

LLB II SEMESTER

NAME OF SUBJECT: LAW OF SPECIAL CONTRACT INCLUDING INDIAN PARTNERSHIP ACT & NEGOTIABLE INSTRUMENT ACT

PAPER CODE: LL.B.- 206

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: This is a follow- up course on contract. When students are familiarized with the general principles of contract, special contracts are studied in the light of statutory provisions and decisional law. Some of growing sectors of economy such petroleum, mining, transportation and power etc. today require specialized legal professionals to handle growing contractual requirements, joint ventures etc. Special contracts justify special statutory provisions for some kinds of contracts.

MODULE-I: Indemnity & Guarantee / Bailment & Pledge.

- a) **Meaning, Distinction between Indemnity and Guarantee.**
- b) **Indemnity in cases of MNC and new industrial transactions such as Power and Energy. (SECS: 124-125).**
- c) **Rights/ Duties of Indemnifier, Indemnified and Surety.**
- d) **Discharge of Surety.**
- e) **Kinds of Guarantee. (SECS: 126-147)**
- f) **Bailment (SECS: 148-171, 180) & Pledge (SECS: 172-179)**
 - i. **Meaning and Distinction.**
 - ii. **Rights and Duties of Bailor/ Bailee, Pawnor/ Pawnee.**
 - iii. **Lien.**
 - iv. **Termination of Bailment.**

MODULE-II: Agency

- a) **Definition of Agent and Principal.**
- b) **Essentials of Relationship of Agency.**
- c) **Creation of Agency: By agreement, Ratification and Law.**
- d) **Relation of Principal/ Agent, Subagent and Substituted Agent.**
- e) **Termination of Agency. (SECS: 182-210 & 226-238).**

MODULE-III: Specifically enforceable Contracts

- a) **Contracts which cannot be specifically enforced (SECS: 14).**
- b) **Discretion of the Court (SEC: 20).**
- c) **Rectification of Instruments (SEC: 26).**
- d) **Rescission of Contracts (SECS: 27-30).**

- e) **Cancellation of Instruments (SECS: 31-33).**
- f) **E- Contracts including Standard form of Contract.**

MODULE-IV: The India Partnership Act, 1932.

- a) **Nature and concept of Partnership firm and limited partnership.**
- b) **Relations of partners to one and another and outsiders.**
 - i. **Rights/ Duties of partners inter se.**
 - ii. **Partnership Property.**
 - iii. **Relations of Partners to Third parties: doctrine of holding out.**
 - iv. **Liability for holding out minor as a partner.**
- c) **Incoming and outgoing partners.**
- d) **Dissolution of firm: Modes and consequences.**
- e) **Registration of firms and effects on non-registration.**

MODULE-V: Negotiable Instrument Act.

- a) **Definitions.**
- b) **Types.**
- c) **Crossing of Cheques**
- d) **Dishonour of cheques and Penalties.**

SUGGESTED READING

1. Indian Contract Act--- Pollock and Mulla
2. Indian Contract Act--- Avtar Singh.
3. Principles of Mercantile Law--- R.K. Bangia.
4. Law of Contracts and Partnerships and Sale of Goods Act--- T.R. Desai.
5. Equity, Trust and Specific Relief--- G.P. Singh.
6. Equity, Trust and Specific Relief--- Akil Ahmed.
7. Contract--- Tata McGraw.
8. Sales of Goods Act, 1930--- Avtar Singh.
9. Indian Partnership Act, 1930--- Avtar Singh.
10. Pollock and Mulla on Contracts and Specific Relief Act (1999)---R.K. Abhichandani (ed.).
11. Law of Contract (1999)--- Krishnan Nair.
12. The Negotiable Instrument Act--- Bhashyam and Adiga.
13. The Negotiable Instrument Act--- M.S. Parthasharthy (ed.), J.S. Kheragaamvala.
14. The Sales of Goods Act--- Saharay, H.K.
15. Anson's Law of Contract (1998)--- Beatson (ed.).

NAME OF SUBJECT: CONSTITUTIONAL LAW-II

PAPER CODE: LL.B.-207

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: Founding fathers of the Constitution of India through “we the people of India” constituted India into a Sovereign, Democratic, Socialist, Secular, Republic to secure equality, justice, liberty, fraternity and dignity of the individual. In this backdrop it is imperative for the law students to know the genesis of fundamental rights and duties and Directive Principle of State Policies and their interpretation in right perspective. The concept of secularism must be interpreted progressively in a pluralistic society like India. Constitutional interpretation is influenced by one’s social, economic and political bearings and hence a law student must learn how a different interpretation of the Constitution is possible and why a particular interpretation was adopted by the Supreme Court. A critical analysis is sine qua non for a better understanding of the Constitutional Law.

Judicial review is an important aspect of Constitutional Law of India and it monitors Legislative and Executive anomie. In India judiciary has power to review even judicial amendments.

MODULE I

1. Parliament (Article 73-88)
2. Parliamentary privileges (Article 105 and 194)
3. Legislative Procedure in Parliament and States Assemblies (Article 107-111 and A117, A196 -201)

MODULE II

1. Jurisdiction of Union Judiciary (Art.131-136)
2. Jurisdiction of High Courts (Art. 225 and 226)

MODULE III

1. Legislative relations between Union and State (Art 245-255)
2. Administrative relation between Union and State Art (256 -261)
3. Financial relations (Art 268--276)

MODULE IV

1. Trade, Commerce and intercourse within the territory of India (Art. 301- 307)
2. Constitutional safeguards to Civil Servants (Art.308-311)

MODULE V

1. Emergency Provisions (Art.352- 360)
2. Protection of President and Governors (Art. 361)
3. Amendment of the Constitution and amendability of Fundamental Rights (Art. 368)

SUGGESTED READINGS

1. Constitution of India ----- Dr. V.N. Shukla
2. Indian Constitutional Law -----M.P. Jain
3. Constitutional and Administrative Law in -----Nutsels.
4. Constitutional Law of India Vol. 1-3(1986) -----M. Hidayatullah
5. Constitutional Law of India –M.V. Pylee
6. Shorter Constitution of India-----D.D. Basu
7. Constitutional Law of India—H.M. Seervai

NAME OF SUBJECT: FAMILY LAW-I

PAPER CODE: LL.B.- 208

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: Main objective of this course is to provide adequate sociological perspectives to expound concepts relating to family in their social settings. It also highlights some of the current problems arising out of foundational inequalities in different family concepts. Another objective is to view family law not merely as a separate system of personal laws based upon religions but as the one system cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code at jurisprudentially at the academic study by identifying the core concepts in marriage laws of all communities to evolve a Uniform Civil Code devoid of political nest. Women and children have special family relations and hence in family law administration students are expected to develop insight so that they could protect constitutional rights of women and children. Conversion is another problematic area. It affects the family and whether it is compatible with the concept of secularism and to what extent such problem would stand resolved with the enactment of a Uniform Civil Code etc. are some of the issues that need proper examination.

UNIT I GENERAL

Nature, who is Hindu & Sources of Hindu Law

Hindu Marriage Act, 1955: (Sec.5-23)

UNIT II

Maintenance under Hindu Marriage Act (Sec.24 & 25)

Maintenance under Hindu Adoption and Maintenance Act, 1956 (Sec.18, 19 &

20) Adoption: Essential & Effect (Sec.6 to 12 of HA&MA, 1956)

Kinds and Powers of guardian under Hindu Minority & Guardianship Act, 1956 (Sec.6-13)

ACTS

1. Hindu Marriage Act, 1955

2. Hindu Adoption and Maintenance Act, 1956

3. Hindu Minority and Guardianship Act, 1956

Joint Hindu Family: Origin, Nature of Joint Family and Coparcener, Characteristic features of Coparcener, Distinction between Coparcener and Joint Family, Classification of Property:

Joint Family Property and Separate Property, Karta: Position, Powers and Liabilities, Debts

UNIT-III

Partition: Definition, Persons entitled to demand Partition, Reopening and Reunion

Hindu Succession Act, 1956: Features, Devolution of interest in Coparcener Property (Sec.6), List of heirs in Class-I & II of the Schedule, Hindu Women's Right to Property

UNIT IV

Special Marriage Act

SUGGESTED READINGS

1. J.D.M. Derrett- Hindu Law 1. Mulla, D.N. Hindu Law.
2. Paras Diwan, Modern Hindu Law.
3. Mulla D. N. Hindu Law
4. Dr. B. K. Sharma, Hindu Law

NAME OF SUBJECT: PROPERTY LAW (TRANSFER OF PROPERTY ACT AND EASEMENT ACT)

PAPER CODE: LL.B.- 209

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: Course on property law conventionally deals with the Transfer of Property Act 1882. Since then fundamental changes have taken place in the field of property laws due to changed social circumstances. The irony is that old rules enacted by colonial masters such as rule against perpetuities find a place and post-Independence developments such as control and use of agricultural land don't find a place. In the matter of leases of immovable property this law is virtually outdated. Keeping these deficiencies in mind this course outline attempts at overcoming these deficiencies and imbalances.

MODULE-I: Jurisprudential contours of Property and Principles relating to Transfer of Property

- a) **Concept and Meaning of Property.**
 - i. **New property and Kinds of Property.**
 - ii. **Distinction between movable and immovable property.**
 - iii. **Tangible and Intangible Property- Intellectual Property.**
 - iv. **Transferability of Property.**
 - v. **Compartment Transfer.**
 - vi. **Conditions restricting transfer.**
 - vii. **Definition of Transfer of Property.**
 - viii. **Transfer and non-transfer property.**
 - ix. **Transfer to an unborn person and the rule against perpetuity.**
 - x. **Vested and Contingent interest.**
 - xi. **Rule of Election.**

MODULE-II: General Principles Governing Transfer of Immovable Property.

- a) **Transfer by Ostensible owner.**
- b) **Rule of feeding grant by *estopple*.**
- c) **Rule of *Lis pendens*.**
- d) **Fraudulent Transfer.**
- e) **Rule of Part performance.**

MODULE-III: Specific Transfer-I

- a) **Sale and Gift.**
- b) **Leases (Secs. 105-117).**
- c) **Exchange.**
- d) **Charges.**

MODULE-IV: Specific Transfer-II

- a) **Mortgages of Immovable Property (Secs. 58-77)- Kinds of Mortgages.**
- b) **Rights and Liabilities of the Mortgator and Mortgagee.**
- c) **Marshalling and Contribution (Secs. 81-82); Redemption (Secs. 91-96).**
- d) **Registration of Document & Law of Registration.**

MODULE-IV: The Easement Act

- a) **Creation of Easement (Secs. 4-7).**
- b) **Nature and Characteristics.**
- c) **Extinction, Suspension and Revival of Easements (Secs. 37-51); Reparion Rights.**
- d) **Licences.**

SUGGESTED READINGS

1. Transfer of Property--- D.F. Mulla.
2. Transfer of Property Act--- H.N. Tiwari.
3. Transfer of Property Act--- S.M Shah.
4. Lectures on Indian Easement Act--- Tripathi.
5. Indian Easement Act--- J.D. Jain.
6. Transfer of property--- T.P. Tripathi

ESSENTIAL LAWS

Specific Transfers -
Sale, Mortgages, Gift, Lease -

1. Bai Dosabai v. Mathurdas Govinddas, AIR 1980 SUPREME COURT 1334
2. Videocon Properties Ltd., v. Bhalchandra Laboratories, AIR 2004
SUPREME COURT 1787
2. Krishna Pillai Rajasekharan Nair v. Padmanabha Pillai, Air 2004
3. SUPREME COURT 1206
4. Mangal Prasad Tamili v. Narvedshwar Mishra, AIR 2005
5. SUPREME COURT 1964

NAME OF SUBJECT: LABOUR AND INDUSTRIAL LAW-I

PAPER CODE: LL.B.- 210

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INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

Objective: This course on Labour and industrial law aims at delineating the aspect of management of labour relations and dispute settlement bodies and techniques.

MODULE-1: Trade Union Act,1923

- a) Trade Unionism in India.
- b) Definition of trade union and trade dispute.
- c) Workers' Right to form Union *vis a vis* Indian Constitution: the membership of trade union, closed shop and Union shop.
- d) Registration of Trade Union- Remedies in case of non-registration and cancellation of registration of union.
- e) Privileges and protection of registered trade union from certain Acts and Omissions.
- f) Unfair labour practices and victimization.

MODULE-II: Collective Bargaining

- a) Concept and importance of Collective Bargaining.
- b) Pre-requisite for Collective Bargaining.
- c) Process of administering Collective Agreement (Negotiation, Mediation & Voluntary Arbitration & Compulsory Arbitration).
- d) Duration and Enforcement of Bipartite Agreement (Secs. 18, 19, Industrial Dispute Act, 1947).
- e) Pressurization: Strike, Go-slow, Work-to-Rule, Gherao and Lock-out.

MODULE-III: Standing Orders.

- a) Concept, Nature and Scope of Standing Orders under Industrial Employment (Standing Order) Act, 1946.
- b) Formulation of Standing Orders and its Certification Process.
- c) Modification and Temporary application of model Standing Orders.
- d) Interpretation and enforcement of Standing Orders.
- e) Penalties and procedure.

MODULE-IV: Regulations of Industrial Disputes: The Industrial Disputes Act, 1947

- a) Definition of the concept of the Industry, Industrial Dispute and Workman.
- b) Arena of interaction and participants- Industry, Workman and Employer.
- c) Power of Government to refer Industrial Disputes for Adjudication.

- i. The adjudicatory machinery.**
 - ii. Award and its binding nature.**
 - iii. Judicial review of awards.**
- d) Concept of Lay-Off, Retrenchment, Procedure and Compensation relating to lay-off and retrenchment.**

MODULE-V: Discipline in Industry.

- a) Doctrine of Hire and Fire vis a vis Social Welfare- Fairness in Disciplinary Process.**
- b) Right to know: the chargesheet.**
- c) Right to Defend: Domestic enquiry notice, evidence, cross-examination, unbiased enquiry officer and reasoned decision.**
- d) Punishment of misconduct.**
- e) Management's prerogative during the pendency of proceedings.**
- f) Notice of Change.**

SUGGESTED READINGS

1. Law of Industrial Disputes--- O.P. Malhotra.
2. Report of National Commission on Labour, 1969--- Indian Law Institute.
3. Law of Trade Union--- R.B. Sethi & R.N. Dwivedi.
5. Commentary on Industrial Employment (S.C) Act, 1946.
6. Industrial Relations and Labour Law--- S.C. Srivastava.
7. Statutory Material- Trade Union Act, 1926; Industrial Employment (Standing Orders) Act, 1946 and Industrial Dispute Act, 1947.