



First Year LL.B (Semester II) Third Year B.A. LL.B Semester VI (2017 Pattern)

Objectives of the Course :

This Course is designed to acquaint students with the basic principles of Constitution and Constitutionalism. The reason and justification of the growth of Fundamental Rights. The operation of Fundamental Rights, Directive Principles in India and its effect is to be studied. The basic norm of the land is to be taught with the help of appropriate judicial decisions.

Module 01 Making of the Constitution :

8. Demand for a Constitution framed by a Constituent Assembly
9. The Cripps' offer of 1942
10. The Wavell Plan of 1945
11. The Cabinet Mission Plan, 1946
12. The Mountbatten Plan, 1947
13. The Indian Independence Act, 1947
14. Constituent Assembly in India and framing of the Constitution:
 - a) Formation of the Constituent Assembly of India
 - b) The issues before the Constituent Assembly
 - c) Passing of the Constitution
 - d) Dr. Ambedkar's warning and anxiety about the working of the Constitution
 - e) Date of Commencement of the Constitution

Module 02 Basic Concepts, Preamble, Territory of India and Citizenship : Basic Concepts under the Constitutional Law :

4. Concepts of Constitutional Law and Constitutionalism
5. Forms and characters of various models of Constitution
6. Salient features of the Constitution of India



Preamble to the Constitution of India :

6. Meaning of the Preamble
7. Object, Purpose and Scope of the Preamble
8. Contents of the Preamble
9. Utility of Preamble in interpretation of the Constitution
10. Whether Preamble is part of the Constitution?

Union and its Territory (Articles 1 to 4) : Citizenship of India :

1. Constitutional Provisions (Articles 5 to 11) :
 - a) Importance of Citizenship under the Constitution of India
 - b) Citizens by Domicile
 - c) Citizens by Migration
 - d) Citizens by Registration
 - e) Termination of Citizenship
 - f) Dual Citizenship
2. The Citizenship Act, 1955 :
 - a) Introduction, Objects and Reasons of the Act
 - b) Citizenship by Birth
 - c) Citizenship by Descent
 - d) Citizenship by Registration
 - e) Citizenship by Naturalisation
 - f) Citizenship by Incorporation of territory
 - g) Cessation of Citizenship
 - h) Deprivation of Citizenship
 - i) Expulsion of Foreigner

Module 03 General Principles Relating to Fundamental Rights (Articles 12 and 13) :

7. Concept of Fundamental Rights – Their Origin and Development
8. History of the demand for Fundamental Rights in India
9. Justiciability of Fundamental Rights -
 - a) Laws inconsistent with fundamental rights
 - b) Unconstitutionality of Statute
 - c) Doctrine of Eclipse
 - d) Doctrine of Severability
 - e) Waiver of Fundamental Rights
10. Concept of State and its Importance
11. Concept of Law and Law in force
12. Whether the Constitution Amendment Act is law under Article 13?



Module 04 Right to Equality (Articles 14 to 18) :

16. Equality before law and Equal protection of Law
17. Permission of Reasonable Classification but prohibition of Class legislation
18. Article 14 Strikes at Arbitrariness
19. Prohibition of discrimination against citizens
20. Right to Access to Public Places
21. Special provisions for women and children
22. Special provisions for Backward Classes
23. Equality of Opportunity in Matters of Public Employment
24. Requirement as to Residence in State
25. Reservation of Posts for Backward Classes
26. Reservations in Promotion
27. Carry Forward of Reserved Vacancies
28. Percentage of Reservation - Rule of rounding up
29. Abolition of Untouchability
30. Abolition of Titles

Module 05 Right to Freedom I (Article 19) :

8. Freedom of Speech and Expression and Reasonable Restrictions on it
9. Freedom of Assembly and Reasonable Restrictions on it
10. Freedom to form Association or Union and Reasonable Restrictions on it
11. Freedom of Movement and Reasonable Restrictions on it
12. Freedom of Residence and Settlement and Reasonable Restrictions on it
13. Freedom of Profession, Occupation, Trade and Business and Reasonable Restrictions on it
14. Right to Property -
 - a) Pre- 1978 Position - Article 19(f) and 19(5); Eminent Domain; Article 31; Interrelation of Article 31, Article 14 and Article 19(1)(f)
 - b) Present Position - Article 31 A, Article 31 B, Article 31 C, Article 300 A



Module 06 Right to Freedom II (Articles 20 to 22) :

5. Protection in Respect of Conviction for offences -
 - a) Protection against Ex-post Facto Law
 - b) Guarantee against Double Jeopardy
 - c) Privilege against Self-Incrimination
6. Protection of Right to Life and Personal Liberty -
 - a) A. K. Gopalan to Maneka Gandhi
 - b) Relationship between Articles 19, 21 and 22
 - c) Due Process of Law
 - d) Extended view in post Maneka Gandhi period
7. Right to Education - Evolution and Importance
8. Protection against Arrest and Detention -
 - a) Protection against Arrest
 - b) Protection against Preventive Detention
 - c) Laws Authorising Preventive Detention

Module 07 Right against Exploitation (Articles 23 and 24) :

5. Traffic in Human Beings
6. Begar and Similar forms of Forced Labours
7. Compulsory Services for Public Purpose
8. Prohibition of Employment of Children

Module 08 Right to Freedom of Religion (Articles 25 to 28) :

7. Concept of Secularism
8. Freedom of Conscience and right to Profess or Practice and Propagate religion
9. Freedom of Religion of Religious Denomination
10. Freedom from Paying of Taxes for Promotion of any Religion
11. Annual Payment to certain Devaswam Funds (Article 290A)
12. Prohibition of Religious Instructions in Educational Institutions

Module 09 Cultural and Educational Rights (Articles 29 to 30) :

5. Concept of Minority
6. Protection of Interest of Minorities
7. Right of a Minority to Establish Educational Institution
8. Regulation of Minority Educational Institution



Module 10 Right to Constitutional Remedies (Articles 32 to 35) :

10. Enforcement of Fundamental Rights
11. Procedure in Enforcement of Fundamental Rights
12. Power to issue Writs, Directions or Orders – Types of Writs
13. Comparison between Article 32 and Article 226
14. Public Interest Litigation
15. Fundamental Rights during Emergency
16. Power of Parliament to Modify Fundamental Rights with respect to some Forces
17. Fundamental Rights during operation of Martial Law
18. Legislation to give effect to Fundamental Rights

Module 11 Directive Principles of State Policy (Articles 36 to 51) and Fundamental Duties (Article 51A) :

5. Nature and Importance of Directive Principles
6. Inter-relationship between Fundamental Rights and Directive Principles.
7. Directive Principles of State Policy
8. Fundamental Duties – Nature and Importance

Module 12 Amendment of the Constitution (Article 368) :

7. Power and Procedure of Amendment
8. Amendment / Change by Simple Majority
9. Amendment by Special Majority
10. Amendment by Special Majority with Ratification by Majority of States
11. Amendment of Fundamental Rights
12. Basic Structure Doctrine



Recommended Readings:

15. M. P. Jain, *Indian Constitutional Law*, LexisNexis (2015).
16. D.D. Basu, *Constitutional Law of India*, LexisNexis (2013).
17. Narendra Kumar, *Constitutional Law of India*, Allahabad Law Agency (2015).
18. H. M. Seervi, *Constitutional Law of India*, N.M. Tripathi.
19. Arvind Datar, *Commentary on Constitution of India* (3 Vols), LexisNexis (2010).
20. Sathya Narayan (Ed), *Selected Work of S.P. Sathe* (3 Vols), Oxford University Press (2015).
21. M.P. Singh, *V.N. Shukla's Constitution of India*, Eastern Book Company, (2013).
22. Sujit Chaudhry, Madhav Khosala and Pratap Bhanu Mehta, *The Oxford Handbook of the Indian Constitution*, Oxford University Press.
23. Granville Austin, *Working of a Democratic Constitution- The Indian Experience*, Oxford University Press.
24. Gautam Bhatia, *The Transformative Constitution: A Radical Biography in Nine Acts*, Harper Collins Publication, India. 2019.
25. Madhav Khosala, *The Indian Constitution* (Oxford India Short Introductions), Oxford University Press, 2012.
26. Sudhir Krishnaswamy, *Democracy and Constitutionalism in India – A Study of the Basic Structure Doctrine*, Oxford University Press.
27. S.B. Shiva Rao, *The Framing of the Indian Constitution*, Vols. I and V, the Indian Institute of Public Administration, New Delhi (1966).
28. H.R. Khanna, *Making of India's Constitution*, Eastern Book Co., Lucknow



LC 0602 Family Law II :

Objectives of the Course :

This course involves the student with the personal law as it affects property relations. It primarily covers the concept of Undivided Family of the Hindu law, the provisions relating to intestate and testamentary succession applicable to persons of all denominations, and provisions relating to wakf, and relating to gifts in Muslim law because these special provisions to which personal law is applicable.

The study of the course must expose to the similarities and differences across the personal law systems, and to appreciate these differences in the context of development of these laws. The other objective is to view family law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code.

Module 01 Hindu Joint Family System :

1. Evolution of joint family system in India
2. Institution of Hindu joint family and joint family property; Family arrangement; Separate or self-acquired property
3. Coparcenary, Mitakshara and Dayabhaga coparcenary; Women as coparceners; Rights and powers of coparceners, sole surviving coparcener; Effect of amendments to the Hindu Succession Act 1956.
4. Karta, his position, powers and duties; Father's powers of alienation; Alienee's rights and remedies
5. Partition – under Dyabhaga and Mitakshara systems; Subject matter of partition; Persons entitled to claim partition and who get share on partition; Kinds of partition; Principle of survivorship and representation; Reopening and Reunion

Module 02 Intestate Succession :

4. The Hindu Succession Act, 1956 – Application of Act; Succession to the property of a Hindu male; Succession to the property of a Hindu female, stridhana and women's estate; General provisions relating to succession; and disqualifications from inheritance; Escheat
5. General principles of inheritance under Muslim law, Law of inheritance applicable to Sunnis and Shias, and the distinction between the two, Disqualifications
6. The Indian Succession Act, 1925: Domicile, and its relevance in succession to property; Consanguinity; Provisions relating to intestate succession applicable to Parsis and persons other than Parsis; General principles of succession;



Rules of devolution

Module 03 Testamentary Succession :

5. The Indian Succession Act, 1925 : Wills and codicils; Competence of the testator; Execution of privileged and unprivileged will; Attestation; Revocation, alteration and revival of wills; Construction of wills
6. The Indian Succession Act, 1925 : Vesting of legacies; Void, onerous, contingent and conditional bequests; Specific legacies and demonstrative legacies; Ademption of legacies, lapse of legacies; Election; Gifts in contemplation of death
7. The Hindu Succession Act 1956 : Testamentary succession
8. Will under Muslim law (wasiyat)

Module 04 Right of Pre-emption :

3. Pre-emption under Muslim law (shufa), meaning, nature, who can claim the right; Subject Matter of shufa; Formalities and legal effect; Legal devices of evading right of pre-emption : Loss of the right
4. Pre-emption under Hindu Law

Module 05 Gifts under Muslim Law (Hiba) :

4. Nature and characteristics of hiba, types of hiba, donor and donee, what may be given in gift
5. Essentials of valid gift, exceptions to general rule; Oral gift and its validity; Registration, Kinds of gifts, Gifts involving return, Marz-ul-mouth (death-bed gift)
6. Revocation and revival of gift

Module 06 Wakf :

5. Origin and Development of Wakf
6. Importance, Meaning and Definition, Characteristics
7. Essentials, Kinds, formalities for creation, the Wakif, Objects and Purposes of the Wakf
8. Administration of Wakf under the Wakf Act, Appointment, Removal, Powers and Duties of Mutawalli



Recommended Readings

16. Poonam Pradhan Saxena, *Family Law Lectures: Family Law II*, LexisNexis, New Delhi.
17. Paruck, *The Indian Succession Act, 1925*, N M Tripathi Private Ltd.
18. Row Sanjiva, *The Indian Succession Act*, Law Book Co.
19. Basu, *Indian Succession Act*, Eastern Book Publication.
20. Diwan, *Law of Intestate and Testamentary Succession*, Wadhwa.
21. Satyajeet A Desai, *Mulla's, Hindu Law*, LexisNexis, New Delhi.
22. Justice Ranganath Mishra, *Mayne's Hindu Law and Usage*, Bharat Law House, New Delhi.
23. H. K. Saharay, *Family Law in India*, Eastern Law House, New Delhi.
24. Flavia Agnis, *Family Law Vol I and II*, Oxford University Press, New Delhi.
25. Tahir Mahmood, *Principles of Hindu Law*, Universal Law Publishing, New Delhi.
26. Mulla, *Principles of Mohammedan Law*, LexisNexis, Nagpur.
27. Asaf A A Fyzee, *Outline of Muhammadon Law*, Oxford University Press, New Delhi.
28. Amer Ali, *Mohammedan Law*, Vol. I and II, Eastern Book Company, Luknow.
29. Bharatiya V P, *Sayyad Khalid Rashid's Muslim Law*, Eastern Book Company, Luknow.
30. Derrett, *Introduction to Modern Hindu Law*, Universal Law Publishing.



LC 0603 Law of Contract II :

Objectives of the Course :

The special provisions of law that apply to special contracts are covered in this course. The provisions relating to contracts of indemnity and guarantee, of bailment and pledge, and of agency are contained in three chapters of the Indian Contract Act 1872 and in two other statutes: The Sale of Goods Act 1930 and the Indian Partnership Act. These transactions play a very important role in commerce and trade.

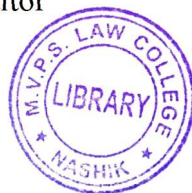
This course follows the course about the general principles that apply to all contracts. They deal with general principles that apply to each specific contractual relationship. The study of this course will enable a good understanding of the purposes with which each of these transactions is made, the features of each of these transactions, and the rights and liabilities of the parties to them. The course also emphasizes the study of remedies provided in these laws.

Module 01 Contracts of Indemnity - Sections 124-125 of the Indian Contract Act, 1872 :

1. Principle of indemnity in general
2. Definition of the contract of indemnity
3. Formation and essential features
4. Purpose of the contract of indemnity, and its use in facilitating and supporting transactions
5. Nature and extent of liability of the indemnifier
6. Commencement of liability of the indemnifier
7. Examples : Indemnity for issuing duplicate share certificate, or bank deposit receipt; Indemnity by owner of a plot of land to a local authority as condition for grant of commencement certificate for construction; Indemnity clause in a contract between a publisher and the printer; Indemnity clause in a sale deed of land supporting assurance of title given by the seller

Module 02 Contracts of Guarantee - Sections 126 to 147 of the Indian Contract Act, 1872 :

10. Definition of a contract of guarantee
11. Formation and essential features of a contract of guarantee. Parties to the contract; effect of minority of principal debtor
12. Contract of guarantee as distinguished from a contract of indemnity
13. Consideration for a contract of guarantee
14. Continuing guarantee, and its revocation
15. Nature and extent of surety's liability - commencement, duration and termination
16. Surety's rights against the principal debtor
- 8 Surety's rights against the creditor



- Special position of a surety : a privileged debtor
 - Circumstances that discharge a surety. Contracting out of such discharge.
17. Letters of credit and bank guarantees
 18. Co-surety and manner of sharing liabilities and rights

Module 03 Contracts of Bailment - Sections 71, 148-171, 180-181 of the Indian Contract Act 1872

9. Definition of a contract of bailment
10. Formation and essential features of a contract of bailment, Parties to the contract
11. Creation of a contract of bailment, Obligations of bailment despite contract
Gratuitous bailments
12. Examples of contracts of bailment: for benefit of bailor, for benefit of bailee
13. Kinds of bailees
14. Rights, duties, disabilities and liabilities
 - of a bailor
 - of a bailee vis-à-vis the bailor
 - of a bailee vis-à-vis the third parties, and the true owner
15. Termination of bailment, and consequences of termination
16. Finder of goods as a bailee

Module 04 Contracts of Pledge - Sections 172 - 179 of the Indian Contract Act 1872 :

8. Definition of a contract of pledge
9. Essential features of a contract of pledge, Parties to the contract
10. Creation of a contract of pledge
11. Distinction between contracts of pledge, bailment, hypothecation
12. Rights, liabilities, duties and disabilities of the pawnor
13. Rights, liabilities, duties and disabilities of the pawnee; pawnee's right of sale
14. Pledge by certain specified persons : Sections 178, 178A, 179 of ICA.

Module 05 Contracts of Agency - Sections 182 - 238 of the Indian Contract Act 1872 :

13. Definition of a contract of agency
14. Essential features of a contract of agency. Parties involved. Kinds of agents and agencies
15. Creation of agency
16. Distinction between agent, servant or employee, and independent contractor



17. Agent's authority - Scope and extent, Express, implied, apparent or ostensible authority, and authority in an emergency, Restrictions or limitations
18. Delegation of authority, Relationship between a principal, agent and sub- agent, Substituted agents
19. Ratification
20. Rights, duties, immunities, disabilities and liabilities of an agent towards the principal and third party
21. Rights, duties, immunities, disabilities and liabilities of a principal towards the agent and the third party
22. Personal liability of an agent
23. Pretended agent. Undisclosed principal
24. Revocation and other modes of termination of agency, Irrevocable agency Effect of termination, Liability of the principal and agent before and after termination

Module 06 Contracts of Sale of Goods - The Sale of Goods Act, 1930 :

15. Definition of a contract of sale of goods
16. Essential features of a contract of sale. Parties to the contract
17. Sale as a transfer of property, Sale and agreement to sell
18. Four elements : price, delivery, risk and property (ownership)
19. Goods – Meaning, Existing and future goods, Specific, ascertained, unascertained goods, Effect of perishing of goods
20. Implied conditions and warranties, Express conditions and warranties
21. The rule '*cavaet emptor*', principle, meaning, and exceptions to the rule
22. Other implied terms
23. Transfer of title, Transfer by non-owners
24. Passing of risk
25. Delivery of goods, Various modes of delivery and their effect, Inspection of goods, Rejecting goods
26. Rights and liabilities of the buyer and seller, Unpaid seller and his rights
27. Remedies for price and for breach, Interest and taxes
28. Auction sales



Module 07 Contracts of Partnership - The Indian Partnership Act, 1932 and The Limited Liability Partnership Act 2008 :

11. Definition of a contract of partnership
12. Essential features of a contract of partnership, the firm and the partners, Parties to the contract, Minor as partner
13. Kinds of partnership
14. Relations of partners with one another: their rights, liabilities, duties, immunities and disabilities
15. Property of the firm, Firm name
16. Relations of partners to third parties, Partner as agent of firm, Partners' authority, Implied authority, Mode of exercising authority, Liability of the firm for acts of partners
17. Change in constitution of a firm. Admission, retirement, expulsion, death and insolvency of any partner, Public notice, Effect of change in constitution of the firm
18. Dissolution of a firm, Modes of dissolution, Effect of dissolution, Agreements in restraint of trade
19. Registration of firms, Procedure of registration, Effect of non-registration
20. Limited Liability Partnership : Essential features, Distinction between limited liability partnership and ordinary partnership



Recommended Readings:

21. Akhilesh Gupta, *Law Relating to Special Contracts—Contracts of Bailment, Pledge, Hypothecation, Indemnity and Guarantee*, 2013, LexisNexis.
22. Mulla, *The Indian Contract Act*, Anirudh Wadhwa ed., 15th ed., 2015, LexisNexis.
23. Avtar Singh, *Law of Contract and Specific Relief*, 12th ed, 2017, Eastern Book Company.
24. M. Krishnan Nair, *Law of Contracts*, 1998.
25. *Pollock and Mulla's Indian Contract Act*, Nilima Bhadbhade ed., 14th updated edition, 2014, LexisNexis.
26. Nilima Bhadbhade, *Contract Law of India*, 2nd ed 2009, Kluwer, available free on Google books.
27. *Pollock and Mulla's The Sale of Goods Act*, Akshay Sapre ed., 9th ed, 2014, LexisNexis.
28. Akhileshwar Pathak, *Law of Sale of Goods*, 2013, Oxford University Press.
29. Avtar Singh, *Law of Sale of Goods*, 2011, Eastern Book Company.
30. P S Atiyah, *The Sale of Goods*, 12th ed, 2010, Longman.
31. P S Ramanatha Aiyar, *Law of Sale of Goods*, Shriniwas Gupta ed., 10th ed, 2016, Universal Law Publishing.
32. *A Ramaiya's Commentary on the Sale of Goods*, K Shanmukham and H K Saharay eds, 5th ed, 2014, Universal Law Publishing.
33. *Benjamin's Sale of Goods*, Michael Bridge ed, 9th ed, 2016, Sweet and Maxwell.
34. *Pollock and Mulla's The Indian Partnership Act*, G C Bharuka ed., 7th ed, 2007, LexisNexis.
35. *Mulla's The Sale of Goods Act and the Indian Partnership Act*, K Kannan ed., 10th ed, 2012, LexisNexis.
36. Avtar Singh, *Introduction to Law of Partnership (including Limited Liability Partnership)* 10th ed., 2011, Eastern Book Company.
37. *S T Desai's The Law of Partnership in India*, Satyajeet Desai ed., 7th ed., 2009, LexisNexis.
38. C L Gupta, *Law of Partnership including Limited Liability Partnership*, Palok Basu ed., 5th ed., 2016, LexisNexis.
39. P C Markanda, *The Law of Partnership in India*, 2010, LexisNexis.
40. D S Chopra, *A Commentary on Sale of Goods, Partnership and Negotiable Instruments*, 2016, Thomson Reuters.



LC 0604 Tort and Consumer Protection Law :

Objectives of the Course :

The Law of Torts is about civil wrongs. The liability for such wrongs is distinct from liability under criminal law and contract law. The negligence, defamation, trespass, assault, conspiracy, deceit are examples of such wrongs. Tort law provides various remedies : compensation for injury and injunction. It is not governed by any statute, but has developed over centuries through principles developed by courts. It is therefore developmental and the law responds to the needs of the times. The liability for new kinds of wrongs is recognised, or an existing wrong develops with contemporary needs.

The course enables study of the general principles of tortious liability and its difference from criminal and contractual liability. The course also covers specific torts, and remedies available

for their redressal. This course also covers relevant provisions under the Consumer Protection Act, 1986, and the principles of liability in case of accidents under the Motor Vehicles Act, 1988.

Module 01 Introduction and Principles of Liability in Tort :

1. Development of tort actions in England and India
2. Meaning and definition of tort
3. Tort distinguished from contract, quasi-contract and crime
4. Constituents of tort – wrongful act, damage and remedy
5. Malfeasance, misfeasance and non-feasance

Module 02 Liability for the Wrong Committed :

5. Strict liability, absolute liability, no-fault liability; exceptions to these
6. Principle of vicarious liability - nature, scope and justification
7. Doctrine of sovereign immunity
8. Joint tort-feasors, joint and several liability

Module 03 General Defences / Justifications in an action for Tort :

14. *Volenti non fit injuria*, consent, voluntary assumption of risk, exclusion clauses
15. *Vis major* (act of God)
16. Inevitable accident
17. Act of third parties
18. *Novus actus interveniens*



19. Plaintiff's wrong or default
20. Self-defence and defence of property
21. Necessity
22. Statutory authority
23. Judicial and quasi-judicial acts
24. Parental and quasi-parental authorities
25. Illegality
26. Mistake

Module 04 Torts against Persons :

6. Assault, Battery, Mayhem
7. Causing Emotional Distress
8. Malicious Prosecution and abuse of legal proceedings; False Imprisonment
9. Deceit and Conspiracy
10. Particular defences available in each of these types

Module 05 Torts against Reputation :

4. Defamation : Libel and slander; Freedom of speech and expression;
Defamation in the civil and criminal law;
Different branches of Defamation Libel, Slander; Cyber
Defamation : Defamation in cyber space
5. Defences to defamation
6. Invasion of privacy and defences

Module 06 Torts against Property :

7. Trespass to land
8. Trespass to personal property
9. Detention and conversion
10. Passing off; Injury to trademark, patent and copyrights
11. Public and private nuisance
12. Particular defences available in each of these types

Module 07 Unintentional Torts :

5. Product Liability and defences
6. Negligence : Duty to take care and its breach; Foreseeability, causation;
Contributory negligence and other defences to negligence;

