

CHHINDWARA UNIVERSITY, CHHINDWARA
LL.B. PART I SEMESTER II
PAPER-I CONSTITUTIONAL LAW-II

UNIT-I Administration of Frinz Area

1. Administration of Union Territories
2. The Panchayat and Municipalities
3. The schedule and tribal areas

UNIT-II Legislative and Administrative relations:

1. Distribution of Legislative Powers between Union and the States.
2. Power of Parliament to Legislate on State Matters.
 - Doctrine of Territorial Nexus.
 - Doctrine of Pith and Substance
 - Doctrine of Colourable Legislation.
3. Administrative relations
4. Dispute relating to water
5. Freedom of trade commerce and intercourse within territory of India

UNIT – III Finance and Service

1. Financial provisions: property, contracts, rights, liabilities obligation and Suit
2. Public service commissions, service under the Union and the States

UNIT IV Tribunals, Special other matters

1. Tribunals,
2. Elections,
3. Special provisions-relating to certain classes,
4. Official language

Unit V: Emergency Provisions & Amendment

1. National emergency.
2. State emergency.
3. Financial emergency
4. Amendment of the constitution

Leading cases

1. Bandhua Mukti Morcha v. Union of India AIR 1984 SC 802.
2. Keshawanand Bharti v. Union of India AIR 1973 SC 1974.
3. S. R. Bommai v. Union of India, AIR 1994 SC 1918.
4. Indira Gandhi vs. Raj Narain AIR 1975 SC 2299
5. Golaknath v. State of Punjab (1967 AIR 1643

Selected Bibliography

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3. H.M. Seervai, Constitution of India, Vol. 1-3 (1992), Tripathi, Bombay
4. M.P. Singh (ed.), V.N. Shukla, Constitutional Law of India (2000), Oxford
5. Indian Constitution, V.N. Shukla.

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LL.B. PART I SEMESTER II

PAPER-II LAW OF CONTRACT-II

UNIT – I Indemnity

1. The Concept – Theories of contract
2. Need for indemnity to facilitate commercial transactions
3. Method of creating indemnity obligations
4. Definition of indemnity
5. Nature and extent of liability of the indemnifier
6. Commencement of liability of the indemnifier
7. Situations of various types of indemnity creations
8. Documents/agreements of indemnity
9. Nature of indemnity clauses
10. Indemnity in case of International transactions
11. Indemnity by Governments during interstate transactions

Guarantee

1. The concepts
2. Definition of guarantee: as distinguished from indemnity
3. Basic essentials for a valid guarantee contract
4. The place of consideration and the criteria for ascertaining the existence of
5. Consideration in guarantee contracts
6. Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety
7. Continuing guarantee
8. Nature of surety's liability
9. Duration and termination of such liability
10. Illustrative situations of existence of continuing guarantee
11. Creation and identification of continuing guarantees
12. Letters of credit and bank guarantee as instances of guarantee transactions
13. Rights of surety:
14. Position of surety in the eye of law
15. Various judicial interpretations to protect the surety
16. Co-surety and manner of sharing liabilities and rights
17. Extent of surety's liability
18. Discharge of surety's liability

UNIT – II Bailment

1. Identification of bailment contracts in day today life
2. Manner of creation of such contracts
3. Commercial utility of bailment contracts

4. Definition of bailment
5. Kinds of bailees
6. Duties of bailor and bailee towards each other
7. Rights of bailor and bailee
8. Finder of goods as a bailee
9. Liability towards the true owner
10. Obligation to keep the goods safe
11. Right to dispose of the goods
12. Pledge
13. Pledge: comparison with bailment
14. Commercial utility of pledge transactions
15. Definition of pledge under the Indian Contract Act
16. Other statutory regulations (State & Centre) regarding pledge, reasons for the same
17. Rights of the pawner and pawnee
18. Pawnee's right of sale as compared to that of an ordinary bailee
19. Pledge by certain specified persons mentioned in the Indian Contract Act

UNIT-III Agency

1. Identification of different kinds of agency transactions in day to day life in the commercial world
2. Kinds of agents and agencies
3. Distinction between agent and servant
4. Essentials of agency transaction
5. Various methods of creation of agency
6. Delegation
7. Duties and rights of agent
8. Scope and extent of agent's authority
9. Liability of the principal for acts of the agent including misconduct and tort of the agent
10. Liability of the agent towards the principal
11. Personal liability towards the parties
12. Methods of termination of agency contract
13. Liability of the principal and agent before and after such termination

UNIT-IV Law Relating to Partnership

1. Definition and Nature of Partnership/Firm/Duties
2. Relationship between partner's mutual rights duties.
3. Implied Authority of Partners, Emergency.
4. Liability of Partners
5. Doctrine of Holding out.
6. Incoming and outgoing partner – their rights liabilities
7. Dissolution – Kinds, consequences.

8. Registration of firm and Effect of non-registration.

UNIT-V Sale of Goods

1. Concept of sale as a contract
2. Illustrative instances of sale of goods and the nature of such contracts
3. Essentials of contract sale
4. Essential conditions in every contract of sale
5. Implied terms in contract sale
6. The rule of caveat emptor and the exceptions thereto under the sale of Goods Act
7. Changing concepts of caveat emptor
8. Effect and meaning of implied warranties in the sale
9. Transfer of title and passing of risk
10. Delivery of goods: various rules regarding delivery of goods
11. Unpaid seller and his rights
12. Remedies for breach of contract

Select Bibliography

1. R.K. Abhichandani (ed.) Pollack and Mullah on Contract and Specific Relief Acts (1999) Tripathi, Bombay.
2. Avtar Singh, Contract Act (2000), Eastern Lucknow.
3. Krishnan Nair, Law of Contract, (1999) Orient.
4. Avtar Singh, Principles of the Law of Sale of Goods and Hire Purchase (1998), Eastern Lucknow
5. J.P. Verma (ed.), Singh and Gupta, The Law of partnership in India (1999), Orient Law House, New Delhi
6. A.G. Guest (ed.), Benjamin's Sale of Goods (1992), Sweet & Maxwell.
7. Bhashyam and Adiga, The Negotiable Instruments Act (1995), Bharath, Allahabad.
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9. M.S. Parthasarathy (ed.), Ansons' Law of Contract, (1998), Oxford, London.
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LL.B. PART I SEMESTER II

PAPER-III FAMILY LAW II (MUSLIM LAW)

UNIT-I Muslim Law

1. Origin and development of Muslim Law,
2. Who is Muslim?
3. Conversion to Islam,
4. Schools of Muslim law and sources of Muslim law

UNIT-II Marriage & Divorce

1. Kind of Marriage, (Nikah) (Muta Marriage)
2. Option of puberty,
3. Divorce,
4. Dissolution of Marriage,
5. Marriage Act 1939,
6. Meher (Dowry).
7. Dissolution of Marriage under Muslim Law: (Divorce) Talaq, Ila, Khula, Mubarrat, Talaq-eTafweed, Lian, Faskh etc.
8. Dissolution of Muslim Marriage Act, 1939.

UNIT – III Guardianship & maintenance

1. Guardianship – elements, type
2. Maintenance of Wives with Special Reference to Section 125 Cr. P.C.
3. Shah Banu Case and the Ensuing Legislation.

UNIT-IV Will, Gift and Wakf

1. Wills,
2. Gift.
3. Doctrine of musha and pre-emption,
4. Wakf

UNIT-V Parentage and inheritance

1. Parentage and acknowledgement
2. Succession and Death bed transaction

Leading Cases:

1. Mohd. Ahmed khan v. Shah Bano Begam (AIR 1985 SC 945)
2. Rashid Ahmad v. Anisha Khatoon (AIR P.C.23)
3. Zain Yar Jung v. Director of Endowments (AIR1963 S.C. 985)
4. Habibur Rehman v. Altaf Ali (AIR 1922 P.C.159)
5. Kapoorchand v. Kidar Nissa. (AIR 1953 S.C. 412)

Select Bibliography -

1. Mulla, Mohammedan Law
2. Dr. Paras Diwan, Muslim Law in Modern India
3. Aquil Ahmed, Mohammedan Law

4. Fyzee, Introduction to Mohammedan Law
5. Schat Mohammedan, Jurisprudence
6. Coulson, Principles of Mohammedan Law
7. 7 Jhabvala, Principles of Mohammedan law

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PAPER-IV

LAW OF CRIMES - (CRIMINAL PROCEDURE CODE)

Unit- I Introduction

- 1) Object extent and scope of Criminal Procedure
- 2) Nature of Criminal Procedure
- 3) Preliminary Considerations
 - a. Definitions
 - b. Classification of offences
 - c. Constitution of Criminal Courts
 - d. Functionaries under the Code

Unit- II Maintenance of Wives, Children and Parents

(Ss. 125 to 128)

- 1) Essential conditions for granting maintenance
- 2) Jurisdiction of Magistrates
- 3) Alteration of allowance
- 4) Cancellation of the order of the maintenance

Unit- III Arrest (Ss. 41 to 44, S.47 S.48 to 50A and S.54 to 60A)

- 1) Meaning and purpose of arrest
- 2) Arrest with a warrant
- 3) Arrest without a warrant
- 4) Arrest by a private Person
- 5) Arrest of a woman
- 6) Arrest how made
- 7) Rights of Arrested Person

Search and Seizure (S.165, 166 and Ss.91 to 100)

- 1) Search with a warrant
- 2) Search without warrant

- 3) General provisions relating to searches
- 4) Illegality in a search and its consequences

Unit – IV Investigation (Ss. 154 to 164 and 167 to 176)

- 1) Meaning and purpose of Investigation
- 2) Who can investigate?
- 3) When police can investigate?
- 4) Information to the police
- 5) F.I.R. and procedure after the recording of the F.I.R
- 6) Evidentiary value of statements made to the police
- 7) Investigation in the case of unnatural deaths and suicides, in police custody etc.

Charge (Ss.211 to 224)

- 1) Framing of charge
- 2) Form and content of charge
- 3) Joinder of Charges
- 4) Discharge - pre-charge evidence

Unit – V

Trials (Ss.225 to 265, Ss.406 to 412, S.265A to 265L and S.467 to 473)

- 1) Trial before a court of session
- 2) Trial of warrant cases
- 3) Summon Trial
- 4) Summary Trials
- 5) Plea Bargaining
- 6) Transfer of Criminal Cases
- 7) Limitation for taking cognizance of certain offences

Bail (Ss.436 to 439)

- 1) Bail: concept, purpose: constitutional overtones
- 2) When release on bail is mandatory?
- 3) When release on bail is Discretion?
- 4) Anticipatory bail

Appeals, Reference and Revision (Ss. 372 to 405)

- 1) Appeals: Concept and Basic Provisions
- 2) Reference: Concept and Basic Provisions

3) Revision: Concept and Basic Provisions

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1. Ratanlal Dhirajlal, Criminal Procedure Code (1999), Universal, Delhi
2. Chandrasekharan Pillai, ed., Kelkar Lectures on Criminal Procedure (2001),
Eastern Lucknow
3. Eastern Lucknow
4. Principles and commentaries on the Code of Criminal Procedure. 2 Vol.
5. (2000) Universal.
6. Woodroffe: Commentaries on Code of criminal Procedure, 2. vol. (2000)
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PAPER – V
LAW OF HUMAN RIGHTS

UNIT-I

1. Meaning and Concept of Human Rights :
2. Evolution and Development of Human Rights Law :
 - a. Impact of Natural Law and Natural Rights
 - b. Broadening of Contents

UNIT-II

1. Human Rights and the United Nations
 - a. Charter Provisions
 - b. International Protection of Human Rights

UNIT-III

1. Universal Declaration of Human Rights
2. International Covenants and the Protocols
 - a. Civil and Political Rights
 - b. Economic, Social and Cultural Rights

UNIT-IV

1. Regional Protection of Human Rights :
 - a. European Convention
 - b. American Convention

UNIT-V

1. Impact and Implementation of International Human Rights Norms in India
2. Human rights norms reflected in fundamental rights in the constitution
3. Directive principles: legislative and administrative implementation of international human rights norms through judicial process
4. Enforcement of Human Right in India
5. Role of courts: the Supreme Court, High Courts and other courts
6. Statutory commissions- human rights, women, minority and backward class

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1. S.K. Awasthi and R.P. Kataria. Law Relating to Human Rights, Orient New
2. Delhi.
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PAPER – VI
ENVIRONMENTAL LAW

UNIT I General Background

1. Problems of Environmental Pollution and Protection
2. History of Indian Environmental Laws
3. Importance and Scope of Environmental Laws
4. International Perspective of Environmental Law

UNIT II Constitutional Aspects:

1. Distribution of Legislative Power
2. Directive Principles of State Policy
3. Fundamental Duties
4. Fundamental Rights

UNIT III Legal Controls

The Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

- a. Salient Features of the Acts
- b. Definitions
- c. Authorities - Composition, Power and Function
- d. Mechanism to Control the Pollution
- e. Sanctions

Environment (Protection) Act, 1986:

- a. Definition of 'Environment'
- b. Salient Features of the Act
- c. Authorities - Composition, Powers, Functions
- d. Mechanism to Control Environmental Pollution
- e. Sanctions

Unit IV. Emerging Principles: Historical Background and Judicial Approach in India

1. Polluter Pays Principle
2. Precautionary Principle
3. Public Trust Doctrine
4. Sustainable Development

UNIT V. Environmental Dispute and Grievance Settlement Mechanism:

1. National Environment Tribunal Act, 1995-Powers, Functions and Jurisdiction of the National Environmental Tribunal
2. National Environment Appellate Authority Act, 1997- Powers, Functions and Jurisdiction of the National Environment Appellate Authority.

Leading Case Laws:

1. M.C. Mehta vs. Union of India (AIR 1987 SC 965, 982, 1086)
2. Municipal Council, Ratlam vs. Vardhichand and Others (AIR 1980 SC 1622).
3. M.C. Mehta V. Kamalnath AIR 2000 SC 168
4. Rural Litigation And Entitlement vs State Of U.P. & Ors 1985 AIR 652
5. Indian Council for Enviro-Legal ... vs Union of India and Ors. 1996 AIR 1446,

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