

LL.B. II SEMESTER
PAPER – I
LAW OF CONTRACT–II

Unit-I

Indemnity and Guarantee - Contract of Indemnity, definition - Rights of Indemnity holder - Liability of the indemnified - Contract of Guarantee - Definition of Guarantee - Essential characteristics of Contract of Guarantee - Distinction between Indemnity and Guarantee - Kinds of Guarantee - Rights and liabilities of Surety - Discharge of surety. Contract of Bailment - Definition of bailment - Essential requisites of bailment - Kinds of bailment - Rights and duties of bailor and bailee - Termination of bailment - Pledge - Definition of pledge – Rights and duties of Pawnor and Pawnee - Pledge by non-owner.

Unit-II

Contract of Agency - Definition of Agent - Creation of Agency - Rights and duties of Agent – Delegation of authority - Personal liability of agent - Relations of principal and agent with third parties - Termination of Agency.

Unit-III

Contract of Sale of Goods - Formation of contract - Subject matter of sale - Conditions and Warranties - Express and implied conditions and warranties - Pricing - Caveat Emptor – *Hire Purchaser Agreements*.

Unit-IV

Property - Possession and Rules relating to passing of property - Sale by non-owner – *Nemo dat quad non habet* - Delivery of goods - Rights and duties of seller and buyer before and after sale - Rights of unpaid seller - Remedies for breach.

Unit-V

Contract of Partnership - Definition and nature of partnership - Formation of partnership- Test of partnership - Partnership and other associations - Registration of firm - Effect of non-registration - Relations of partners - Rights and duties of partners - Property of firm - Relation of partners to third parties - Implied authority of partners - Kinds of partners - Minor as partner - Reconstitution of firm - Dissolution of firm – Limited Liability Partnership (LLP)

Suggested Readings

1. Anson's *Law of Contract*, Oxford University Press, London.
2. Venkatesha Iyyer: *The Law of Contracts and Tenders*, Gogia & Co. Hyderabad.
3. Cheshire & Fifoot: *Law of Contract*, Butterworth, London.
4. Mulla: *The Indian Contract Act*, N.M. Tripati (P) Ltd. Bombay.
5. G.C.V. Subba Rao: *Law of Contracts*, S. Gogia & Co., Hyderabad.
6. Krishnan Nair: *Law of Contracts*, S. Gogia & Co. Hyderabad.
7. Avatar Singh: *Law of Contracts*, Eastern Book Company, Lucknow.
8. A Ramaiah's *Sale of Goods Act*, The Law Book Co., Allahabad.
9. Benjamin's *Sale of Goods*, Sweet & Maxwell, London.
10. P.S. Atiyah: *Sale of Goods Act*, Universal Book Traders, Delhi.
11. Charles D. Drale: *Law of Partnership*, Sweet & Maxwell, London.
12. Bowstead *On Agency*, Sweet and Maxwell, London.

PAPER – II

FAMILY LAW-II (Muslim Law and Other Personal Laws)

Unit-I

Origin and development of Muslim Law - Sources of Muslim Law - Schools of Muslim Law - Difference between the Sunni and Shia Schools – Sub- schools of Sunni Law - Operation and application of Muslim Law - Conversion to Islam - Effects of conversion - Law of Marriage, nature of Muslim Marriage - Essential requirements of valid Marriage - Kinds of Marriages - distinction between void, irregular and valid marriage - Dower (Mahr) - Origin, nature and importance of dower, object of dower and classification of dower – The **Muslim Women** (Protection of **Rights** on **Marriage**) Act, 2019.

Unit-II

Divorce - Classification of divorce - different modes of Talaq - Legal consequences of divorce - Validity of Triple Talaq: Judicial Interpretation and Legislative Response in India - Dissolution of Muslim Marriages Act, 1939 - Amendment to the Dissolution of **Muslim Marriage** Act, 1939. Maintenance: Principles of maintenance & **persons** entitled to maintenance - The Muslim Women (Protection of Rights on Divorce) Act, 1986 - Effect of conversion on maintenance and difference between Shia and Sunni Law.

Unit-III

Parentage - Maternity and Paternity - Legitimacy and acknowledgment - Guardianship - Meaning - Kinds of guardianship - Removal of guardian - Difference between Shia and Sunni Law. Gift - Definition of Gift - Requisites of valid gift - Gift formalities - Revocation of gift - Kinds of gift. Wills : Meaning , Requisites of valid Will ,Revocation of Will - Distinction between Will and Gift - Difference between Shia and Sunni Law.

Unit-IV

Waqf _ Definition - Essentials of Waqf - Kinds of Waqf – Creation of Waqf - - Revocation of Waqf - Salient features of the Waqf Act, 1995 – **Recent Changes in Wakf Laws and impact**-Mutawalli - Who can be Mutawalli - Powers and duties of Mutawalli - Removal of Mutawalli and Management of Waqf property. Succession - Application of the property of a deceased Muslim - Legal position of heirs as representatives - Administration - Waqf Tribunals and Jurisdiction.

Unit-V

Special Marriage Act, 1954 - -Salient features of Indian Divorce Act - Domicile - Maintenance to dependents/ Spouses - Intestate succession of Christians under the Indian Succession Act,1925.

Suggested Readings

1. Tahir Mahmood: *The Muslim Law of India*, Law Book Company, Allahabad.
2. Aquil Ahmed: *Text Book of Mohammadan Law*, Central Law Agency, Allahabad.
3. G.C.V. Subba Rao: *Family Law in India*, S.Gogia&Company, Hyderabad.
4. Asaf A.A. Fyzee: *Outlines of Mohammadan Law*, Oxford University Press, Delhi.
5. Mulla: *Principles of Mohammedan Law*.
6. Paras Divan: *Family Law (Hindu, Muslim, Christian, Parsi and Others)*, Allahabad Law Agency, Allahabad.
7. M.A. Qureshi: *Text Book on Muslim Law*, Central Law Publications, Allahabad.
8. B.R. Varma, *Mohammedan Law*, Delhi Law House, New Delhi.

PAPER-III

CONSTITUTIONAL LAW-II

Unit-I

Legislature under Indian Constitution - Union and State Legislatures - Composition, Powers, Functions and Privileges - Anti-Defection Law - Executive under Indian Constitution - President and Union Council of Ministers Governor and State Council of Ministers - Powers and position of President and Governor

Unit-II

Judiciary under Constitution - Supreme Court - Appointment of Judges, Powers and Jurisdiction – High Courts - Appointment and Transfer of Judges - Powers and Jurisdiction - Subordinate Judiciary - Independence of judiciary - Judicial Accountability

Unit-III

Centre State Relations – Cooperative and Competitive Federalism - Legislative, Administrative and Financial Relations - Cooperation and Coordination between the Centre and States - Judicial Interpretation of Centre-State Relations – Local Self Government under 73rd and 74th Amendments, 1992.

Unit-IV

Liability of State in Torts and Contracts - Freedom of Interstate Trade, Commerce and Inter course - Services under the State - All India Services - Public Service Commissions – Election Commissions.

Unit-V:

Emergency – Need of Emergency Powers - Different kinds of Emergency - National, State and Financial emergency - Impact of Emergency on Federalism and Fundamental Rights - Amendment of Indian Constitution and Basic Structure Theory

Suggested Readings:

1. M.P.Jain, *Indian Constitutional Law*, Wadhwa & Co, Nagpur
2. V.N.Shukla, *Constitution of India*, Eastern Book Company, Lucknow
3. Granville Austin, *Indian Constitution-Cornerstone of a Nation*, OUP, New Delhi
4. H.M.Seervai, *Constitutional Law of India* (in 3 Volumes), N.M.Tripati, Bombay
5. G.C.V.Subba Rao, *Indian Constitutional Law*, S.Gogia & Co., Hyderabad

6. B.Shiva Rao, *Framing of India's Constitution* (in 5 Volumes), Indian Institute of Public Administration, New Delhi
7. J.N.Pandey, *Constitutional Law of India*, Central Law Agency, Allahabad

PAPER – IV

LAW OF CRIMES

Entire syllabus is changed as follows.

Unit-I:

Concept of crime - Meaning of Crime - Distinction between Crime and Tort - Stages of Crime - Intention, Preparation, Attempt and Commission of Crime - Elements of Crime - *Actus Reus and Mens rea* - Codification of Law of Crimes in India – IPC, 1860 - Application of the Bharatiya Nyaya Sanhita, 2023 (Section 1-3 of BNS)- Territorial and Extra-Territorial Application (Section 1 of BNS)– Definition (Section 2 of BNS) - Punishments (Section 4 -13 of BNS)

Unit-II:

General Explanations – General Exceptions under BNS 2023- Abetment - Criminal Conspiracy -Attempt – Offences against Women and Child- (Section 63-87 of BNS)-Sexual Offences -Assault and Criminal Force against Women- Offences relating to Marriage-Kidnapping and Abduction-Causing Miscarriage– Offences against Child-(Section 88-99 of BNS)

Unit-III:

Offences affecting Human Life (Section 100-113 of BNS)-Culpable Homicide and Murder -Causing Death by Negligence- Organised Crime-Petty Organised Crime-Terrorist Act- Offences affecting Human Body (Section 114-144 of BNS)-Hurt and Grievous Hurt - Wrongful restraint and Wrongful confinement - Criminal Force and Assault - Kidnapping and Abduction.

Unit-IV:

Offences against the State- Offences Relating to Army, Navy and Air Force- Offences relating to Election- Offences Relating to Coin, Currency-Notes, Bank-Notes, and Government Stamps-Offences against Public Tranquillity- Offences by or relating to Public Servants – Contempt of Lawful Authorities of Public Servants-False Evidence and Offences against Public Justice-Offences affecting the Public Health, Safety, Convenience, Decency and Morals.

Unit-V:

Offences relating to Religion- Offences against Property - Theft - Extortion - Robbery & Dacoity - Cheating - Mischief - Criminal Trespass – Criminal Misappropriation of Property and Criminal Breach of Trust-Receiving Stolen Property - Offences relating to Documents and Property Marks – Criminal Intimidation, Insult, Annoyance, Defamation.

***Note: A Comparative Study of IPC, 1860 and BNS, 2023 shall be made wherever Necessary.**

Suggested Readings:

1. BNS, 2023 Bare Act
2. Ratanlal and Dhiraj Lal: *Indian Penal Code*, Wadhwa & Co.
3. Achutan Pillai: *Criminal Law*, Butterworth co.
4. Gour K.D.: *Criminal Law - Cases and Materials*, Butterworth Co.
5. Kenny's: *Outlines of Criminal Law*, Cambridge University Press.
6. K.N. Chandrasekharan Pillai, *General Principles of Criminal Law*, Indian Law Institute, New Delhi.
7. K.N. Chandrasekharan Pillai, *Essays on Indian Penal Code*, Indian Law Institute, New Delhi.

PAPER-V

LAW OF EVIDENCE

Unit-I:

Bharatiya Sakshya Adhiniyam, 2023 — Salient Features of the Act – Meaning and Kinds of Evidence Interpretation Clause — **Documents**, May Presume, Shall Presume and Conclusive Proof - Fact, Fact in Issue and Relevant Facts, Proved, Disproved —Distinction Between Relevancy and Admissibility - Doctrine of *Res Gestae*— Motive, Preparation and Conduct — Conspiracy When Facts Not Otherwise Relevant Become Relevant — Right and Custom — Facts Showing the State of Mind Etc.

Unit-II:

Admissions & Confessions: General Principles concerning Admissions — Differences between "Admission" and "Confession" — Confessions obtained by inducement, threat or promise – Confessions made to police officer - Statement made in the custody of a police officer leading to the discovery of incriminating material — Admissibility of Confessions made by one accused person against co-accused. Dying Declarations and their evidentiary value — Other Statements by persons who cannot be called as Witnesses — Admissibility of evidence of witnesses in previous judicial proceedings in subsequent judicial proceedings.

Unit-III:

Relevancy of Judgments — Opinion of witnesses — Expert's opinion — Opinion on Relationship especially proof of marriage — Facts which need not be proved - Oral and Documentary Evidence – General Principles concerning oral evidence and documentary evidence — Primary, electronic or digital record, special provision as to evidence relating to electronic record, admissibility of electronic records and Secondary evidence — Modes of proof of execution of documents — Presumptions as to documents — General Principles regarding Exclusion of Oral by Documentary Evidence – Relevance of social media in the law of evidence.

Unit-IV:

Rules relating to Burden of Proof - Presumption as to Dowry Death — Estoppels -Kinds of estoppels — Res Judicata, Waiver and Presumption.

Unit-V:

Competency to testify — Privileged communications - Testimony of Accomplice - Examination in Chief, Cross examination and Re-examination — Leading questions — Lawful questions in cross examination —Compulsion to answer questions put to witness — Hostile witness — Impeaching the credit of witness —Refreshing memory — Questions of corroboration — Improper admission and rejection of evidence.

Suggested Readings:

1. BatukLal: *The Law of Evidence*, Central Law Agency,Allahabad.
2. M. Monir: *Principles and Digest of the Law of Evidence*, Universal Book Agency, Allahabad.
3. Vepa P. Saradhi: *Law of Evidence* Eastern Book Co., Lucknow.
4. Avatar Singh: *Principles of the Law of Evidence*, Central Law Publications.
5. V. Krishnama Chary: *The Law of Evidence*, S.Gogia& Company
6. V. Nageswara Rao: *The Evidence Act*, LexisNexis.
7. B.M. Prasad and M. Mohan, *Law of Evidence*, Lexis Nexis, 2012
8. M, Munir, *Law of Evidence*, universal law publication, 2013
9. Ram Jethmalani, *Law of Evidence*, Thomsan Reuters, 2016
10. Annual Survey of Indian Law, ILI New Delhi Publication

NOTE: A Comparative Study of Indian Evidence Act,1872 and Bharatiya Sakshya Adhiniyam, 2023 Shall be made wherever necessary.

INTERNSHIP – AFTER SEMESTER-II

Introduction of viva-voce Examination for internship record for 3YDC (General).

Introduction of monitoring the mandatory internship programmed undergone by the students of LL.B 3 YDC (General), after II Semester.

Mentoring system for internship: Mentoring system for internship of students (one mentor for 10 intern students shall be introduced to monitor the allotment of internship provider, the progress of internship, certification of internship provider and submission of internship reports).

- a) **Identification of Internship Providers:** Internship Providers can be statutory Bodies, Courts, Judges, Senior Advocate, Commissions, Tribunals, Industries, NGO's, etc. Who can impart practical knowledge and Training to the students.
- b) An Official Letter to be address to the Internship Providers by the Principal of respective college.
- c) The University-appointed examiner shall conduct Viva-Voce Examination for all the students intern immediately after completion of internship shall award the Grades as under.

A----above 80% (Excellent)

B----above 70% upto 79% (Very Good)

C----above 60% upto 69% (Good)

D----above 50% upto 59% (Satisfactory)

E----Less than 50% (not satisfactory)

*** Note: No impact on Results**

- d) The grades awarded by the examiners appointed by Examination branch on the recommendation of Chairman, Board of Studies in Law, OU shall be submitted in the examination branch of OU to be reflected in the marks memos of III semester of LL.B (3YDC) The concerned colleges should pay suitable honorarium to the Examiners by way of sitting fee.

The internship Viva-Voce Examination should be conducted for the concerned semester students from the Academic year 2024-25.