 1963 SC 812
22. Rupinder v. State AIR1983 SC65
23. P.N. Kaushal v. UOI AIR 1978 SC 1456
24. A.K. Opalan v. State of Madras AIR 1950 SC 27
25. Meneka Gandhi v. Union of India AIR 1978 SC597
- 26 Hussain Ara Khatoon v. State of Bihar AIR 1979 SC 1369
27. M.H.Hoskot v. State of Maharastra
28. Sunil Batra v. Dehli Administration AIR 1978 SC 1675
29. State of H.P. v. Umed Ram AIR 1986 SC 847
30. Narmada Bachao Andolan v. Union of India 2001 (2) SCC 62
31. N.S. Sahani v. Union of India 2002 (80 SCC 211
32. M.P. Human Right Commisssion v. State of M.P.
33. Fatehchand v.State of Maharastra AIR 1977 SC 1825
34. Air Indian Statutory Corporation v. United Labour Union 1977 (9) SCC 377
35. M.R. Balaji v. State of mysoor Air 1963 SC 648
36. Indira Sawnney v.Union iof india AIR 1999 SC 477
37. Kihoto Hollohan v. ZACHILLU AIR1993 SC 412
38. State of Madras v. Champak Dorai Rajan AIR 1951 Sc 226
39. MRF Ltd. v. Inspector Kerala AIR 1973 SC
40. Keshvanand Bharti v. State of Kerla AIR 1973 SC 1461
41. Minrva Mills v. OUI AIR 1980 SC 1784
42. State of Tamilnadu v.L. Abu Kavvr AIR 1984 SC 326
43. A.I.I.M.S. Student Union v. AIIMS 2002 (1) SCC 428
44. West Bengal Headmaster Associationb v. Union of india AIR 1987 CAL 448
45. Javed and Ors v. State of Hariyana 2003 (5) SCALE 602
46. Dasrathi v. State AIR 1985 A.P. 136



**Specific Contracts (Law of Partnership, Sale of Goods and Consumer Protection )**

**Max. Marks: 100**

**Min. Pass Marks: 40**

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

**1. Contract of Sale of Goods:**

- (a) Sale Meaning, Definition and Elements.
- (b) Agreement to sell, hire purchase, agreement and a contract for work and labour – Meaning and distinction from sale.
- (c) Goods –existing, future and contingent
- (d) Condition and warranties.
- (e) Passing of Property from seller to buyer
- (f) Sale by unauthorised person
- (g) Law relating to performance of sale
- (h) Right of Unpaid seller

**2. Contract of Partnership:**

- (a) Meaning, Definition, formation and the characteristics of contract of partnership.
- (b) Distinction between :
  - (1) Co- Ownership and Partnership;
  - (2) Joint Hindu Family firm and Partnership; and
  - (3) Company and Partnership.
- (c) Position of Minor.
- (d) Relation interse partners and relation of partners with third parties.
- (e) Registration of Partnership firm.

3. Consumer Protection Act, 1986, Definition – consumer protection Councils, Consumer Disputes, Redressal Agencies --- Establishment, Jurisdiction, Procedure, Orders.

**Leading Cases:**

1. National Bank of India Ltd. v. Sohan Lal, AIR (1962) Punjab 534.
2. Amritlal Goverdhan Lallan v. State Bank of Travancore, AIR (1960) SC
3. Patnaik & Co. v State of Orisa. Air (1965) SC
4. State of Gujrat v. Mamon Mohd, AIR (1967) SC

**Suggested Readings:**

1. Atiyah P.S. : An Interduction to the Law of Contract.
2. Pollack & Mulla : Indian Contract and Specific relief Act
3. V.G. Ramachandra : The law of Contract in India
4. V.G. Ramchandra: Law of Agency
5. R.K. Bangia : Contract II
6. Agarwal O.P. : The Sale of Good Act, 1930.
7. Kapoor, N.D. : Mercantial Law.
8. Avtar Singh : Law of Contract (English and Hindi)



9. Avtar Singh : Law of Partnership (English and Hindi)
10. Avtar Singh: Principle of the Law of Sale of goods (English and Hindi)
11. Kapoor: संविदा विधि II
13. R.L. Rathi: संविदा विधि II
14. Gurbax Singh: Law of Consumer Protection.
15. P. Leela Krishnan: Consumer Protection & Legal Control.
16. A K. Dixit – Law of Tort & Consumer Protection
17. Bangia R.K. : Law of Tort & Consumer Protection Act



**Family Law--II**

**Max. Marks: 100**

**Min. Pass Marks: 40**

**Note :** (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant

1. **Mohammedan Law:** Origin, Development, sources, Schools, Application. Interpretation and conversion.

2. **Marriage :** Nature of Marriage, essential of marriage; Khvar-bulugh, Iddat, Khalwat-us-Sahiha, Matrimonial stipulation, kinds of Marriage and effect of marriage.

Mahr: Meaning, nature , kinds object and subject and subject matter. Wife's rights on non- payment of dower.

**Dissolution of Marriage :** Talaq Ila, Zihar, Talaq-e- Tfweez, Mubarat, Khulla, lian, Faskh—Section 2 of the dissolution of muslim marriage.Act 1939; Legal effect of divorce.

Guardianship---Appointment of guardian, kinds of guardianship.

3. **Pre -emption:** meaning , nature and classification of haq shufa (pre-emption ); Right of Pre-emption, when conflict of laws, subject matter and formalities of pre-emption, legal effect of pre -emption, legal effects of pre-emption, devices for evading pre -emption.

Gift: Meaning and requisites of gift (Hiba); Gift of musha, Conditional and future gifts, Life estate, Life interest, (Hiba- bil -iwaj, Hiba- ulawaj).

4. **Will (vasiyat )** Competence of testator and legatee, Valid subject of will: Testamentary Limitations, Formalities of a will and abetment of Legacy.

Legitimacy and acknowledgement : legitimacy and legitimation, Presumption of Legitimacy under Muslim Law and Section 112 of the Indian Evidence Act, conditions of a valid Acknowledgement.

**Maintenance;** The Muslim Women (Protection of right of Divorce) Act, 1986.Death Bed Transactions: Meaning and effect of Marj-ul maut.

5. **Waqf:** Meaning, essential and kinds Beneficiaries of Waqf ; The Waqf Validating Act, 1913; Formalities for creation of Waqf; Waqf of Musha ; Muslim religious institution and officers; Administration of waqf; Matawalli;

Inheritance: General principle of Law of inheritance, Doctrine of Aul and Radd under Hanafi and Shia Law.

**Leading Cases:**

1. Maina Bibi v. Choudhary Vakil Ahmed, (1923) 52 IA 145.
2. Habibur rahman v. Altaf Ali (1921) 42 Ia 114.
3. Moonshee Buzul- ul- Raheem v.Luteefaina Nissa, (1061) 8 MLA 379.
4. Abu fata Mohd. V. Russomoy Dhar Chowdhary (1894) 22 IA 76.
5. Mohd.Ahmed Khan v. Shah Bano Begum., AIR (1985) SC 945.

**Suggested Reading:**

1. Fyzee: Mohammedan Law
2. Mulla: Principle of Mohammedan Law
3. Verma, B.R. :Islamic Law
4. Aqil Ahmed : Mohammedan Law
5. Sharma K.P. Muslim Law
6. Amir Ali : Mohammedan Law
7. Hafijurahman: Mohammedan Law
8. Verma B.L.: Mohammedan Law



Legal Language Legal Writing And General English

Max. Marks: 100

Min. Pass Marks: 40

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

**(A) Vocabulary:**

1. Use of legal phrases and terms (list of legal terms given below)
2. Pair of words.
3. One word substitution.
4. Latin Maxims (Listed below).

**(B) Comprehensive Skills:**

1. Common Logical Fallacies
  - (a) Valid Rules of Syllogism.
  - (b) Syllogistic fallacies.
  - (c) Other types of Material or Verbal Fallacies.
2. Comprehension of Legal Texts: Reading Materials.  
The Prescribed leading cases.

**(C) Composition Skills:**

1. Use of Cohesive devices (Legal Drafting).
2. Precise writing.
3. Brief Writing and drafting of reports ; letters and applications.
4. Essay writing and topics of legal interest.
5. Varieties of sentence structures and verb patterns.
6. Translation (from English to Hindi and Hindi to English).

**List of legal terms which are relevant for LL.B. Students:**

Abet	Abstain	accomplice
Act of God	Actionable	Accused
Adjournment	Adjudication	Admission
Affidavit	Amendment	Appeal
Acquittal	Articles	Assent
Attested	Attornment	Averment
Bail	Bailment	Citation
Clause	Coercion	Code
Cognizable	Confession	Compromise
Consent	Conspiracy	Contempt
Contingent	Contraband	Conviction
Convention	Corporate	Custody
Damages	Decree	Defamation
Defence	Escheat	Estoppel
Eviction	Executive	Exparte
Finding	Floating Charge	Forma Pauperise



Franchise	Fraud	Frustration
Good Faith	Guardian	Habeas Corpus
Hearsay	Homicide	Hypothecation
Illegal	Indemnity	Inheritance
Bench	Bill	Bill of attainder
Bill of Rights	Blockade	Bonafide
By –laws	Capital Punishment	Charge
Chattles	Justiciable	Legislation
Legitimacy	Liability	Liberty
Licence	Lieu	Liquidation
Maintenance	Malafide	Malafeasamnce
Minor	Misfeasance	Mortgage
Murder	Negligence	Negotiable Instruments
	Neutrality	Non-feasance
Notification	Novation	Nuisance
Oath	Obscene	Offender
Order	Ordinance	Overrule
De-facto	De Jure	Deposit
Detention	Discretion	Distress
Earnest Money	Enact	Enforceable
Equality	Partition	Perjury
Petition	Plaintiff	Pledge
Preamble	Pre-emption	Prescription
Presumption	Privilege	Probity
Prize	Process	Promissory Note
Proof	Proposal	Prosecution
Proviso	Ratify	Receiver
Redemption	Reference	Regulation
Remand	remedy	Rent
Repeal	Res-Judicata	Respondent
In limine	Insanity	Institute
Insurance	Intestate	Issue
Judgement	judicial	Jurisdiction
Justice	Restitution	Rule
Ruling	Schedule	Section
Settlement	Sovereignty	Specific Performance
Stamp duty	Status Quo	Statue
Stay of execution	Succession	Summons
Surety	Tenant	Testator
Testatrix	Title	Tort
Trade Mark	Treason	Treaty
Trespass	Trial	Tribunal
Trust	Ultra Virus	Undue Influence
Usage	Valid	Verdict
Vested	Violate	Vismajor
Void	Voidable	
Waiver	Warrant	Warranty



Will

Writ

Wrong

**List of Latin Maxims**

1. Ab intio (From the beginning)
2. action personal is moritur cum persona (Personal right of action dies with the person)
3. actus non facit reum, nisi mens sit rea (the act itself does not constitute guilt unless done with a guilty intent).
4. actus cureau neminem graviit (an act of the court shall prejudice no one)
5. actus reus (wrongful act)
6. ad interim (in the menntime).
7. ad liteam (for the suit).
8. ad valorem (according to the value).
9. alibi (plea of being elsewhere).
10. amicus curiae (friend of the court).
11. animus (intention).
12. audi alteram partem (hear the other side ).
13. caveat emptor (buyer beware).
14. consensus ad idem (agreement by two person upon the same thing in the same sense).
15. damnum sine injuria (damage without injury).
16. de facto (in fact).
17. de jure (in law).
18. deminimis non curet lex (the law does not account for the trifles).
19. decree nisi (a decree which takes effect after a specified period).
20. delegatus non potest delegare (a delegated power can not be further delegated).
21. doli incapx (incapable in malice).
22. denatio martis cause (gift by a person on the death -bed).
23. ejusdem generis (of the same category).
24. eminent domain (the supreme rights).
25. exofficio (by subsequent act).
26. experte (no in the presence of the opposite party).
27. expost facto (by subsequent act).
28. factum valet (the fact which can not be altered).
29. fait accompli (an accomplished fact).
30. ignorntia legis neminem excusat (ignorance of law is no excuse).
31. in pari material (in an analogous case, cause or position).
32. injuria sine damno (injury without damage).
33. interest re publicate ut sit finis litium (it in the interest of the republic that there shoud be an end of law suit)
34. intra vires (within the powers).
35. jus terti ( the right of a third party).
36. lis pendens (pending suit ).
37. mens rea (guilty mind).
38. mense profits (the profits received by a person on wrongful possession).
39. nemo dat quod non habet ( no man can transfer better title than he himself has ).
40. nemo dat bis vexari pro una et eadim causa ( no man be twice vexed for the same cause).
41. nemo in popria cause judex esse debet ( no one ought to be a judge in his own cause).
42. nile prosequi ( to be unwilling to prosecute).
43. Obiter dicta (an opinion of law not necessary to the decision ).



44. Onus probandi ( the burden of proof).
45. pacta sunt servanda (pacts must be respected).
46. pendete lite (during litigation).
47. per capita (counting heads ).
48. per incuriam (through inadvertence or carelessness).
49. per strips (by stocks).
50. pro bono public ( for the public good).
51. planum dominium (full stocks ).
52. ratio decidendi (ground for the decision, principle of the case).
53. res gestae (connected facts forming the part of the same transaction).
54. res ipsa loquitur (the thing speaks for itself ).
55. res judicata (a matter already adjudicated upon ).
56. res nullius (an ownerless thing).
57. rule nisi (a rule or order upon condition that is to become absolute cause is shown to the contrary).
58. status quo (existing position )
59. sub judice (in course of adjudication).
60. sui juris ( on one's own right ).
61. suo moto ( of ones own accord).
62. ubi jus ibi remedium (where there is a right, there is a remedy).
63. ultra vires ( beyond the powers of).
64. volenti non fit injuria (risk taken voluntarily is not actionable).

**Leading Cases:**

1. State of Rajasthan v. Smt Kalbki & another. AIR 1981 SC 1980
2. Kuljeet Singh alias Ranga v Union of India, AIR 1981 SC 1572
3. State of Maharashtra v. Champala Punjabi Shah AIR 1981 SC 1675.
4. Nand lal Bajaj v. State of Punjab and another AIR 1981 SC 2041.
5. Smt. Jewanti Pandey v. Krishan Chandra Pandey

**Suggested Readings:**

1. Glanville Williams : Learning the Law.
2. Wren & Martin : English Grammar
3. Ganga Sahai Sharma " Fundamentals of Legal Writing.
4. Hindi – English Legal Glossory : Vidhi Sahitya Prakashan, Ministry of Law, Government of India, New Delhi.
5. David Green : Contemporary English Grammar, Structure and Composition.
6. Ishtique Abidi : law and language.
7. law Lexicon & legal Maxims by Venkatarmaniya.
8. Richard C. Wydick: Plain English for Lawyers.
9. Surendra Yadav- Legal language.



## Law of Crimes

Max. Marks: 100

Min. Pass Marks: 40

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination .

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. General Principles of Criminal Law.

2. **The Indian Penal Code, 1860:** Territorial jurisdiction, Stages of crime: Doctrine of Mens rea; Inchoate crimes--- preparation, attempt, General Explanation, Public Servant, Movable Property; Wrongful gain and wrongful loss; Dishonestly Fraudulently ; Reason to believe, Counterfeit, Valuable Security 'Act' and 'Omission' Voluntarily, Injury, Good faith, Illegal Injury, Offence, Document, harbour, Judge.

3. **General Exceptions:**

(A) Mistake of facts and mistake of Law, Judicial Act, Accident, Act done without criminal Intension and to prevent other harm, Act of person of unsound mind, Act of intoxicated person.

4. **General Exceptions;**

(B) Acts done with consent, Act done in good faith without consent, Communication made In good faith; acts done under compulsion, Act causing slight harm ; right of Private defence.

5. **Joint Liability:** Common intention, common object, Abetment, Criminal Conspiracy, Constructive Liability.

6. **Offence Affecting Public Peace & State Authorities:** Unlawful assembly, Rioting, Affray, Public Servant, taking gratification other than legal remuneration in respect of official act, giving evidence, fabricating false evidence, sedition, Public nuisance.

7. **Offences Affecting the Human Body:** Culpable homicide, murder, Criminal negligence and rashness, Attempt to commit murder and Suicide; miscarriage, hurt, grievous hurt, Voluntary restraint and wrongful confinement, force and criminal force, Assault, kidnapping and abduction.

8. **Offences Against Property:** theft Extortion, Robbery, Dacoity, Criminal misappropriation of property, Criminal breach of trust; receiving stolen property Cheating, mischief, criminal trespass, House breaking.

9. **Offence relating to Document:** Forgery, Making a false document.

10. **Offence Relating to Sex and Marriage:** Rape, Sexual offences, Unnatural offence, Adultery, Bigamy.

11. **Offence Affecting Personal Peace and Reputation:** Defamation, Criminal Insult.

**Leading Cases:**

1. Reg. v. Govinda (1876) ILR I Bom. 342.
2. Kedar Nath v. State of Bihar, AIR 1962 SC 955, (1962), 2 Cr,LJ 103 (SC).
3. Laxman Kalu v.State of Maharastra, AIR 1968 SC 1890, 1968 Cr. LJ 1647.
4. T.V.Vadgama v. State of Gujrat, AIR 1973 SC 2213; 1972 Cr. LJ 1542 (SC)
5. K.M. Nanavati V. State of Maharastra, AIR 1962 SC 605 (1965) 2 Cr.LJ521 (SC).
6. Bechan Singh v. State of Punjab, AIR 1980 SC 896.

**Suggested Reading:**

1. Ratan Lal: The Indian Penal Code.
2. Kenny : Outlines of Criminal Law (First Four chapter).
3. Nigam, R.C. : Principle of Criminal Law (English & Hindi).
4. Shamshul Huda – Principle of Criminal Law.
5. Hari Singh Gaur: Penal Law of India.
6. T. Bhattacharya: Indian Penal Code ( English & Hindi).
7. Amar Singh Yadav: Indian Penal Code (Hindi).
8. Raja Ran Yadav: Indian Penal Code (Hindi).



# THIRD SEMESTER



## Constitution Law II

Max. Marks: 100

Min. Pass Marks: 40

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

### 1. Distribution of Powers between Centre and States

- Legislative Powers
- Administrative Powers
- Financial Powers

### 2. Constitutional Organs

- Parliament
- Parliamentary Sovereignty
- Parliamentary Privileges
- Anti defection Law
- Executive Power
- Collective Responsibility of cabinet
- Judiciary - Jurisdiction of Supreme Court and High Courts
- Independence of Judiciary
- Public Interest Litigation
- Power of Judicial review
- Doctrine of Political Question

### 3. Emergency Provisions

Amendment of Constitution

Doctrine of Basic Structure

#### Text book:

- V.N. Shukla, Constitution of India
- M.P. Jain – Indian Constitution law
- Nutshell—Constitutional and Administrative Law.

#### Essential Case Law:

- R. K. Dalmia v. Justice Tendulkar AIR 1958 S.C. 538
- In Re Article 143, Constitutional of India AIR 1951 S.C. 332
- Ram Jawaya Kapoor v. state of Punjab AIR 1955 S.C.549
- Indira Gandhi v. Raj Narain AIR 1975 S.C. 2299
- Scora v. U.O.I. 1993 (4) S.C.C.441
- State of H.P. v. Umed ram Sharma AIR 1986 S.C. 847
- S.R. Bommai V. Union Of India 1994 (3) S.C.C.
- A.D.M. Jabalpur v. Shiv Shankar Shukla, 1976 Suppl. S.C.R. 172
- India Cement Ltd. & Anr v. State of Tamilnadu, 1990 (1) S.C.C. 12
- A.P. Sampoorna Madhya Nished Samiti & Ors.v. State of A.P. AIR 1997 A.P.
- U.N. Rao v. Indra Gandhi, AIR 171 S.C. 1002
- Keshva Nand Bharti v. State of Kerela, 1976 (2) Suppl. S.C.R. 172
- National Human Rights Commission v. State of ArunaChal Pradesh
- Minerla Mills v. Union of India AIR 1980 S.C. 1980 S.C. 1044
- Samta Vedike v. State of Karnatka 2003 CRLJ 1003 Kar. N.C.
- Tikaramji v. State of U.P. AIR 1968 S.C. 1286



17. Calcutta Gas Co. v. State of W.B. AIR 1962 S.C. 1044
18. Gujrat University v. Sri Krishna AIR 1963 SC 702
- 19 DAV College v. State of Punjab AIR 1971 SC 1737
- 20 Praffula Kumar v. Pramil of Commerce AIR 1947 P.C. 60
21. State of Rajasthan v. G. Chawla AIR 1959 SC 544
22. Union of India 7& Ors.V. Shah Goverdhan Lal Kabra 2000 (7) Scale 435
23. Zayerbhai v. State of Bombay AIR 1954 SC 544
24. Union of India v. V.H.S.Dhillon AIR 1972 SC SC 752
25. Jayanti Lal Amrit Lal Rana v. F.N. Rana AIR 1964 S.C.648
26. Stateof Haryana v. Ram Kishan AIR 1988 S.C. 1301
27. K. Najraj. V. State of A.P. 1985 (1) SCC 527
28. K.T. Plantation v. State of Karnataka, AIR
29. Gunupati v. Nafisul Hassan AIR 1954 SC 636
30. Pandit MSM Sharma v. Sri Krishna Sinha AIR 1959 SC 395
31. IN Powers, Privileges and Immunities of State Legislature Re. AIR 1965 SC 745
32. P.V. Narsimha Rao v. State 1998 (94) SCC 626
33. Tej Kiran v. Sanjiva Rwdy AIR 1970 SC 1573
34. Roop Ashok Hurrah v.Ashok Harrah 2002 (3) SCC 406
35. Tirupati Balaji Developers (P) Ltd State of Bihar AIR 2004 SC 2351
36. A.K. Roy v. UOI 1982 (2) SCR 272
37. State of Maharastra v. A. Lakshiruty AIR 1987 SC 331
38. Kihoto Hollohah v. A. Zachillu 1992 Suppl (2) SCC 353
39. Ravi Naik v. UOI AIR 1994 SC 1558
40. G. Vishwanathan v. Speaker T.N. Assmebly 1996 (2) SCC 353
41. M. Kashinathan Jalmi v. Speaker Legislative Assembly Goa 1993 (2) SCC 703
42. D.C. Wadhawa v. State of Bihar 1987 (21) SCC 379
43. Krishan Kumar v. State of Bihar 1998 (5) SCC 379
44. Makhan Singh v. State of Punjab AIR 1964 SC 381
45. A.D.M. Jabalpur v. Shivshankar Shukla AIR 1976 SC 1207