

**Syllabus**

**LL.B.**

(Three Year Degree Course)

# **Semester -I**

## CONTRACT -I

### Paper 1.1

**Maximum Marks: 100**

#### **Aims and Objectives of the Course**

Every society is governed by some contractual obligation and certain general Principles of Contract. Making of a Contract is now a day a Common Phenomenon. The subject will ensure better understanding about the subject. It will acquaint students with the conceptual and operational parameters of the contractual obligations. Specific Enforcement of the contract is also an important aspect of the law of contracts, so it has been introduced alongwith the general principles of the contract.

#### **Module – 1**

- (a) History and nature of Contractual Obligations
- (b) Formation of Contract: Proposal and Acceptance

#### **Module – 2**

- (a) Consideration
- (b) Capacity to Contract

#### **Module – 3**

- (a)
  - i. Coercion
  - ii. Undue Influence
  - iii. Misrepresentation
- (b)
  - i. Fraud
  - ii. Mistake

#### **Module – 4**

- (a) Void Agreements
- (b) Legality of Object and Consideration

#### **Module – 5**

- (a) Modes of discharge of contract
  - i. Performance
  - ii. Wagering Agreements
- (b)
  - i. Impossibility of Performance
  - ii. Anticipatory Branch

#### **Module – 6**

- (a) Quasi Contract
- (b)
  - i. Breach of Contract and Damages
  - ii. Measurement of Damages
  - iii. Standard form of Contracts

#### **Module – 7**

##### **Specific Relief Act, 1963**

- (a)
  - i. Contracts which are specifically enforceable
  - ii. Contracts which are not specifically enforceable
  - iii. Injunction
- (b)
  - i. Rescission and Cancellation of Contract
  - ii. Discretion of Court

#### **Judgments**

1. Bhagwandas Goverdhan Dass Nadia v. M.S. Girdari Lal Parshottam Dass and Co., AIR 1966 SC 548
2. Khan Gul and Ors v. Lakha Singh, AIR 1928 SC Lahore 609
3. Sonia Bhatia v. State of U.P., AIR 1981 SC 1274
4. Gheru Lal Parakh v. Mahadeo Das, AIR 1959 SC 781
5. Satya Brata Ghosh v. Mugneeram Bangur and Co., AIR 1954 SC 44
6. Puran Lal Shah v. State of U.P., AIR 1971 SC 712
7. Patel Engineering Ltd. and Anr. v. National Highway Authority of India and Anr., AIR 2005 Del. 298

8. Shree Balaji Coal Linkers, U.P. v. Bharat Sanchar Nigam Ltd and Ors., AIR 2004 All. 141
9. Prentice Hall India Pvt. Ltd. v. Prentice Hall Inc. and Ors., AIR 2003 Del. 236
10. M/s Harayna Telcom Ltd. v. Union of India and Anr., AIR 2006 Del. 339

**Suggested Readings :**

1. Pollock and Mulla, Indian Contract Act and Specific Relief Act
2. Avtar Singh, Law of Contract
3. Beatesen (ed.), Anson's Law of Contract
4. G.C. Cheshire and H.S. Fifoot and M.P. Furmgton, Law of Contract
5. Banerjee, S.C., Law of Specific Relief
6. Anand and Aiyer, Law of Specific Relief
7. Subha Rao, Law of Specific Relief

## LAW OF TORTS-I

### Paper 1.2

**Maximum Marks : 100**

#### **Objectives of the course**

With rapid industrialization, tort action can be used against manufacturers and industrial units for products injurious to human beings. The emphasis is on extending the principles not only to acts, which are harmful but also to failure to comply with standards that are continuously changing due to advancement in science and technology. Law of Torts is developing fast in present scenario and the Supreme Court has created liabilities for injuries caused by hazardous and inherently dangerous industries.

The following syllabus has been prepared with this perspective and will comprise of 7 units.

#### **Module – 1**

- (a) Evolution, Definition, Nature, Scope of Law of Torts
  - i. Meaning and Evolution of Torts
  - ii. Torts: Distinguished from contract, Quasi-contract and crime.
  - iii. Constituents of Torts
- (b) General Defences
  - i. *Volenti non fit injuria*
  - ii. Necessity, Act of God, Inevitable Accidents, Private Defence
  - iii. Judicial Acts, Mistake Statutory Authority.

#### **Module – 2**

- (a) Vicarious Liability
  - i. Principles and basis of liability
  - ii. Principle and Agent Relationship
  - iii. Master and Servant relationship
  - iv. Doctrine of common employment
- (b) Vicarious Liability of State
  - i. Position in England
  - ii. Position in India

#### **Module – 3**

- (a) Rules of strict and absolute liability
  - i. Rylands v. Fletcher
  - ii. M.C. Mehta v. Union of India
- (b) Negligence
  - i. Essentials of negligence
  - ii. Duty of care
  - iii. Principle of reasonable forcibility
  - iv. Standard of care
  - v. Nervous Shock
  - vi. Res ipsa loquitur

#### **Module – 4**

- (a) A Contributory negligence
  - i. Last opportunity rule
  - ii. Rules to determine contributory negligence
  - iii. Doctrine of alternative danger
  - iv. Difference between contributory and composite negligence
- (b) Remoteness of damages
  - i. Test of reasonable foresight
  - ii. Test of directness

#### **Module – 5**

- (a) Defamation
  - i. Libel and Slander
  - ii. Essentials of defamation
  - iii. Defences

- (b) Trespass to person
  - i. Assault, battery, mayhem
  - ii. False imprisonment
  - iii. Malicious prosecution

**Module – 6**

- (a) Trespass to land
  - i. Trespass ab initio
  - ii. Entry with licence
  - iii. Remedies
- (b) Nuisance.
  - i. Definition and kinds
  - ii. Essentials
  - iii. Defences

**Module – 7**

- (a) Legal Remedies
  - i. Damages
  - ii. Injunctions
  - iii. Specific restitution of property
- b) Extra Judicial remedies
  - i. Abatement of nuisance
  - ii. Felonious Torts

**Suggested Case Laws**

1. Usha Ben v. Bhagyalaxmi Chitra Mandir, AIR 1978 Guj. 103
2. Ramanuja Mudali v. M. Gagan, AIR 1984 Mad. 103
3. R.K. Kranjia v. K.M. D. Thakersay, AIR 1970 Bom. 424
4. D.P. Chowdhary v. Manju Lata, AIR 1997 Raj. 170
5. State of Punjab v. Deshraj, AIR 2004 P&H 113
6. Municipal Corporation of Delhi v. Subhagwanti, AIR 1966 SC 1750
7. Y.S. Kumar v. Kuldip Singh, AIR 1972 P&H 326
8. Sumit Kumar v. Ladu Ram Sulania, AIR 2004 Raj. 30
9. Rajkot Municipal Corporation v. Manjul Ben Jayanlilal Nakum (1997) 9 SCC 552
10. Rakesh Saini v. Union of India, AIR 2004 Del 107

**Suggested Reading**

1. D.D. Basu , Law of Torts
2. Rattan Lal & Dhiraj Lal, The Law of Trots
3. R.K. Bangia, Law of Torts
4. G.S. Pande, Law of Torts
5. B.S. Sinha, Law of Torts
6. S.P. Singh, Law of Torts

## CONSTITUTIONAL LAW – I

**Paper 1.3**

**Maximum Marks : 100**

### **Aims and Objectives of the Course**

India is a democracy and her Constitution embodies the basic principles of the democratic government how it comes into being what are its powers functions, responsibilities and obligations how power is in various organs distributed. Whatever had been the original power base of the Constitution, today it seems to have acquired legitimacy as a highest norm of Public law. A good understanding of the Constitution and the law, which has developed through constitutional amendments, judicial pronouncement constitutional practice precedents and conventions is therefore, absolutely necessary for a student of law of study. He must also know the genesis, nature and special features and be aware of the social, political and economic influence on the Constitution.

The purpose of teaching constitutional law is to highlight its never-ending growth. Constitutional interpretation is bound to be influenced by social, economic or political predilections. A student must, therefore, learn how various interpretations of the constitution are possible and why a significant interpretation was adopted in a particular situation. Such a critical approach is necessary requirement in the study of constitutional law.

Judicial review is also one of the important aspect to constitutional law. India is the only country where the judiciary has the power to review even constitutional amendments. The application of basic structure objective in the evaluation of executive action is an insertion development of Indian constitutional law. The concept of secularism and federalism engraved in the constitution are to be interpreted progressively.

The following syllabus prepared with this perspective will comprise of about 7 units of 4 Hour each.

### **Module -1**

- (a) i. Indian Constitution in the making
- ii. Nature and Special features of the Constitution.
- (b) Citizenship of India

### **Module –2**

Equality and Social Justice

- (a) i. Equality before the law and equal protection of laws
- ii. Classification for differential treatment: constitutional validity
- (b). Justice to the weaker sections of society: scheduled castes, scheduled tribes and other backwards class, women and children.

### **Module – 3**

- (a) i. Speech and expression
- ii. Media, press and information
- (b) i. Freedom of speech and contempt of court
- ii. Freedom of assembly

### **Module – 4**

- (a) Right to life and personal liberty: meaning, scope and limitations
- (b) i. Rights of an accused-double jeopardy, self-incrimination and retroactive punishment
- ii. Preventive detention-constitutional policy

### **Module - 5**

- (a) i. Concept of Secularism : historical perspective
- ii. Indian constitutional provisions relating Secularism
- (b) i. Freedom of religion and its scope
- ii. Religion and the State : its limitations and minority rights

### **Module – 6**

- (a) i. Directive Principles-directions for social change-A new social order.
- ii. Fundamental Rights and Directive Principles, inter-relationship-judicial balancing.
- (b) i. Constitutional amendments-to strengthen Directive Principles.
- ii. Reading Directive Principles into Fundamental Rights.

### **Module – 7**

- (a) i. Methods of Constitutional amendments
- ii. Limitations upon constitutional power of amendments
- (b) i. Development of the basic Structure : Doctrine
- ii. Judicial activism and its Restraint

#### **Judgments**

1. S.R. Bommai v. UOI, AIR 1994 SC 1918
2. S.P. Gupta v. UOI, AIR 1982 SC 1991
3. Sunil Batra v. Delhi Administration
4. Keshvanand Bharti v. State of Kerala, AIR 1995 SC 2299
5. Minerva Mills Ltd. v. UOI, AIR 1980 SC 1789
6. Hasinara Khatoon v. Home Secretary State of Bihar, 1979 SC 136
7. A.K. Gopalan State of Madras, AIR 1950 SC 27
8. Sachidanand v. State of West Bengal, AIR 1987 SC 1109
9. Rural Litigation and Entitlement Kendra v. State of UP
10. T.M.A. Pai Foundation v. State of Karnataka
11. M.C. Mehta v. UOI(1987) ISCC 395 AIR 1987 1086
12. Rudul Shah v. State of Bihar, AIR 1983 SC 1086
13. Bikunth Nath v. C.D.M.O., AIR 1992 SC 1368
14. Indra Gandhi v. Raj Narain, AIR 1995 SC 2299
15. P&O Steam Navigation Co. v. UOI, AIR (1997) ISCC
16. People Union Civil Liberties v. UOI, AIR (1997)ISCC
17. Air India v. Nargesh Mirza, AIR 1981 SC 1829
18. Unnikrishnan v. State of A.P., AIR 1993 SC 2178
19. Indira Sawhney v. UOI, AIR 1993 SC 2178
20. Maneka Gandhi v. UOI, AIR 1978 SC 1789
21. I.R. Coelho (Dead) Through L.R.S. v. State of Tamil Nadu & ors. 2007 SC 137
22. Raja Ram Pal v. The Hon'ble Speaker Lok Sabha and Ors.
23. Kehar Singh v. State (1989)
24. Dhanjaya Chatterjee v. State West Bengal, AIR 2004.

#### **Recommended Books**

1. Narinder Kumar 2006
2. Dr. J.N. Pandey 2006
3. Dr. D.D. Basu, Shorter Constitution of India
4. Dr. Seervai Constitution of India (1992) Vol. I/II/III
5. Dr. M.P. Singh (ed) V.N. Shukla

## FAMILY LAW –I (HINDU LAW)

### **Paper 1.4**

**Maximum Marks : 100**

#### **Objectives of the Course**

The Course structure is designed mainly with three objectives in view. One is to provide adequate sociological perspectives so that the basic concepts relating to family are expounded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts. The third objective is to view family law not merely as a separate system of personal laws based upon religious but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code. Such a restructuring would make the study of familial relations more meaningful.

#### **Module -1**

Hindu law: Sources, School and Application, Coparcenary, Joint family property and Self-acquired property; Karta and his power and obligation; Religious and Charitable endowments-Essential of an endowment, kinds, Shebait and Mahant.

#### **Module -2**

The Hindu Marriage Act, 1955: Conditions of a Hindu Marriage, its ceremonies and registration, Void and voidable marriage; Restitution of conjugal rights; Judicial separation; Legitimacy of children of void and voidable marriage.

#### **Module -3**

Divorce; Alternate relief in divorce proceedings, Divorce by mutual consent, One year bar to divorce; Divorced persons when marry again; Jurisdiction and procedure.

#### **Module -4**

The Hindu Succession Act, 1956: Succession to the property of a Hindu male; Succession to interest in Coparcenary property, Property of a Hindu female; Succession to the property of a Hindu female; general rules and disqualifications of succession, Escheat.

#### **Module-5**

The Hindu Adoption and Maintenance Act, 1956: Requisite of a valid adoption; Capacity to take adoption; Capacity to give adoption, Effects of adoption; Miscellaneous provisions of adoptions; Maintenance of wife, children and parents; Maintenance of widowed daughter-in-law; dependents and their maintenance; Amount of Maintenance.

#### **Module-6**

The Hindu Minority and Guardianship Act, 1956: Natural Guardian and their powers; Testamentary guardian and their powers, De facto guardian, General provisions of guardianship.

#### **Module-7**

Partition under Hindu Law: Meaning, Property for partition, Persons entitled to sue for partition and allotment of shares, partition how effected, Determination of shares, Re-opening of Partition, Reunion, Debts-Doctrine of pious obligation; Antecedents Debts.

#### **Suggested Readings:**

- 1. Mulla: Principles of Hindu Law**
- 2. Raghvachariar: Hindu law-Principles and Precedents**
- 3. Paras Diwan: "Modern Hindu Law"** Allahabad Law Agency, Faridabad (Haryana).
- 4. Tahir Mehmood: Hindu Law**
- 5. Agarwala R.K. -"Hindu Law", , Central Law Agency, Allahabad.**
- 6. B.M. Gandhi-"Hindu Law", Eastern Book Company, Lucknow.**
- 7. Subba Rao, G.C.V. -"Hindu Law", Gogia & Company, Hyderabad.**

## ENGLISH -I

### Paper 1.5

**Maximum Marks : 100**

#### **Aims / Learning Objectives**

1. Enable the students to use the language correctly and effectively.
2. Enhance the comprehension and analytical skills of the students.
3. Enrich their vocabulary.
4. help students acquire the ability to speak effectively in English in real-life situations
5. Develop the art of expression and train students in composition skills.

#### **Module-1**

A Detailed study of Nouns, Pronouns, Adjectives Articles, Verbs, Adverbs.

#### **Module-2**

Prepositions, Conjunctions and their correct Usage,

#### **Module-3**

Tenses

#### **Module-4**

Active and Passive voice, transformation of sentences from simple to compound/complex sentences, Narration/reported speech

#### **Module-5**

Comprehension-skill of reading and understanding English language, correct usage of words, Phrases and idioms

#### **Module- 6**

- (a) Legal Terms : FIR, plant, written statement, plaintiff, defendant, appeal, tribunal, divorce, legitimate, illegitimate, adoption, maintenance, alimony, valid void, litigation, monogamy, bigamy, polygamy, crime, agreement, contract, fraud, minor, indemnity, guarantee, bailment, pledge, libel, slander, defamation, homicide, genocide, suicide, executive, legislature, judiciary, constitution, negligence, nuisance, precedent, prospective, mortgage, retrospective, summons, ultra vires, will, warrant, public, private

#### **Module-7**

- (1) Paragraph Writing
- (2) Punctuation

#### **Reference Books**

1. Thomson, A.J., and A.V. Martinet. *A Practical English Grammar*, New Delhi : OUP, 2005

# **II Semester**

## CONTRACTS –II

### Paper 2.1

**Maximum Marks : 100**

#### **Aims and Objectives of the Course**

The Subject is introduced for understanding and appreciating the Basic essentials of a valid contract. It will provided understanding of the contractual relationship in various instances. The subject is emphasizing on the intricacies of the Contract concerned. It provides an insight in to the justification for the statutory provisions for certain kinds of the Contract.

#### **Module – 1**

- (a) Contract of Indemnity and Guarantee
- (b) Contract Of Bailment

#### **Module – 2**

- (a) Contract of Pledge
- (b) Contract of Agency

#### **Module – 3**

Sale of Goods Act, 1930

- (a) Concept of Sale and Agreement to sell
- (b) Implied Conditions and Warranties

#### **Module – 4**

- (a) Transfer of Title and Property
- (b) Performance of Contract

#### **Module – 5**

- (a)
  - i. Rights of Unpaid Seller
  - ii. Suit for Breach of Contract
- (b) Indian Partnership Act, 1932: Nature and Definition Relationship of Partners Interest, Registration of Firm;

#### **Module – 6**

- (a) Relationship of Partners with Third Party, Incoming and Outgoing Partners
- (b) Dissolution of Firm

#### **Module – 7**

- (a) Limited Liability Partnership Act

#### **Judgments**

1. Maharashtra State Electricity Board v. Official Liquidator, AIR 1988 SC 1497
2. Bank of Bihar v. State of Bihar, AIR 1971 SC 1210
3. P.S.N.S.A.C. and Co. v. Express Newspapers, AIR 1968 SC 741
4. Collector of Customs v. Pednekar and Co., AIR 1978 SC 1408
5. Vijaya Bank and Ors. V. Naveen Mechanised Construction Ltd., AIR 2004 Bom. 362
6. Veer Prabhu Marketing Ltd. and Ors. V. Sate of Maharashtra
7. Veer Prabhu Marketing Ltd and Ors. V. State of Maharashtra
8. Suresh Kumar Rajinder Kumar v. K. Assan Koya and Sons, AIR 1990 AP 20
9. Jute Distributors v. Sushil Kumar Gupta, AIR 1974 Ca. 386
10. M/s Devi Dayal Sales Pvt. Ltd. v. National Supply Corp. and Ors., AIR 2006 Cal. 301
11. Shivagodia Ravjit Patel v. Chander Kant Neelkanth Sadalgo, AIR 1965 SC 212
12. Narayanppa v. Bharkara Krishnappa, AIR 1966 SC 1300

#### **Suggested Readings**

1. Pollock and Mulla, Law of Contract
2. Avtar Singh, Law of Contract
3. G.C. Cheshire and H.S. Fifoot and M.P. Furmston, Law of Contract
4. Avtar Singh, Principles of the Law of Sale of Goods and Hire Purchase
5. J.P. Verma (ed.), The Law of Partnership in India
6. H.K. Saharay, Indian Partnership and Sales of Goods Act
7. Ramnainga, The Sales of Goods Act
8. A.G. Guest (ed.), Benjamin's Sale of Goods
9. Avtar Singh, Law of Partnership

**Law of Torts - II**  
**(Consumer Protection Laws)**

**Paper 2.2**

**Maximum Marks : 100**

**Objectives of the Course**

Consumer protective measures under Indian law have attained new legal and economic horizons in modern times. Consumer is victim of competitive social and economic forces prevailing in the society due to his technical ignorance, lack of time and weakness for competitive price. The law relating to consumer protection lying scattered in myriad provisions of various legislations and judicial decisions in India, so connected with the human rights for a healthy life and environment has now a core subject to be taught as an indispensable part of a socially relevant curriculum.

This syllabus with the above objective in view comprises of 7 units.

**Module- 1**

- (a) Consumer Protection – its necessity
  - i. Consumerism in India
  - ii. Need of Consumer Protection Act, 1986
  - iii. Objectives and scope of Consumer Protection Act, 1986
- (b) Consumer, the concept
  - i. Definition of consumer
  - ii. Position of third party beneficiary
  - iii. Voluntary and involuntary consumer
  - iv. When a person is not a consumer

**Module- 2**

- (a) Consumer of goods
  - i. Meaning of defects in goods
  - ii. Standards of purity, quality, quantity and potency
  - iii. Price control
  - iv. Statutes: food and drugs, engineering and electrical goods
- (b) Unfair trade practices
  - i. Misleading and false advertising
  - ii. Unsafe and hazardous products
  - iii. Bargain price
  - iv. Falsification of trademarks

**Module- 3**

- (a) Consumer Protection Councils
  - i. Constitution and procedure of central consumer protection council
  - ii. Constitution and procedure of state consumer protection council
  - iii. Consumer rights
- (b) Service
  - i. Deficiency-meaning
  - ii. service rendered free of charge
  - iii. Service under a contract of personal service

**Module- 4**

- (a) Medical service
  - i. How to determine negligence
  - ii. Patient is a consumer
  - iii. Denial of medical service: violation of human rights
- (b) Insurance
  - i. Controversy regarding insurance claim
  - ii. Insurance interest
  - iii. Insurance service
  - iv. Beneficiary of group insurance is consumer

**Module- 5**

- (a) Public Utilities
  - i. Supply of electricity
  - ii. Postal service

- iii. Telephonic service
- iv. Housing

**Module- 6**

- (a) Redressal Mechanism
  - i. Consumer dispute redressal agencies
  - ii. Jurisdiction of District Forum, the state commission and the national commission Part B Power to set aside ex parte order, transfer of cases circuit benches, finality of orders

**Module- 7**

- (a) Enforcement of Consumer rights
  - i. Execution of orders of district forum, state commission and the national commission
- (b)
  - i. Judicial Review
  - ii. Public interest litigation
  - iii. Class action
  - iv. Administrative remedies

**Suggested Judgments**

1. Dr. Laxman Balkrishna Joshi v. Dr. Trimbak Babu Godhbole and another, AIR 1969 SC 128
2. Dr. J.J. Merchant and others v. Shrinath Chaturvedi, AIR 2002 SC 2931
3. Indian Medical Association v. Shantha (1995) 6 SCC 243
4. Lucknow Development authority v. M.K. Gupta 1994(1) SCC 243
5. Laxmi Engineering works v. P.S.J. Industrial Institute 1995(2) CPJ 1(SC)
6. New India Assurance Company Ltd. v. D.N. Sainani, AIR 1997 SC 1938
7. State of Karnataka v. paramjit Singh and others ii (2006) SPJ6(SC)
8. Smt. Shashi Gupta v. LIC and another (1995) Suppl. (i) 1 SCC 754
9. Synco Industries v. State Bank of Bikaner and Jaipur 2002(3) CPR 105(SC)
10. Top line shoes ltd. v. Corporation bank, AIR 2002 SC 2487.

## CONSTITUTIONAL LAW - II

**Paper 2.3**

**Maximum Marks : 100**

### **Aims and Objectives of the Course**

India is a democracy and her Constitution embodies the basic principles of the democratic government how it comes into being what are its powers functions, responsibilities and obligations how power is in various organs distributed. Whatever had been the original power base of the Constitution, today it seems to have acquired legitimacy as a highest norm of Public law. A good understanding of the Constitution and the law, which has developed through constitutional amendments, judicial pronouncement constitutional practice precedents and conventions is therefore, absolutely necessary for a student of law of study. He must also know the genesis, nature and special features and be aware of the social, political and economic influence on the Constitution.

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Judicial review is also one of the important aspect to constitutional law. India is the only country where the judiciary has the power to review even constitutional amendments. The application of basic structure objective in the evaluation of executive action is an insertion development of Indian constitutional law. The concept of secularism and federalism engraved in the constitution are to be interpreted progressively.

The following syllabus prepared with this perspective will comprise of about 7 units of 4 Hour each.

### **Constitution, History and Development**

#### **Module –1**

- (a) i. Freedom of Trade/business
- ii. Emergency, meaning and scope
- (b) i. Proclamation of emergency-conditions and effect of emergency on Centre-state relations.
- ii. Emergency and suspension of fundamental rights

#### **Module –2**

- (a) i. President of India
- ii. Election, qualification, salary and impeachment
- (b) i. Power: legislative, executive and discretionary powers
- ii. Council of Ministers in union and states

#### **Module –3**

- (a) Prime Minister cabinet system-Collective Responsibility, individual responsibility.
- (b) i. Federalism-principles: comparative study
- ii. Indian Federalism: identification of federal features

#### **Module –4**

- (a) Legislative relation between union and states
- (b) i. Administrative Relations
- ii. Financial relations

#### **Module –5**

- (a) i. Governor and its role in States
- ii. Centers powers over the state-emergency
- (b) Challenges to Indian federalism

#### **Module – 6**

- (a) i. The Supreme Court
- ii. High Courts
- (b) i. Judges: appointment, removal, transfer and condition of service: judicial independence
- ii. Judicial review: nature and scope

#### **Module – 7**

- (a) i. Freedom of Property: from fundamental right to constitutional right
- ii. Doctrine of pleasure (Art.310) of the constitution
- (b) i. Protection against arbitrary dismissal, removal, or reduction in rank (Art. 311) of the constitutional
- ii. Exceptions to Art. 311 of the constitution.

### **Judgments**

1. S.R. Bommai v. UOI, AIR 1994 SC 1918
2. S.P. Gupta v. UOI, AIR 1982 SC 1991
3. Sunil Batra v. Delhi Administration
4. Keshvanand Bharti v. State of Kerala, AIR 1995 SC 2299
5. Minerva Mills Ltd v. UOI, AIR 1980 SC 1789
6. Hasinara Khatoon v. Home Secretary State of Bihar, 1979 SC 136
7. A.K. Gopalan State of Madras, AIR 1950 SC 27
8. Sachidanand v. State of West Bangal, AIR 1987 SC 1109
9. Rural Litigatino and Entitlement Kendra v. State of U.P.
10. T.M.A. Pai Foundation v. State of Karnataka
11. M.C. Mehta v. UOI (1987) ISCC 395 AIR 1987 1086
12. Rudul Shah v. State of Bihar, AIR 1983 SC 1086
13. Bikunth nath v. C.D.M.O., AIR 1992 SC 1368
14. Indra Gandhi v. Raj Narain, AIR 1995 SC 2299
15. P & O Stream navigation Co v. Secy of State (1861) 5 HCR
16. People Union Civil Liberties v. UOI, AIR (1997) ISCC
17. Air India v. Nargesh Mirza, AIR 1981 SC 1829
18. Unnikrishnan v. UOI, AIR 1993 SC 2178
19. Indira Sawheny v. UOI Air 1993 SC 1789
20. Maneka Gandhi v. UOI, AIR 1978 SC 1789
21. I.R. Coolho (Dead) Through L.R.S. v. State of Tamil Naidu & ors, 2007 SC 137
22. Raja Ram Pal v. The Hon'ble Speaker Loksabha and Ors
23. Kehar Singh v. State (1989)
24. Dhanjaya Chaterjee v. State West Bengal, AIR 2004

**Recommended Books**

1. Dr. Narender Kumar 2006
2. Dr. J.N. Pandey 2006
3. Dr. D.D. Basu, Shorter Constitution of Indian
4. Dr. Seervai Constitution of India (1992) Vol. I/II/III
5. Dr. M.P. Singh (ed) V.N. Shukla

**Objectives of the Course**

The Course structure is designed mainly with three objectives in view. One is to provide adequate sociological perspectives so that the basic concepts relating to family are expounded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts. The third objective is to view family law not merely as a separate system of personal laws based upon religious but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code. Such a restructuring would make the study of familial relations more meaningful.

**Module -1**

Mohammedan Law: Origin, development, Sources, Schools, Application, Interpretation and Conversion.

**Module-2**

Marriage: Nature of marriage, Essentials of marriage, Khyar-ul-bulugh, Iddat, Khalwat-us-sahiha, Matrimonial stipulation, Kinds of marriage and effects of marriage.

**Module-3**

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

Dissolution of marriage: Talaq, Ila, Zihar, Talaq-e-Tfweez, Mubarat, Khula, Lian, Faskh-section 2 of the dissolution of Muslim Marriage Act, 1939; Legal effects of divorce.

**Module-4**

Guardian ship- Appointment of guardian, Kinds of guardianship.

Preemption: Meaning, nature and classification of Haq shufa (Pre-emption); Rights of pre-emption, When conflict of laws, Subject matter and formalities of pre-emption, legal effects of pre-emption, devices for evading pre-emption.

**Module-5**

Hiba: meaning and its kinds; Vasiyat--competency of parties, valid subjects of vasiyat.

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

**Module-6**

Maintenance: Persons entitled to Maintenance, Principles of Maintenance; The Muslim Women (Protection of Rights on Divorce) Act, 1986.

Death bed transaction: Meaning and effect of Marj-Ul-maut.

**Module-7**

Wakf: Meaning, Essentials and kinds, Beneficiaries of Wakfs, the Wakf Validating Act, 1913; Formalities for Creation of Wakf, Wakf of Musha, Muslim Religious Institution and Officers; Administration of Wakf; Mutawalli.

Inheritance: General Principle of Law of Inheritance, Doctrines of Aul And Radd under Hanafi and Shia Law.

**Suggested readings:**

**Dr. Paras Diwan-**"Muslim Law in Modern India", Allahabad Law Agency, Faridabad (Haryana).

**Dr. Qureshi, M.A.** -"Muslim Law", Central Law Publications, Allahabad.

**Fyzee, A.A.A-**"Outlines of Muhammadan Law", Oxford University Press, New Delhi.

**Mulla's-**"Principles of Mahomedan Law" by Hidayatullah, Lexis Nexis, Butter Worths, New Delhi.

**Noshirvan H. Jhabvala-**"Principles of Muhammadan Law", C. Jannadas & Co. Mumbai.

**Syed Khalid Rashid-**"Muslim Law", Eastern Book Company, Lucknow.26

**Tahir Mahmood-**"The Muslim Law of India" Lexis Nexis, Butter Worths, New Delhi.27

**Verma, B.R-**"Islamic Law", Law Publishers (India) Private Ltd., Chandrakanti, ETAH (UP).

**Yawer Qazalbash-**"Principles of Muslim Law", Modern Law House, Allahabad.

## ENGLISH - II

Paper 2.5

Maximum Marks : 100

### Aims / Learning Objectives

1. Enable the students to use the language correctly and effectively.
2. Generate interest of student in English language.
3. Make the student write correctly in English language and help them to express their ideas.
4. Enrich their vocabulary
5. Train students in composition skills

### Module- 1

Use of legal phrases and terms(list of legal terms given below)

Pair of words

### Module- 2

One word substitution

Latin maxims (listed below)

### Module- 3

Foreign words:

axiom, joie-de vivre, judicature, jussoli, suo jure, suo loco, ad absurdum, addendum, a deux, ad extremum, ad fin, ad infinitum, ad initium, bon jour, monsieur, en masse, en route, sans, vis-à-vis, post script, post meridian, ante meridian, milieu, haute couture, petite, plaza, summum bonum, synopsis, virtuoso

### Module-4

Common logical syllogism

(a) Valid rules of syllogism

(b) Syllogistic fallacies

(c) Other types of material or verbal Fallacies.

### Module 5

Composition skills:

1. Use of cohesive devices (legal drafting)

2. Precise Writing

### Module- 6

Composition skills:

1. Brief writing

2. Drafting of reports, letter and applications

### Module- 7

Essay writing and topics of legal interest

Translation from Hindi to English and English to Hindi

### 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	Ex parte
Finding	Floating Charge	Forma pauperis	Franchise	Fraud
frustration	Good Faith	Guardian	Habeas corpus	Hearsay
Homicide	Hypothecation	Illegal	Indemnity	inheritance
Bench	Bill	Bill of attainder	Bill of rights	Blockade
By-laws	Capital punishment	Charge	chattels	Justiciable
Legislation	Legitimacy	Liability	Liberty	Licence
Lieu	Liquidation	Maintenance	Malafide	Mortgage
Malfeasance	Minor	Misfeasance	Murder	Negligence
Neutrality	Non-Feasance	Negotiable Instrument	Notification	Navation

Nuisance	Oath	Order	Ordinance	Overrule
Defacto	Dejure	Deposit	Obscene	Offender
Detention	Perjury	Partition	Equality	Enforceable
Petition	Discretion	Distress	Earnest Money	Enact
Plaintiff	Pledge	Preamble	Pre-emption	Prescription
Presumption	Privilege	Privity	Prize	Process
Promissory note	Proof	Proposal	Prosecution	Proviso
Ractify	Receiver	Redemption	Reference	Regulation
Remand	Remedy	Rent	Repeal	Res judicata
Respondent	Institute	Insanity	Insurance	Intestate
Issue	Judgment	Judicial	Jurisdiction	Justice
Restitution	Rule	Ruling	Schedule	Section
Settlement	Sovereignty	Specific performance	Stamp duty	Status-Quo
Statute	Stay of Execution	Succession	Summons	Surety
Tenant	Testator	Title	Tort	Trademark
Treaty	Tribunal	Undue influence	Coercion	Ultravire
Verdict	Warranty	Wrong	Writ	Will
Void	Voidable	Violate	Vismajor	Vested
Custom	Usages	Waiver	Valid	Trust

### List of Legal Maxims

Ab initio - From the beginning.

Absoluta sententia expositore non indiget - An absolute judgment needs no expositor.

Actori incumbit onus probandi - The burden of proof lies on the plaintiff.

Actus nemini facit injuriam - The act of the law does no one wrong.

Actus non facit reum nisi mens sit rea - The act does not make one guilty unless there be a criminal intent.

Actus reus - A guilty deed or act.

Ad hoc - For this purpose.

Aequitas legem sequitur - Equity follows the law.

Aequitas nunquam contravenit legem - Equity never contradicts the law.

Alibi - At another place, elsewhere.

Arbitrium est iudicium - An award is a judgment.

Assentio mentium - The meeting of minds, i.e. mutual assent.

Audi alteram partem - Hear the other side.

Bona fide - Sincere, in good faith

Bona vacantia - Goods without an owner

Causa proxima, non remota spectatur - The immediate, and not the remote cause is to be considered.

Caveat emptor - Let the purchaser beware.

Consensu - Unanimously or, by general consent.

Consensus ad idem - Agreement as to the same things.

Corpus - Body.

Damnum sine injuria - damage without legal injury.

De facto - In fact.

De futuro - In the future.

De integro - As regards the whole.

De jure - Rightful, by right.

De minimis lex non curat - The law does not notice trifling matters.

De novo - Starting afresh.

Debitum in praesenti, solvendum in futuro - A present debt is to be discharged in the future.

Delegata potestas non potest delegari - A delegated authority cannot be again delegated.

Doli incapax - Incapable of crime.

Dominium - Ownership.

Dormiunt leges aliquando, nunquam moriuntur - The laws sometimes sleep, but never die..

Duo non possunt in solido unam rem possidere - Two cannot possess one thing each in entirety.

Ex cathedra - With official authority.

Ex concessis - In view of what has already been accepted/

Ex dolo malo actio non oritur - A right of action cannot arise out of fraud.

Ex facie - On the fact of it.

Ex gratia - Out of kindness, voluntary.  
Ex nihilo nil fit - From nothing nothing comes.  
Ex nudo pacto actio non oritur - No action arises on a contract without a consideration.  
Ex parte - Proceeding brought by one person in the absence of another.  
Ex post facto - By reason of a subsequent act.  
Ex turpi causa non oritur actio - No action arises on an immoral contract.  
Exceptio probat regulam - An exception proves the rule..  
Executio est finis et fructus legis - An execution is the end and the fruit of the law.  
Executio legis non habet injuriam - Execution of the law does no injury.  
Faciendum - Something which is to be done.  
Factum - An act or deed.  
Id est (i.e) - That is.  
Idem - The same person or thing.  
Ignorantia facti excusat, ignorantia juris non excusat - Ignorance of fact excuses, ignorance of law does not excuse..  
Impotentia excusat legem - Impossibility is an excuse in the law.  
In aequali jure melior est conditio possidentis - When the parties have equal rights, the condition of the possessor is better.  
In alta prodicione nullus potest esse accessorius; sed principalis solum modo - In high treason no one can be an accessory; but a principal only.  
In delicto - At fault.  
In esse - In existence.  
In extenso - At full length.  
In fictione legis aequitas existit - A legal fiction is consistent with equity.  
In novo casu novum remedium apponendum est - In a new case a new remedy is to be applied.  
In omnibus - In every respect.  
In pari delicto potior est conditio possidentis - When the parties are equally in the wrong the condition of the possessor is better.  
In personam - Against the person.  
Inter alia - Amongst other things.  
Interest reipublicae ut quilibet re sua bene utatur - It is in the interest of the State that every one use properly his own property.  
Interim - Temporary, in the meanwhile.  
Ipso facto - By that very fact.  
Iter arma leges silent - In war the laws are silent. *Judex est lex loquens* - A judge is the law speaking.  
*Judex non potest esse testis in propria causa* - A judge cannot be witness in his own cause.  
*Judex non potest injuriam sibi datam punire* - A judge cannot punish a wrong done to himself.  
*Judex non reddit plus quam quod petens ipse requirit* - A judge does not give more than the plaintiff himself demands.  
*Jus* - A right that is recognised in law.  
*Jus ad rem; jus in re* - A right to a thing; a right in a thing.  
*Jus dicere, non jus dare* - To declare the law, not to make the law.  
*Jus est norma recti; et quicquid est contra normam recti est injuria* - The law is a rule of right; and whatever is contrary to a rule of right is an injury.  
*Jus naturale* - Natural justice.  
*Justitia nemini neganda est* - Justice is to be denied to no one  
*Leges posteriores priores contrarias abrogant* - Subsequent laws repeal prior conflicting ones.  
*Legibus sumptis desinentibus legibus naturae utendum est* - When laws imposed by the State fail, we must use the laws of nature.  
*Lex aliquando sequitur aequitatem* - The law sometimes follows equity.  
*Lex citius tolerare vult privatum damnum quam publicum malum* - The law would rather tolerate a private injury than a public evil.  
*Lex dabit remedium* - The law will give a remedy.  
*Lex dilationes abhorret* - The law abhors delays.  
*Lex est judicum tutissimus ductor* - The law is the safest guide for judges.  
*Lex est sanctio sancta jubens honesta et prohibens contraria* - The law is a sacred sanction, commanding what is right and prohibiting the contrary.  
*Lex indendit vicinum vicini facta scire* - The law presumes that one neighbor knows the acts of another.  
*Lex necessitatis est lex temporis i.e. instantis* - The law of necessity is the law of time, that is time present.  
*Lex neminem cogit ad vana seu impossibilia* - The law compels no one to do vain or impossible things.  
*Lex non requirit verificari quod apparet curiae* - The law does not require that to be proved which is apparent to the

Court.

Lex rejicit superflua, pugnata, incongrua - The law rejects superfluous, contradictory and incongruous things.

Lex tutissima cassis, sub clypeo legis nemo decipitur - Law is the safest helmet; under the shield of the law no one is deceived.

Longa possessio est pacis jus - Long possession is the law of peace.

Longa possessio parit jus possidendi et tollit actionem vero domino - Long possession produces the right of possession and takes away from the true owner his action.

Majus est delictum se ipsum occidere quam alium - It is a greater crime to kill one's self than another.

Mala fide - In bad faith..

Mandamus - We command.

Melior testatoris in testamentis spectanda est - In wills the intention of a testator is to be regarded.

Melio rem conditionem suam facere potest minor deterio rem nequaquam - A minor can make his position better, never worse.

Mens rea - Guilty state of mind.

Nemo bis punitur pro eodem delicto - No one can be twice punished for the same offence.

Nemo debet esse iudex in propria causa - No one can be judge in his own case.

Nemo plus juris transferre ad alium potest quam ipse habet - No one can transfer to another larger right than he himself has.

Nemo potest esse tenens et dominus - No one can at the same time be a tenant and a landlord (of the same tenement).

Nemo potest facere per alium, quod per se non potest - No one can do through another what he cannot do himself.

Nemo punitur pro alieno delicto - No one is punished for the crime of another.

Nexus - Connection

Nihil quod est inconveniens est licitum - Nothing inconvenient is lawful.

Nisi - Unless

Non compos mentis - Not of sound mind and understanding

Non sequitur - An inconsistent statement, it does not follow

Nullus commodum capere potest ex sua injuria propria - No one can derive an advantage from his own wrong.

Omnia praesumuntur contra spoliato rem - All things are presumed against a wrongdoer.

Optima legum interpretis est consuetudo - The best interpreter of laws is custom.

Optimus interpretis rerum est usus - The best interpreter of things is usage.

Par delictum - Equal fault.

Partus sequitur ventrem - The offspring follows the mother.

Pendente lite nihil innovetur - During litigation nothing should be changed.

Post mortem - After death.

Prima facie - On the face of it.

Pro rata - In proportion.

Quantum - How much, an amount.

Qui facit per alium, facit per se - He who acts through another acts himself..

Qui tacet consentire videtur - He who is silent appears to consent.

Quid pro quo - Consideration. something for something.

Quod ab initio non valet, in tractu temporis non convalescit - What is not valid in the beginning does not become valid by time.

Quod constat curiae opere testium non indiget - What appears to the Court needs not the help of witnesses.

Quod non habet principium non habet finem - What has no beginning has no end.

Quod vanum et inutile est, lex non requirit - The law does not require what is vain and useless.

Quoties in verbis nulla est ambiguitas, ibi nulla expositio contra verba expressa fienda est - When there is no ambiguity in words, then no exposition contrary to the expressed words is to be made.

Re - In the matter of.

Res - Matter, affair, thing, circumstance.

Res gestae - Things done.

Res integra - A matter untouched (by decision).

Res inter alios acta alteri nocere non debet - Things done between strangers ought not to affect a third person, who is a stranger to the transaction.

Res judicata accipitur pro veritate - A thing adjudged is accepted for the truth.

Res nullis - Nobody's property.

Respondeat superior - Let the principal answer.

Salus populi est suprema lex - The safety of the people is the supreme law.

Sciens - Knowingly.

Scienter - Knowingly.

Se defendendo - In self defence.

Semper praesumitur pro legitimatione puerorum - Everything is presumed in favor of the legitimacy of children.

Sic utere tuo ut alienum non laedas - So use your own as not to injure another s property.

Simplex commendatio non obligat - A simple recommendation does not bind.

Stare decisis - To stand by decisions (precedents).

Sub moto - Within limits.

Sub nomine - Under the name of.

Sub silentio - In silence.

Sui generis - Unique.

Ubi jus ibi remedium est - Where there is a right there is a remedy.

Verbatim - Word by word, exactly.

Vice versa - The other way around.

Volenti non fit injuria - An injury is not done to one consenting to it.

### **References**

1. Thomson, A.J., and A.V. Martinet. A Practical English Grammar, New Delhi: OUP, 2005.
2. Best, Wilfred D. The Students Companion, New Delhi: Rupa & Co., 2005