

RAJESH PANDEY COLLEGE OF LAW

AKBARPUR AMBEDKAR NAGAR (U.P.)

AFFILIATED BY

DR. RAM MANOHAR LOHIA AWADH UNIVERSITY, AYODHYA (U.P.)

SYLLABUS

OF

LL.B. (THREE YEAR COURSE)

LL.B. 2nd SEMESTER

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- I. LAW OF CONTRACT-II (SPECIFIC CONTRACTS)**
- II. CONSTITUTIONAL LAW-II**
- III. FAMILY LAW-II (MUSLIM LAW)**
- IV. LAW OF TORTS-II (LAW OF TORTS, M.V. ACCIDENTS AND CONSUMER PROTECTION LAW)**
- V. HUMAN RIGHTS AND INTERNATIONAL LAW**
- VI. LAW OF CRIMES-II (IPC INCLUDING PREVENTION OF CORRUPTION ACT, 1988) INTERPRETATION OF STATUTES**

PAPER-I

Maximum Marks: 100

LAW OF CONTRACT-II (SPECIFIC CONTRACTS)

UNIT-I

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; 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 toward each other; rights of bailor and bailee; finder of goods as a bailee

Pledge- definition, comparison with bailment; right 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 extent of agent's authority; liability of the principal for acts of the agent including misconduct and tort of the agent ; liability towards the principal; personal liability towards the parties; methods 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 caveat emptor and the exceptions thereto 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, essentials 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

PAPER-II

Maximum Marks: 100

CONSTITUTIONAL LAW-II

UNIT-I

President of India- election, qualification, salary, impeachment; powers- legislative, 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, powers, privileges and immunities of State legislature and its members

Legislative Procedure- rules of procedure; provisions as to introduction and passing of 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 disqualifications of the Judges; powers 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; effects 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

Acts

The Constitution of India

Administrative tribunals Act,

1985

FAMILY LAW-II (MUSLIM LAW) UNIT-I

Who is Muslim?

Sources and Schools of Muslim law

Marriage- definition, essential of a valid marriage, kinds- void and Muta marriage; effects of void (Batil) marriage and irregular marriage

Conversion and its effect on marriage

UNIT-II

Dower (Mehr)- definition, concept and kinds of dower (Proper dower- Mehr-i-Misl), (Prompt dower-Maujjal), 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-a-hasan, Talakhasan, 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 or Cr.P.C.

Guardianship- natural, testamentary, and de facto
Rights of Mother of custody of infant children
(Hizanat) Legal guardian of property

UNIT-IV

Gifts (Hiba)- definition, essentials and kinds (Hiba-bil-iwaz, Hiba-ba-shart-ul-iwaz, sadaqah, Musha)

Revocation of gifts

Will (Vaisyat)- 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-V

Inheritance

Parentage and legitimacy

Acts

Dissolution of Muslim Marriage Act, 1939

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

Criminal Procedure Code, 1973

PAPER-IV

Maximum Marks: 100

LAW OF TORTS-II (LAW OF TORTS, M.V. ACCIDENTS AND CONSUMER PROTECTION LAW)

UNIT-I

Trespass of land, trespass ab initio, dispossession

Movable property- trespass to goods, detinue, conversion

Torts against business interest-injurious falsehood, misstatement, passing off

UNIT-II

Negligence-basic concepts, definition and essentials Act which constitute negligence

Theories of negligence Proof 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, essentials and defences

UNIT-III

Legal remedies

Award of damages- simple, special and punitive

Remoteness of damage- foreseeability and directness

Injunction

Specific restitution of property

UNIT-IV

Motor vehicle accidents

Compulsory insurance-object of compulsory insurance

Insurer's liability- for third party risk, 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 is not insured

Effect of transfer of vehicle on insurer's liability

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

UNIT-V

Consumerism in India

Chief characteristics of the Consumer Protection Act

Definitions: Consumer- Who is not a consumer? ; Good; 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, power 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 Protection in India

R.M. Vats, Consumer and the Law

PAPER-V

Maximum Marks: 100

HUMAN RIGHTS AND PUBLIC INTERNATIONAL LAW

UNIT-I

Human Rights- 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 and 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 NICEF

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 of human rights in India

Role of Non-Government 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

The Charter of UNO

The Universal Declaration of Human Rights, 1948

The Protection of Human Rights Act, 1993

Books

S.K. Awasthi& R.P. Kataria, Law relating to Human Rights

S.K. Kapoor, International Law and Human Rights

S.K. Verma, Public International Law

Nirmal, C.J. (ed.) Human Rights in India

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

PAPER-VI

Maximum Marks: 100

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 women

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

Causing miscarriage without women's consent

Kidnapping or abducting women 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

UNIT-V

Prevention of Corruption Act, 1988, On Overview

Definition: election, public duty, public servant

Gratification- definition and acceptance 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

PAPER-VII

Maximum Marks: 100

INTERPRETATION OF STATUTES UNIT-I

Meaning of the term 'Statutes' 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 material; ContporaneaExposito; Debates, inquiry commissions reports and Law Commission Reports

Presumption 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 Haydn's case); Rule of harmonious construction

Secondary Rules- Noscitur a sociis; Ejusdem generis; Reddendo singular singularis

UNIT-III

Maxims of Statutory Interpretation Delegatus non potestdelegare

Expressiouniusexclusioalterius Generaliaspecialibus non derogant

In pari delicto potioest condition possidentis Utres valet potior quam pareat

Expressumfacitcessaretacitum In bonampartem

UNIT-IV

Restrictive and beneficial construction- Taxing statutes; Penal statutes; Welfare legislation Interpretation of enabling statutes Interpretation of statutes conferring rights

UNIT-V

Principles of Constitutional Interpretation Harmonious construction Doctrine of pith and substance Colourable legislation Ancillary powers Residuary powers
Doctrine of repugnancy