

Internal Assessment :

20

Recommended Books:

1. Indian Company Law - Avtar Singh
2. Company Law - Palmer
3. Guide to Companies Act - Ramiaya

SEMESTER – II
(FROM 2010-11 SESSION ONWARDS)

LL.B. 2.1

Constitutional Law – II

Full Marks: 100 [80+20]

Pass marks: 45 [36+9]

(Credit : 8)

Time : 3 hours

[For distribution of marks in question paper and other instructions see Rule No. 21 of the Regulation]

Detailed Syllabus:

Marks

Unit 1: The Union and The State

16

- 1.1. The Union and State Executive.
 - 1.1.1. The President and the Vice President's qualifications, election, term of office, powers, impeachment. (Articles-52-72)
 - 1.1.2. Governor-Appointment and powers. (Arts 153-161)
 - 1.1.3. Nature, scope and extent of executive power of the union and states. (Arts. 73,162)
 - 1.1.4. Relationship of the President/Governor with the council of minister. (Arts. 74,75,77,78,111,102,103 (2), 217 (3), 163)
- 1.2. Parliament and State Legislatures.
 - 1.2.1. Composition of Parliament and State Legislatures.
 - 1.2.2. Qualification/Disqualification of Members.

- 1.2.3. Powers, privileges and immunities of parliament/ State Legislatures and its members (Arts. 105,194).
- 1.2.4. Parliamentary privilege and fundamental rights.

Unit 2	Union and State Judiciary:	16
2.1	Union Judiciary- Supreme Court of India (Arts. 124-147) composition, appointment and removal of judges of Supreme Court.	
2.2	State judiciary-High Court in the States.	
2.3	Jurisdiction of Supreme Court – original jurisdiction, appellate jurisdiction, statutory appeal, special leave to appeal power of review, advisory jurisdiction.	
2.3	Writs (Arts. 32 & 226)	
2.5	Judicial review, independence of judiciary and judicial activism.	
Unit 3:	Relationship between the Union and the States:	16
3.1	Distribution of legislative powers. (Arts 245-255)	
3.2	Administrative relation. (Arts 256-262)	
3.3	Financial relation. (Art. 264-267)	
Unit 4:	Emergency and Amendment Provisions:	16
4.1	Emergency provisions-meaning and scope.	
1.1.1	Proclamation of emergency. (Arts. 352,358,359)	
1.1.2	Grounds of imposition of state emergency in states. (Arts. 356-357)	
1.1.3	Financial emergency. (Art. 360)	
1.1.4	Emergency and its effect.	
1.2	Amendment of the Constitution	
1.2.1	Power of the Parliament to amend the Constitution and procedure. (Art.368)	
4.2.2	Limitation upon constitutional power: doctrine of basic feature / structure.	
Unit 5:	Freedom of Trade, Commerce and Inter-Course and Services under the Union and the States and election:	16
5.1	Freedom of Trade, Commerce and intercourse (Arts. 301-307).	
5.1.1	Meaning of Freedom of Trade, Commerce and Intercourse	
5.1.2	Power of Parliament	
5.1.3	Restrictions	
5.2.	Services under the union and the states.	
5.2.1	Doctrine of Pleasure	
5.2.2	Protection against arbitrary dismissal removed or reduction in rank	
5.2.3	Inception to Art. 311	
5.2.4	Electrum.	

Referred Case:

1. *Keshavanand Bharati V. State of Kerala, AIR 1973 SC 1461.*
2. *Maneka Gandhi V. Union of India AIR, 1978 SC 597.*
3. *In re special reference No. of 1998.*
(Judges Appointment case) AIR 1999 SC 1.
4. *S.R. Bammai V. Union of India, AIR 1994 SC 1918.*
5. *Kuldip Nayyar V. Union of India, AIR 2006 SC312.*
6. *A.D.M. Jabalpur V. Shivkant Shakla, AIR 1976 SC1207.*
7. *Remshwar Prasad V. Union of India, AIR 2006 SC980.*
8. *Keshav Singh in re, AIR 1965 SC 745.*
9. *Union of India V. Talsiram, AIR 1985 SC 1416.*
10. *Atiabari Tea Estate Co.V. State of Assam, AIR 1961SC232.*

Internal Assessment :

20

Recommended Books:

1. Constitutional Law of India by J.N. Pandey.
2. Constitutional Law of India by V.N. Shukla.
3. Constitutional Law of India by M.P. Jain.
4. Constitutional Law of India by Brij Kishore Sharma.
5. Shorter Constitution by D.D. Basu.

LL.B. 2.2

Family Law – II

(Credit : 7)

Full Marks: 100 [80+20]

Time : 3 hours

Pass marks: 45 [36+9]

[For distribution of marks in question paper and other instructions see Rule No. 21 of the Regulation]

Detailed Syllabus

Marks

Unit 1: Concepts:

16

- 1.1. What is Islam.
- 1.2. Significance of Islam.
- 1.3. Teachings of Islam.
- 1.4. Qoran as the foundation of Muslim Law.
- 1.5. Who is a Muslim.
- 1.6. History of Islam.
 - 1.6.1. Pre-Islamic Arabia.
 - 1.6.2. The Prophet and advent of Islam.
 - 1.6.3. Shias and Sunnis.
 - 1.6.4. Islamic Law in India.
 - 1.6.4.1. The Sharia.
 - 1.6.4.2. Replacement of Islamic Law by legislation : I.P.C. Evidence Act 1872, C.P.C, Cr. P.C., Contract Act, tort.
 - 1.6.4.3. Personal Law of Muslims: Some aspects are touched by legislation: Divorce, Waqf etc.
 - 1.6.4.4. Application of Muslim Law: Muslim by birth, Muslim by conversion.

- 1.7. Sources of Muslim Law.
 - 1.7.1. Primary Sources.
 - 1.7.2. Secondary Sources.
- 1.8. School of Muslim Law.
 - 1.8.1. The Sunni School and its Sub-School.
 - 1.8.2. The Shia School and its Sub-School.
 - 1.8.3. The Motazilas.
 - 1.8.4. Points of difference between the Sunni and Shia School.

Unit 2: Marriage (Nikah) and Divorce: 16

- 2.1. Definition of Nikah.
- 2.2. Objects of Nikah.
- 2.3. Nature of Nikah.
- 2.4. Essential requirement of valid Muslim marriage.
- 2.5. Void and Irregular Muslim marriage.
- 2.6. Muta marriage.
- 2.7. Difference between Sunni and Shia law of marriage.
- 2.8. Comparison between Muslim marriage and Hindu marriage.
- 2.9. Dower (Mahr).
 - 2.9.1. Definition, Nature, importance and object of dower.
 - 2.9.2. Classification of dower.
 - 2.9.3. Consequences of non-payment of dower.
 - 2.9.4. Difference between Sunni and Shia Laws relating to dower.
- 2.10. Restitution of Conjugal Rights.
- 2.11. Divorce (Talaq).
 - 2.11.1. Extra-judicial divorce.
 - 2.11.2. Judicial divorce : The Dissolution of Muslim Marriages Act, 1939.
 - 2.11.3. Legal consequences of divorce.

Unit 3: Minority and Guardianship Maintenance: 16

- 3.1. Who is a Minor
- 3.2. Appointment of Guardian
- 3.3. Kinds of Guardian
- 3.4. Comparison of Sunni and Shia Laws relating to Guardianship
- 3.5. Maintenance
 - 3.5.1. Definition of maintenance
 - 3.5.2. Liability for maintenance
 - 3.5.3. Principles of maintenance
 - 3.5.4. Persons entitled to maintenance
 - 3.5.5. Right of Muslim divorced women to maintenance

Unit 4: Gift, Will, Trust, Pre-emption: 16

- 4.1. Gift (Hiba):
 - 4.1.1. Definition of Gift.
 - 4.1.2. Essentials of a valid gift.
 - 4.1.3. Gift made during death – illness.
 - 4.1.4. Void gifts.
 - 4.1.5. Revocation of gift.

- 4.1.6. Sadaqah.
- 4.2. Will (Wasiyat):
 - 4.2.1. Definition of Will.
 - 4.2.2. Essentials of a valid Will.
 - 4.2.3. Revocation of Will.
 - 4.2.4. Abatement of legacies.
- 4.3. Trust (Waqf):
 - 4.3.1. Definition of Trust (waqf).
 - 4.3.2. Essentials of valid waqf
 - 4.3.3. Wishes of the Waqf : The Doctrine of Cypres.
 - 4.3.4. Mutawalli.
 - 4.3.5. Legal incidents of Waqf.
 - 4.3.6. Kinds of Waqf.
 - 4.3.7. Revocation of Waqf.
 - 4.3.8. The Waqf Act, 1913.
- 4.4. Pre-emption (Shuffa):
 - 4.4.1. Definition of pre-emption.
 - 4.4.2. Nature of the right of pre-emption.
 - 4.4.3. Constitutional validity of pre-emption.

Unit 5: Inheritance, Succession and Uniform Civil Code: 16

- 5.1. Applicability of certain Rules.
 - Rules of Primogeniture.
 - Rules of 'Spes Successionis'.
- 5.2. The Indian Succession Act, 1925.
- 5.3. Death-bed transactions.
- 5.4. Uniform Civil Code.
 - 5.4.1. Need for Uniform Civil Code.
 - 5.4.2. Art 44 of the Constitution of India.
 - 5.4.3. Impediments to the formulation of the Uniform Civil Code.

Internal Assessment : 20

Prescribed legislations:

1. *The Muslim Law (Shariat) Application Act, 1937.*
2. *The Dissolution of Muslim Marriage act, 1939.*
3. *The Muslim Women (Protection of Rights on Divorce) Act, 1986.*
4. *The Special Marriage Act, 1954.*
5. *The Indian Succession Act, 1925.*
6. *The Waqf Act, 1995.*

Recommended Books:

1. D.F.Mulla : Principles of Mohammedan Law.
2. A. Fyzee : Outline of Mohammedan Law.
3. Tahir Mohammad : Mohammedan Law.
4. R.K.Sinha : Muslim Law.
5. Aqil Ahmed : Mohammedan Law.
6. N.H.Jhabala : Principles of Mohammedan Law.

7. Dr. Diwan : Family Law.
8. Dr. Diwan : Muslim Law in Modern India.

LL.B. 2.3

Special Contract

Full Marks: 100 [80+20]

Pass marks: 45 [36+9]

(Credit : 8)

Time : 3 hours

[For distribution of marks in question paper and other instructions see Rule No. 21 of the Regulation]

Detailed Syllabus Marks

Unit 1: Indian contract Act: Indemnity, Guarantee, Bailment and Pledge 16

- 1.1 Indemnity (Ss 124-125)
 - 1.1.1 Definition
 - 1.1.2 Nature and extent of liability of the indemnifier
 - 1.1.3 Commencement of liability of the indemnifier.

- 1.2 Guarantee (Ss 126 -147)
 - 1.2.1. Definition of guarantee ; as distinguished from Indemnity.
 - 1.2.2. Continuing guarantee
 - 1.2.3. Nature of Surety's liability duration and termination of such liability
 - 1.2.3.1 Rights of surety
 - 1.2.3.2 Extent of Surety liability.
 - 1.2.3.3 Discharge of Surety's liability

- 1.3 Bailment (Ss 148 -171)
 - 1.3.1 Definition of Bailment
 - 1.3.2. Kinds of Bailees
 - 1.3.3. Duties of Bailor and Bailee towards each other
 - 1.3.4 Rights of bailor and bailee

- 1.4 Pledge (Ss 172-179)
 - 1.4.1 Pledge : Comparison with bailment
 - 1.4.2 Definition of pledge under the Indian contract Act.
 - 1.4.3 Rights of the pawner and pownee
 - 1.4.4 Pownee's right of sale as compared to that of an ordinary bailee
 - 1.4.5 Pledge by certain specified persons mentioned in the Indian contract Act.

Unit 2: Agency (Ss 182-238) 16

- 2.1 Agent and Principal defined
- 2.2 Who may employ an agent who may be appointed as an agent.
- 2.3 Kinds of agents and agencies - essentials of a agency transaction.
- 2.4 Distinction between agent and servant
- 2.5 Various methods of creation of agency

- 2.6 Rights, Duties and Liabilities of principal and agent scope and limitation
- 2.7 Delegation Ratification and revocation of authority.
- 2.8 Methods of termination of Agency Contract
- 2.9 Liability of the principal and agent before and after such termination

Unit 3: The sale of Goods Act, 1930 **16**

- 3.1 General : Formation of contract of Sale (Ss 1-10)
 - 3.1.1. Concept of Goods
 - 3.1.2. Sale and Agreement
 - 3.1.3. Statutory Transactions
 - 3.1.4. Contract for works/Labour
- 3.2. Conditions and warranties (Ss 11-17, 62, 63)
 - 3.2.1. Stipulation as to time
 - 3.2.2. Implied conditions and warranties as to title, quality, fitness etc.
 - 3.2.3. Sale by description and by Sample
 - 3.2.4. Treating conditions as warranties
 - 3.2.5. Doctrine of caveat Emptor
- 3.3. Effect of the contract (Ss 180-30)
 - 3.3.1. Transfer of Property
 - 3.3.2. Doctrine of Nemo dat Quad non habit
 - 3.3.3. Sale
 - 3.3.3.1. By a person other than the owner
 - 3.3.3.2. By joint owner
 - 3.3.3.3. By mercantile agent
 - 3.3.3.4. By Seller or buyer in possession after sale
 - 3.3.3.5. In Market Quer
- 3.4. Performance of the contract (Ss 31-44)
 - 3.4.1. Duties of Seller and Buyer
 - 3.4.2. Rules relating to delivery of goods
- 3.5. Rights of unpaid seller (Ss 45-54)
 - 3.5.1. Who is an un paid seller?
 - 3.5.2. Un paid seller 's Right
 - 3.5.3. Rights of lien
 - 3.5.4. Rights of stoppage in transit
 - 3.5.5. Transfer of goods by buyer and seller
- 3.6. Suit for breach of contract (Ss 18-30)
 - 3.6.1. for price
 - 3.6.2. Non Delivery
 - 3.6.3. Non acceptance
 - 3.6.4. Damages for breach of conditions and warranties
 - 3.6.5. Repudiation of contract
 - 3.6.6. Payment of damages and special damages
- 3.7. Auction Sale (S 64)

Unit 4: The Indian Partnership Act, 1932 **16**

- 1.1 Nature of Partnership (Ss 4-8)
 - 4.1.1 Definition of Partnership "Partner firm" and "firm name" (S.4)

- 4.1.2. Partnership not created by Statutes (S.5)
- 4.1.3. Made of determining existence of partnership (S.6)
- 4.1.4. Partnership at Will (S.7)
- 4.1.5. Particular partnership (S.8) Partnership and Private Limited Company – Advantages and disadvantages
- 4.2. Relations
 - 4.2.1. Of partners to one Another (Ss 9-r)
 - 4.2.2. Relations of Partners to third parties (Ss 18-30)
- 4.3. Incoming and outgoing partners (Ss 31-38)
- 4.4. Dissolution of Firm (Ss 39-53)
- 4.5. Registration of Firms (Ss 56-71)

Unit 5: Limited liability of partnership LLP 16
The limited liability partnership Act 2008

- 5.1. Concept and nature of Limited liabilities partnerships
- 5.2. Distinction between a partnership[a limited liability partnership and a company
- 5.3. Incorporation of LLPs
- 5.4. Effect of registration
- 5.5. Partners and their relations
- 5.6. Liabilities of LLP and its partners
- 5.7. Holding out
- 5.8. Protection to whistle blowers
- 5.9. Investigation

Prescribed Legislation

1. *The Indian Contract Act 1872*
2. *The Sale of Goods Act 1930*
3. *The Indian Partnership Act 1932*
4. *The Limited Liability Partnership Act 2008 (6 of 2009)*

Internal Assessment : 20

Recommended Books: (Law of contract and Special Contract)

1. R.G.Pedia (ed.) Pollack and Mulla, Indian contract and Specific Acts (13th Ed 2006)
2. G.C.Bharuka, The India Partnership Act 7th Ed 2007
3. Avtar Singh , Law of partnership (3rdEd 2001) with Supplement 2003
4. Sanjiv Agarwal and Rohini Agarwal ltd liability partnership : Law and Practice (2009).
5. K. Ramamurthy , Pollack and Multa the sale of goods Act (7th ed 2007)
6. V. Krishnamachari and Surender K Gagia T.S. Venkatisa
7. Avtar Singh Contract Act 2000 Eastern Lucknow
8. V.P.Verma (Rev) S.D.and J.P. Gupta law of partnership in India (fth Ed 1996)
9. Krishnan Nair Law of contract 1999 orient
10. Avtar Singh, Principles of the law of the law of sale of goods and their purchase 1998 Eastern Lucknow
11. J.P.Verma Ex Singh and Gupta the Law of partnership in India 1999 orient law house, Delhi

12. A.G.Guest (ed) Benjamin's Sale of goods (1992) Sweet and Maxwell
13. Beatson (ed) Anson's Law of contracts (1998) Oxford, London.
14. Ramnainga, the sale of goods Act (1998) (Universal)

LL.B. 2.4 OP₁

Land Laws of Assam

(Credit : 7)

Optional 1 : Law & Agriculture Group

Full Marks: 100 [80+20]

Time : 3 hours

Pass marks: 45 [36+9]

[For distribution of marks in question paper and other instructions see Rule No. 21 of the Regulation]

<u>Detailed Syllabus</u>	<u>Marks</u>
Unit 1: Constitutional Provisions	16
1.1 History of land right in Assam.	
1.2 Factors leading to land reform in Assam	
1.3 Property as legal right	
1.4 State ownership	
1.5 Constitutional mandate of lands	
Unit 2: The Assam Land & Revenue Regulation, 1886	16
2.1 Revenue Administration during Ahom Rule	
2.2 Different kinds of land rights	
2.3 Settlement operation, realization of arrear land revenue	
2.4 Mutation, partition, appeal	
2.5 Matter exempted from preview of civil court	
2.6 Protection of Backward Classes	
Unit 3: The Assam (Temporary settled Areas) Tenancy Act, 1971	16
3.1 Important Definitions – Land lord, Tenant, Land	
3.2 Different kinds of Tenant and their rights under the Act	
3.3 Reasons for passing of the Act	
3.4 Protection of tenant	
3.5 Remedial provisions	
Unit 4: The Assam Non-Agricultural Urban Areas Tenants Act, 1955	16
4.1 Application & objectives	
4.2 Definition – Land, permanent structure, land lord, tenant, salami	
4.3 Protection from ejection, its procedure, enhancement of rent	
4.4 Protection/procedure for fair rent	
4.5 Exception of law provided under the Act.	
Unit 5: The Assam Urban Areas Rent control Act, 1972	16
5.1 Fair rent, urban area, standard rent, fixation thereof	
5.2 Protection of tenant from arbitrary eviction	
5.3 Enhancement of standard rent	

- 5.4 Deposit of rent in court
5.5 Repairs etc. by tenant & recovery of costs etc.

Referred cases :

- 1 *Swarna Brahma Vs Assam Board of Revenue, AIR 1972 Gau – 121*
- 2 *Refiqunnessa Vs Lal Bahadur Chetri AIR 1964 SC. 1511*
- 3 *Kali Kumar Sen Vs Moahulal Biswas AIR 1969 A8M 66 (FB).*
- 4 *Variety Emporium Vs VRM Md. Ibrahim Novina, AIR 1985 SC. 207*
- 5 *Satyaranjan Vs Assam Board of Revenue AIR 1999 Gau – 83 (FB)*
- 6 *V. Dhanpal Chettiar Vs Yesodal Amal, AIR 1979 SC. 1745*

Internal Assessment :

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Recommended Books:

1. Justice K.N. Saikia, Assam Land and Revenue Regulations, 1886
2. J.N. Das, Land Laws of Assam.
3. B.K. Goswami, The Assam Urban Area Rent Control Act, 1972
4. B.K. Goswami, The Assam Non – Agricultural Urban Areas Tenancy Act, 1955

OR

LL.B. (Hons) 2.4 OP₁

Criminal Psychology

(Credit : 6)

Optional 1: Crime & Criminology Group

Full Marks: 100 [80+20]

Time : 3 hours

Pass marks: 45 [36+9]

[For distribution of marks in question paper and other instructions see Rule No. 21 of the Regulation]

<u>Detailed Syllabus</u>	<u>Marks</u>
Unit 1: Introduction	16
1.1 Nature and history of criminal behaviour	
1.2 Techniques of studying criminal behaviour	
Unit 2: Analysis of Crime	16
2.1 Biological Perspectives	
2.2 Sociological Perspectives	
2.3 Psychological Perspectives	
Unit 3: Special Offender Groups	16
3.1 Types	
3.2 Causes and interventions with respect to the following-	
3.2.1 Juvenile delinquency	
3.2.2 Substance abuse	
3.2.3 Terrorism	