




Session - 2022-23


SECOND SEMESTER


(Dr. Manoj Kumar
Sharma)


(Dr. Arun Kumar)


7/11/22
Chandrashekhar


अकादमिक प्रभारी
महाराजा सूरजमल बृज विश्वविद्यालय
भरतपुर (राज.)


अकादमिक प्रभारी

LL.B. Second SemesterConstitutional 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—Habeas 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 SC 185
2. Sukhdev v. Bhagat Roy AIR 1975 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

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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. Niranjn 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 Commission 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 Sawney 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

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अकादमिक प्रभारी

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

Max. Marks: 100

Min. Pass Marks: 40

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

1. Contract of Sale of Goods:

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

2. Contract of Partnership:

- Meaning, Definition, formation and the characteristics of contract of partnership.
- Distinction between :
 - Co- Ownership and Partner ship;
 - Joint Hindu Family firm and Partnership; and
 - Company and Partnership.
- Position of Minor.
- Relation interse partners and relation of partners with third parties.
- Registration of Partnership firm.

3. Consumer Protection Act, 1986, Definition – consumer protection Councils, Consumer Disputes, Redressal Agencies — Establishment, Jurisdiction, Procedure, Orders.**Leading Cases:**

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

Suggested Readings:

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

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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. Borgia R.K. : Law of Tort & Consumer Protection Act

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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 (wasiyat)** 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

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(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

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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

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List of Latin Maxims

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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 currea neminem graviit (an act of the court shall prejudice no one)
5. actus reus (wrongful act)
6. ad interim (in the meantime).
7. ad litem (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. de minimis non curat 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 incapax (incapable in malice).
22. donatio mortis causa (gift by a person on the death -bed).
23. ejusdem generis (of the same category).
24. eminent domain (the supreme rights).
25. ex officio (by subsequent act).
26. ex parte (no in the presence of the opposite party).
27. ex post facto (by subsequent act).
28. factum valet (the fact which can not be altered).
29. fait accompli (an accomplished fact).
30. ignorantia legis neminem excusat (ignorance of law is no excuse).
31. in pari materia (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 should 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. mensure 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 eadem causa (no man be twice vexed for the same cause).
41. nemo in propria causa judex esse debet (no one ought to be a judge in his own cause).
42. nolle prosequi (to be unwilling to prosecute).
43. Obiter dicta (an opinion of law not necessary to the decision).

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- 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 nallius (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 Maharastra 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. Glanvile 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.

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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).

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