

AVADH LAW COLLEGE

LL.B. SECOND SEMESTER

PAPER-I

LAW OF CONTRACT –II (SPECIFIC CONTRACTS)

UNIT -1

Indemnity – concept and need for indemnity to facilities 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 surely ; position of surely in the eye of law ; discharge of surety's liability

UNIT- II

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

Pledge – definition comparison with bailment rights of the pawner and pawner

UNIT-III

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

UNIT-IV

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

UNIT- V

Partnership definition , essential and natural ; district advantages and disadvantage s vis a vis partnership and private limited company mutual relationship between partners authority of partners admission of partners outgoing of partners registration of partnership and dissolution of partnership

Acts

Indian Contract Act 1872
Sale Of Goods Act 1930
Indian Partnership Act 1932

Books

Anson Law of Contract
Pollock and Mulla on Contract and Specific Relief Act
Avtar Singh , Principles of the Law of Sale Of Goods and Hire Purchase
S. K. Singh , Sale Of Goods Act . CLA ALLAHABAD
H K Saharay, Indian partnership and Sale of Goods Act , Universal , Delhi

LL.B. SECOND SEMESTER

PAPER-II

CONSTITUTIONAL LAW –II

UNIT -1

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

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

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

Legislative privileges and Fundamental Rights.

UNIT –II

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

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

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

UNIT –III

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

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

Appointment of District Judges: Control over subordinate judiciary

Judicial independence

UNIT –IV

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

Relations between the Union and the States- legislative relations and administrative relations

UNIT –V

Freedom of trade commerce and intercourse

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

Administrative tribunals

Act

The Constitution of India

Administrative tribunals Act. 1985

Books

As above in LL.B. First Semester

K.N. Goyal, Administrative Tribunals Act

LL.B. SECOND SEMESTER

PAPER-III

FAMILY LAW-II (MUSLIM LAW)

UNIT-I

Who is a Muslim?

Sources and Schools of Muslim Law

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

Marriage – effects of void (Batil marriage and irregular marriage

Conversion and its effect of marriage.

UNIT-II

Dower , (Mehr)- definition, Concept and kinds of dower (Proper dower – Mehr-i-Mish (Prompt dower- muajjal). And (Deferred dower- Muwajjal)

Confirmation of dower and remission of dower by the wife.

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

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

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 , (protection of Rights on Divorce)Act , 1986

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

Guardianship- natural testamentary and de facto

Rights of mother to custody of infant children (Hizanant)

Legal guardian of Property

UNIT- IV

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

Revocation of gifts

Will (Vasiyat)- definition essentials of a valid will and its kinds; limits of testarmentary

Power: abatement of legacies: revocation of will

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

UNIT- IV

Inheritance

Parentage and legitimacy

Act

Dissolution of Muslim marriage Act, 1939

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

Criminal Procedure Code, 1973

Books

Fyzee outline Of Muhammadan Law

Aquil Ahmad , Mohammadan Law

LL.B. SECOND SEMESTER

PAPER- IV

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

UNIT-I

Trespass to land, trespass ab initio, dispossession

Movable Property – trespass to goods, detiune, conversion

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

UNIT-II

Negligence – basic concepts, definition and essentials

Acts which constitute negligence

Theories of negligence

Doctrine of contributory negligence

Resipsa loquitur and its importance

Liability of Common Carriers for negligence

Nuisance - definition. Essentials and types

Defamation – definition , essential and defences

UNIT- III

Legal remedies

Award of damages – simple, special and punitive

Remoteness of damage- 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 risks, towards the owner of the vehicle , for persons on roof of a bus. For 'use of the vehicle ' in a public place

Liability when the vehicle on insurer's liability

Effect of transfer of vehicle on insurer's liability

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

UNIT-V

Consumerism in India

Chief characteristic of the Consumer Protection Act

Definitions : Consumer – who is not a consumer? Goods Service , Consumer dispute

Defect- meaning of defect in goods standard of purity quality, Quantity; and Purity

Deficiency- what is deficiency in service? Restrictive trade practices and unfair trade Practices

Consumer for a under the Consumer Protection Act- District Forum, State Commission and National Commission – Constitution jurisdiction Powers and function

Remedies

Acts

Motor Vehicles Act

Consumer Protection Act, 1986

Books

As above in First Semester (on law of Torts)

Avtar Singh The Law of Consumer Protection Principles and Practice

D N Saraf Law of Consumer production in india

R.M. Vats, Consumer and the Law

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

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

LL.B. Second Semester

PAPER - V

HUMAN RIGHT AND INTERNATIONAL LAW

UNIT-I

Human Right – Meaning and evolution of human rights
Human Rights in Indian Tradition ancient, medieval and modern
Human rights in western tradition
Concept of natural Law
Concept Of natural rights, International & Human Rights
Human Rights in legal tradition , international Law and National Law

UNIT-II

United Nations and Human Rights
Universal Declaration of Human Rights (1948)-Individual and Group rights
Covenant on Political and Civil Rights(1966)
Covenant on Economic Social And Cultural Rights
European Convention on Human Rights
American Convention on Human Rights
African Convention on Human Rights
SAARC

UNIT-III

International Commission of Human Rights
Amnesty International
European Commission on Human Rights
U.N.: Division Of Human Rights
International labour Organization
UNESCO
UNICEF

UNIT-IV

Human Rights in India
Human Rights norms reflected in fundamental rights in the Indian Constitution
Directive Principles- legislative and administrative implementation of international Indian rights norms
Judicial activism and profer from of Human Rights in India
Role of Non-Governmental Organization

UNIT-V

Role of Courts the Supreme Court Right Courts and other Courts

National Human Rights Commission

National Commission for Minorities

National Commission for Women

National Commission for Backward Classes

National Commission for Scheduled Castes and Scheduled Tribes

Acts, etc

The Charter of UNO

The Universal Declaration Human Rights 1948

The Protection Of Human Rights 1993

Books

S K Awasthi SR. P. Kaladai ti human Rights

S. K. Kapoor : International Law and Human Rights

S.K. Verma , Public International Law

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

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

LL.B. Second Semester

PAPER-VI

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

UNIT-I

Culpable Homicide

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

Rash and negligent act causally Death.

Dowry Death

Hurt-simple and grievous

Wrongful restraint and wrongful confinement

Kidnapping

Abduction

UNIT-II

Insulting the modesty

Assault or criminal force with the modesty of woman

Causing miscarriage with out woman's consent

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

Selling or buying a minor for purposes of prostitution

Rape definition custodial rape , marital rape

Cruelty by husband or her relatives.

Prohibition of indecent representation of women

UNIT-III

Theft

Extortion

Robbery & Dacoity

Forgery

Cheating

Criminal Misappropriation & Criminal Breach Of Trust.

UNIT-IV

Mischief

Criminal trespass

House breaking

Bigamy

Defamation

Criminal Intimidation

UNIT-V

Prevention of Corruption Act , 1986 An Overview

Definitions: 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

Books

As Above in the First Semester

LL.B. Second Semester

Paper-VII

INTERPRETATION OF STATUTES

UNIT-I

Meaning of the term Statute

Purpose of interpretation of statutes

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

Punctuation marks. Illustrations. Exceptions, Provisions and saving clause; Schedules Non-obstante Clause

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

Contemporanea Exposito : Debates , Inquiry Commissions reports and Law Commission Reports

Presumptions in Statutory interpretation – statutes are valid; statutes are terntonet in operation, presumption against intending injustice

Prospective operation of statutes.

UNIT-II

Rules Of Statutory Interpretation

Primary Rules – Literal rule; Golden rule; Mischief rule(rule in the Hayden’s case); Rule of Harmonious construction

Secondary Rules- Noscitura sociis; Ejusdem generals; Reddendo Singular Singulis

UNIT-III

Maxims Of Statutory Interpretation

Delegatus non potest delegare

Expressio unius exclusion alterius

Generalia Specialibus non dlogant

In part delicto potior est condition possidentis

Utres valet potior quarm pareal

Expressum Facit cessare laclain

In Bonam Partem

UNIT –IV

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

Interpretation of enabling statutes

Interpretations of Statutes concerning rights

Interpretations of Statutes concerning rights

UNIT-V

Principles of Constitution

Harmones constive

Doctrine of Pitn

Colourmate

Ancillary powers

Residualy Power

Doctrine Of Repugn

Books

G.P. Singh Principal at Statutory Interpretation

Maxwell on the Interpretation of Statutes

V. Sarathi , Interpretation of Statutes

N.S. Bindra 's Interpretation Of Statutes