

**GONDWANA UNIVERSITY**

**GADCHIROLI**

**FACULTY OF LAW**

**B.A.LL.B. (HONS) 5 YRS COURSE**

**DETAILED SYLLABUS FOR**

**III<sup>rd</sup> SEMESTERS**

## B.A.LL.B (HONS) 5 YEARS COURSE

### SYLLABUS

#### B.A. LL.B. (HONS) III<sup>rd</sup> Semester

#### Course Code: 3.1

#### Law of Contract-II

**Unit 1: Creation of Security interest on movables:** Bailment, Pledge, Hypothecation, Lease in lease finance, General and Particular Lien, Assignment ± conditionalities, character of the agreement, rights and obligations of the parties

**Unit II: Indemnity & Guarantee:** definitions, distinctions, nature of the agreement, Bank guarantee ± national and international importance, conditionalities, Contract of attrition, Indemnity and Insurance Contract ± liability of Surety and Sureties, rights and obligations of the parties

**Unit III: Law of Agency:** General principles, Merchantile Agency System, Rights and obligations of the Agent and the Principal, undisclosed principal, Agency Contract - features and conditionalities, application of principle of ultra vires.

**Unit IV: Public and Government Contract:** Infra-structure Contract - Types and stages, procedures, special contractual features, Constitutional and statutory framework, Liability of the Government, Public Private Partnership.

**Unit V: Cyber Contract:** General principles applicable on cyber contract, various typical issues in cyber contract - jurisdiction, taxation, and application of law - evidential principles-certification process -offences in cyber relation, authorities - role of various linking process in Cyber contract - UNCITRAL Model Law in comparison with Indian Law

**Unit VI: Sale of Goods:** Various types of sale, Agreement to Sale, Instalment Sale and Hire Purchase Agreements ± Various conditions of these transactions, Forms of Agreements - Warranties and Conditions, Condition Precedent and Condition Subsequent, Performances - Payments, Unpaid seller's rights, Lien and stoppage in transit

**Unit VII : Partnership Agreement:** Definitions and Interpretations, characteristics, Limited Liability Partnerships, Rights and Obligations of partners, Implied authorities, types of partners and interrelation, relation with third parties, minority admitted to the benefit of partnership, retirement, dissolution and settlement of accounts

**Unit VIII: Negotiable Instruments:** Definition, Nature and Types, characteristics, rights and obligation of parties, rules of honour and dishonour on presentment, endorsement, basic fundamental principles of binding obligations, accommodation, notices, criminal liability on non-payment of cheque for want of fund

#### List of Cases:

EMCO Pressmaster Pvt. Ltd. v Union of India AIR 2000 Delhi 37  
Aditya Narayan Chouresia v. Bank of India AIR 2000 Pat 222 ,225  
M. S. Anirudhan v. Thomcos Bank Ltd AIR 1963 SC 746  
Atul Mehra v. Bank of Maharashtra AIR 2003 P&H 11  
Siddalingappa v. Natraj AIR 1970 Mys 154  
Laxminarayan Ram Gopal & Others v. Govt. of Hyderabad AIR 1954 SC 364  
Punjab National Bank Vs. Lakshimi I&T Company Pvt. Ltd.AIR 2001, All. 28, 30 (DB)  
Atul Mehra Vs. Bank Of Maharashtra, AIR 2009 P&H 11.  
Amril Lal Govardhan Lal Vs. State Bank of Travancore, AIR 1968 SC 1432.  
United Commercial Bank Vs. Lalitaben Jivarambhai 2001 (2) GCD 67 (UJ)  
Aditya Narayan Chouresia Vs. Bank of India, AIR 2000 Pat. 222,235.

Syndicate Bank Vs. A.P.Manjunath & Anr, 1999 (3) CCC 289 (Karn).  
Gajanan Vs. Moreshwar, 1942, Bom. LR 703

**Recommended Books**

1. Chitty, Contracts, Vol. 1I, 29th Ed., Sweet & Maxwell, 2004.
2. V.K. Rao, Contract II - Cases and Materials, Butterworths, 2004.
3. M. Krishnan Nair, Law of Contracts, 1998.
4. Dutt on Contract, H.K. Saharay, Universal, 2000.
5. Mulla, Indian Contract Act and Specific Relief Acts, Lexis Nexis 13th Ed. 2006.
6. Avtar Singh, Law of Partnership
7. Piyush Joshi, Law relating to Infrastructure Projects, Butterworths
8. Agarwal, Government Contracts, Law and Procedures, Eastern Book Corporation
9. Fired, The Law of Agency, Butterworth
10. Iyer Sale of Goods and Partnership Acts, Asia Law House
11. Reynolds & Davenport, Bowstead on Agency, Sweet & Maxwell
12. Mulla, Negotiable Instrument Act, Tripathy

Case Law (by way of illustration)

1. Amritlal Goverdhan Lal v. State Bank of Travancore AIR 1968 SC 1432
2. Morvi Mercantile Bank v. Union of India AIR 1965 SC 1954
3. Vasireddi Seetha ramaiah v. Srirama Motor Finance Corporation 1977 AP 164
4. Wheels India Ltd., Mount Road v Khem Chand Raj Kumar 1970 MLJ 648

## Course Code: 3.2

### Law of Crimes including Socio-Economic Crimes

#### UNIT-I

Concept of crime - Definition and meaning of crime - Pre-colonial notions of Crime- Distinction between crime and Tort -Stages of crime - Intention, Preparation, Attempt and Commission of Crime - Elements of Crime - *Actus Reus and Mensrea* - Codification of Law of Crimes in India - Application of the Indian Penal Code 1860 - Territorial and Extra Territorial application - General Explanations - Salient Features of I.P.C.- Common Intention and Common Object - Punishments.

#### UNIT-II

General exceptions - Abetment - Criminal Conspiracy - Offences against the State, Offences against public peace and Tranquility.

#### UNIT-III

Offences affecting the human body and life- Culpable Homicide and Murder - Hurt and Grievous Hurt - Wrongful restraint and Wrongful confinement - Criminal force and Assault - Kidnapping and abduction - Suicide.

#### UNIT-IV

Offences Against Women- Rape, custodial rape, marital rape, Unnatural Offences, Causing Miscarriage without woman's consent Prevention of immoral traffic Prohibition of indecent representation of women ,Selling and buying minor for the purpose of Prostitution, Dowry Harassment , Dowry Death-Cruelty by Husband or Relatives of Husband.

#### UNIT-V

Offences affecting the public health, safety, convenience, decency and morals -- Offences against Property - Theft - Extortion - Robbery & Dacoity - Cheating - Mischief - Criminal Trespass - Criminal misappropriation and Criminal breach of trust, Receiving Stolen property.

#### UNIT-VI

Offences by or relating to public servants - False Evidence and Offences against Public Justice - Offences relating to documents - Offences relating to Marriage - Difference between Bigamy and Adultery- Defamation.

#### UNIT- VII

The Concept of White Collar Crime-Distinction between Social and Economic Crimes- Indian Scenario, Prosecution, Control Strategies, The concept of Organized crime- Smuggling, Drug Trafficking, Begging, Trafficking of Women and Children, The Concept of Corruption under The Indian Penal Code 1860( 161-165)- Causes of Corruption, The category of Public Servants liablefor prosecution of corruption offences, Sentencing Policies and Patterns.

#### UNIT- VIII

Crimes Against Consumers of Goods and Services- Food Adulteration, Drug Adulteration, Offences relating to Pollution, Medical Malpractices. The Concept of Black Money- The Role of Central Vigilance Commission, Sentencing Policies and patterns. The Concept of Gambling- Economic Impact of Gambling, Causes of Gambling Addiction.

#### UNIT IX

Crimes Against Disadvantaged and Vulnerable Groups- Atrocities against Untouchables, sOffences Against Children and Bonded Labours. Problem of Recidivism.

**Case Law:-**

Chairman, Railway Board vs. Chandrima Das (2000) 2 SCC 465  
Tuka Ram vs State Of Maharashtra AIR 1979 SC 185  
Sarwan Singh vs. State of Punjab, AIR 1979 SC 1177  
Shobha Rani vs. Madhukar Reddi AIR 1988 SC 121  
State of Tamilnadu vs. Nalini 1999 Cr.L. J. 3124  
Hari Shankar vs. State of Rajasthan AIR 1999 SC 2629  
Bachan Singh vs. State of Punjab AIR 1980 SC 898  
Vishakha v. State of Rajasthan AIR 1997 3011  
Mithu Singh v State of Punjab AIR 1983 SC 473  
Jai Kumar v. State of M.P AIR 1996 SC 2800  
Narayan Chetanram Choudhari v. State of Maharashtra AIR 2000 SC 4640  
Tukaram v State of Maharashtra AIR 2000 SC 4640  
Tukaram v. State of Maharashtra AIR 1979 SC 185  
W. Kalyani v. State 2012 (2) Mh. L. J.(Cri) 237 (SC)  
Sonu Sardar v. State of Chattisgarh 2012 (3) Mh.L. J (Cri) 371 (SC)  
Ramnaresh & Others v. State of Chattisgarh 2012(3)Mh. L. J. (Cr) 30 (SC)

**Suggested Readings:**

Ratan Lal and Dhiraj Lal: *Indian Penal Code*, Wadhwa & Co., 2000.  
Achutan Pillai: *Criminal Law*, Butterworth Co., 2000.  
Gour K.D.: *Criminal Law - Cases and Materials*, Butterworth Co., 1999.  
Kenny's: *Outlines of Criminal Law*, (1998 Edition)  
S. R. Myneni : *Law of Crimes*, Asia Law House 2009  
Upendra Baxi (ed.) *Law and Poverty: Critical Essays* (1998)  
Rabindra K Mohanty, Satyajit Mohanty '*Criminology Penology, and Victimology*' Himalaya Publishing  
Law Commission of India, (i) One Hundred and Fifty Fourth Report on Code of Criminal  
Procedure 1973,(1996); (ii) One Hundred and Fifty Fifth Report on the Indian Penal Code, 1860(1997)  
P.R. Rajgopal, *Violence and Response: A Critique of Indian Criminal Justice System*(1998)  
G. S. Purushothama, *Social Problems in India*, Himalaya Publishing House,2006  
Ram Ahuja, *Social Problems in India*, Rawat Publications 2004.

## Course Code: 3.3

### Constitutional Law-II

**Unit 1: Nature of Federalism in India** : Essential character of Indian Federalism, Indian Federalism distinguished from US Federalism, Is Federalism a basic structure - Is center-State relation within the Constitutional framework is the basic structure, Framework of Centre -State Relation within the contour of Articles 245 & 246 - Separation of power and Doctrine of Pith and Substance, power of delegation, Center - State Council [Keshavananda Bharati v State of Kerala, AIR 1973 SC 1461; Indira Gandhi Nehru v. Raj Narain AIR 1975 SC 2299; State of Bihar v. Bal Mukund Sah AIR 2000 SC 1296;Valsamma Paul v. Cochin University]

**Unit II: The President of India and the character of the Republic:** Presidential vis-à-vis Parliamentary form of governance - manner in which executive power is to be vested and exercised, Election of President and Vice President, term of office, qualification and eligibility, Impeachment, Oath of office, Power of the President to be exercised, power to grant pardon, Conduct of Business of the Government of India, Office of Vice President - election procedure, power and functions. [Rao v. Indira AIR 1971 SC 1002;Ram Jawaya v. State of Punjab, AIR 1955 SC 549; State of Punjab v. Joginder Singh AIR 1990 SC 1396; Keher Singh v. Union of India AIR 1989 SC 653,Garg v Union of India AIR 1981 SC 2138, T.Venkata Reddy v State of Andhra Pradesh AIR 1985 SC 551]

**Unit III: Union Cabinet:** Constitutional provision on formation of Council of Ministers - advisory function, Collective responsibility - Confidentiality of Cabinet Decisions - Other provisions - Duties of PM [ Samsher v. State of Punjab AIR 1974 SC 2192; S.P.Gupta v. Union of India AIR 1982 SC 149; K.M.Sharma v. Devi Lal AIR 1990 SC 528; State of Karnataka v. Union of India AIR 1978 SC 68]

**Unit IV: The Parliament:** Bicameral Character and constitution, Composition of the House of States and House of the People, Duration, Qualification and disqualification of members, Office of Profit, sessions, Right of President to address, Special address, Officers of the Parliament and their duties, vacation including removal of , Conduct of Business, principle debarring holders of Power, Privileges and Immunities of Parliament and its Members office of profit, Salaries and allowances of members, Special procedure on Money Bill and Financial matters. [Rao v Indira, AIR 1971 SC 1002, Indira v Rajnarayan AIR 1975 SC 2299 Pashupati v Nem AIR 1984 SC 399, Dilip v State of MP AIR 1976 SC 133, Bhagwati v. Rajeev AIR 1986 SC 1534, Union v. Gopal AIR 1978 SC 694, Kiran v Sanjiva, AIR 1970 SC 1573,]

**Unit V: Judiciary:** Nature of Indian Judicial System with its distinctive feature, Supreme Court of India, its various powers, Judicial Appointment,, Special Leave appeals, Officers of SCI, Judicial system in the States [ In Re Presidential Reference, AIR 1999 SC 1, S.P.Gupta v Union AIR 1982 AIR SC 149, Pedda Narayana v UP AIR 1975 SC 1252, Rajan v State of Bihar AIR 1991 SC 1377, Mahesh v State of Delhi AIR 1991 SC 1108, Balakrishna v Matha (1991)2 SCC 203, J.Ranga Swamy v AP AIR 1990 SC 535

**Unit VI : State Executive:** Governor of a state, Qualification, Appointment, term, Executive & legislative power and function; Council of Ministers. State of Punjab v Joginder AIR 1990 SC 1396,Satpal v State of Hariyana AIR 2000 SC 1702, Bharat Coal v State of Bihar (1990) 4 SCC 557, Pratap Singh Rane v Government of Goa AIR 1999 Bom 53 Rai Sahib Ram Jawaya Kapur v State of Punjab (1955) 2 SCR 225, A Sanjeeva Naidu v State of Madras AIR 1979SC 1102, State of Bihar v Kameswar Singh AIR 1952 SC 252, S.R.Bomma v Union AIR 1994 SC 1918

**Unit VII: Union-State Relations:** Legislative Relations, Financial Relations and Administrative Relations. [ Cawvery Water Dispute Tribunal Re, (1993) suppl. (1) SCC 96, State of Bombay v. Balsara, AIR 1951, SC 318, CIT v.Shelly Products AIR 2003 SC 2532; New India Industries v Union AIR 1990 Bom 239, Secretary, Govt. of Madras v Sriramulu AIR 1996 SC676, Goodyear

India v. State of Haryana, AIR 1990 SC781, Union v. State of Punjab AIR 1990 P&H 183, Associated Cement v C.S.T. AIR 1991 SC 1122]

**Unit VIII: Emergency power** : Proclamation, effect, grounds, failure of constitutional breakdown, Impact of Emergency on Fundamental Rights. [State of Rajasthan v Union AIR 1977 SC 1361, A.N.Ray v Union of India AIR 1982 SC 710,S.R.Bomma V Union of India AIR 1994 SC 1918 ]

**Unit IX: Amendment** : Comparison constitutional position from US, France and Indian position, When can some provision not amendable - basic structure philosophy and the strength and weakness of the argument. [Indira Gandhi v Raj Narayan AIR 1975 SC 2299, Keshavananda Bharati v State of Kerala, AIR 1973 SC 1461, Sampath Kumar v Union AIR 1987 SC 386, Waman Rao v Union AIR 1981 SC 271, Bhim Singh v Union AIR 1981 SC 234]

**Unit X: Local Self Government: Structures and bodies, power and functions, composition, [B. Krishnaiah v State Election Commission, A.P. AIR 1996 SC 1595]**

**Unit XI: Constitutional Institutions** Election Commission, Finance Commission, Planning Commission, Comptroller and Auditor General, Attorney General of India, Public Service Commission. [ K.Vasudavan Nair v. Union AIR 1990 SC 2295, T.N.Cauvery Sangam v. Union AIR 1990 SC 1316, Comptroller & Auditor General of India v. Mohan AIR 1991 SC 2788, Om Prakash v.State of UP AIR 1991 SC 425, Ram E.Sharma v. State of Bihar AIR 1990 SC 1368, Jai Sankar Prasad v. State of Bihar AIR 1993 SC 1906, Sampath Kumar v Union AIR 1987 SC 386, KMI v Pandurang AIR 1993 SC 392, Dhanoa v. Union AIR 1991 SC 1745]

**Suggested Readings:**

P.M.Bakshi, Constitution of India, Universal  
M.P.Jain Indian Constitutional Law, Wadhwa  
Granville Austin The Constitution of India, Oxford  
Basu Constitutional Law of India, Prentice Hall of India  
Kashyap Perspectives of the Constitution  
J.N.Pandey, Constitution of India Central Law Agency,  
Seervai Constitutional Law of India N.M.Tripathy

**Course Code: 3.4**

**Political Science-III**

**Political Obligation & Modern Theory**

**Pattern of Question Paper**

- ❖ The question paper shall consist of **80 marks**.
- ❖ It consists of **TWELVE QUESTIONS**, out of which Students are required to answer **EIGHT** Questions in all .
- ❖ **Question No. 1 is compulsory** and it shall consist of **TEN Objective/Multiple Choice Questions**.
- ❖ All Questions carry Equal Marks.

1. Law -Meaning,Definition,Nature, Evolution of Law, Sources of Law, Kinds of Law, Rule Of Law, Law and Morality
2. Rights and Duties, Meaning Nature, Kinds, Social Welfare Theory of Rights (Laski's Theory and Views, Marxian Theory of Rights, Right of Citizens in a Modern State Fundamental Rights ( constitutional Rights and Duties) Art.51-A of the Constitution of India, Duties of the Citizen of India, Human Rights
3. Liberty, J.S.Mills View on Liberty, H.J.Laski View on Liberty, Kinds, Liberty and Law
4. Equality, Aspects, Importers, Kinds, Equality and Liberty
5. Property, Meaning, Definition, Postulates of Property, The case for and against Private Property, John Lock (1632-1704), Marxian Theory of Property
6. Justice, Origin, Source, Types, Relation between Justice and Law, Plato's and Aristotle's view on justice
7. Liberalism, Meaning, Principles, Modern Concept of Liberalism (Contemporary Liberalism)
8. Concepts of Power, Authority and Legitimacy
9. Concepts of Power, Authority and Legitimacy
10. Political Obligations-(a).Meaning ,Characteristics,(b).Theory of Political Obligation (c).Limited and Unlimited Political Obligation, (d) .Gandhian Perspectives

**Prescribed Books:**

Political Theory and Political Obligation -J.C.Jhori

**Reference Books:**

- 1.Principles of Political Science - A.C.Kapoor
- 2.Principles of Political Science - R.C.Agrawal
- 3.Principles of Political Science - Dr.S.R.Myneni



## Course Code: 3.5

### Economics: I

#### Pattern of Question Paper

- ❖ The question paper shall consist of **80 marks**.
- ❖ It consists of **TWELVE QUESTIONS**, out of which Students are required to answer **EIGHT** Questions in all.
- ❖ **Question No. 1 is compulsory** and it shall consist of **TEN Objective/Multiple Choice Questions**.
- ❖ All Questions carry Equal Marks.

#### UNIT-I NATURE AND SCOPE OF ECONOMICS

- Definition of Economics
- Nature of Economics
- Relevance of Economics to Law.
- Economic Laws

#### UNIT-II APPROACHES TO ECONOMIC ANALYSIS

- Positive and Normative Economics.
- Micro Economics and Macro Economics

#### UNIT-III DEMAND ANALYSIS

- Meaning of utility, total utility and marginal utility, characteristics of utility.
- Law of Diminishing Marginal Utility: Assumptions, Importance of the Law.
- Critical evaluation of Marshall's Cardinal marginal Utility Analysis.

#### UNIT-IV UTILITY ANALYSIS OF DEMAND

- Demand: Its meaning, Factors influencing demand.
- Variations and changes in demand.
- Law of Demand: Assumptions and Exceptions to the Law.

#### UNIT- V ELASTICITY OF DEMAND

- Elasticity of Demand: Meaning and Types of Elasticity of demand.
- Types of Price Elasticity of Demand.
- Measurement of elasticity of demand, Importance of Elasticity of demand.

#### UNIT-VI SUPPLY

- Meaning of supply, supply and stock,
- Factors determining supply.
- Law of supply, with its assumptions and exceptions.

## **UNIT-VII THEORY OF PRODUCTION**

- Factors of Production.
- Land, Labour, Capital & Entrepreneur its Characteristics.

## **UNIT-VIII MARKET STRUCTURE**

- Meaning of Market and classification of market structure
- Perfect competition, Monopoly, Oligopoly, Monopolistic competition characteristics.

## **UNIT-IX ELEMENTARY STATISTICS**

- Arithmetic Average
- Median
- Mode

Legal Language and Functional English

**Question Pattern**

1. **Ten multiple choice questions from Unit 1 to Unit 6** (1 x 10 = 10)
2. There will be **four** questions from Unit 1 and students will have answer **two**. Each question carries 8 marks (8 x 2 = 16)
3. There will be **four** questions from Unit 2 and students will have answer **two**. Each question carries 8 marks (8 x 2 = 16)
4. There will be **seven** questions from Unit 3 and students will have to answer **five**. Each answer should be very brief (5 to 6 sentences) and each question carries 2 marks (2 x 5 = 10)
5. Write Short Notes on any **two** out of **Four** questions from Unit 4. Each question carries 5 marks (5 x 2 = 10)
6. Find out the figure of speech used in each sentence. There will be **eight** questions from Unit 5 and students will have to attempt **six** questions and each question carries one mark (1 x 6 = 6)
7. Write One Word Substitution. There will be **eight** questions from Unit 6 and students will have to attempt **six**. Each question carries one mark (1 x 6 = 6)
8. Attempt any **one** out of the **two** questions from Unit 7. Six marks (6 x 1 = 6)

**SYLLABUS**

**UNIT 1 - Introduction to Legal Language** 16

- Historical Background
- Meaning and Scope of Legal Language
- Problems of Legal Language
- Characteristics of Legal Language
- English as a Medium of Communication for Legal Transaction

**UNIT 2 - General Legal Writings** 16

- Fundamental Principles of Legal Writing
- Guidelines for Legal Writing
- Case Comments
- Commenting on a New Legislation
- Book Reviews

**UNIT 3 - Legal Terms** 10

Right, Contract, Sale, Mens Rea, Suit, Complaint, Written Statement, Decree, Offence, Charge, Estoppel, Affidavit, Amicus Curiae, Vakalat, Fundamental Rights, Writs, Res Judicata, FIR, Alibi, Ab Initio, Ad Hoc, Bona Fide, Caveat Emptor, De Facto, De Jure, Ex Officio, Ex Parte, Locus Standi,

**UNIT 4 - Communication Skills and Non-Verbal Communications** 10

- Self Image
- Active and Passive Listening
- Effective Communication
- Public Speaking
- Gestures and other Non-Verbal Communication Mediums
- Leadership Skills

**UNIT 5 - Figures of Speech** 06

**UNIT 6 - One Word Substitution** 06

**UNIT 7 - Report Writing** 06