

## LL.B. Second Semester

### PAPER-I LAW OF CONTRACT-II (SPECIFIC CONTRACTS)

#### UNIT - I

Indemnity- concept and need for indemnity to facilitate commercial transaction definition of indemnity and its essential element nature and extent of liability of the indemnifier commencement of liability of the indemnifier.

Guarantee – concept of the contract of guarantee; its definition, nature and scope distinction with indemnity continuing guarantee nature and extent of surely's liability rights of surely. Position of surely in the eye of law: discharge of surely's liability.

#### UNIT - II

Bailment- definition of bailment kinds of bailees, duties of abilor and bailee lowere other rights of bailor and balee finder of goods as a bailee

Pledge – definition compansion with bailment rights of the pawner and

#### UNIT – III

Agency – its definition and essential elements distinction between essentials of agency transaction, various methods of creation of agency of agent scope and extent of agent's authority, liability of the prince agent including misconduct and tort of the agent, liability of the agent towards principal, personal liability towards the parties, methods of termination of agency.

#### UNIT – IV

Concept of sale as a contract definition and essentials of contract of sale, implied contract of sale the rule of caveat emptor and the exceptions thereto under the sale of Goods Act transfer of title and passing of risk, unpaid seliar and his rights, remedies for breach of contract.

#### UNIT – V

Partnership-definition essentials and nature, district advantages and disadvantages a VIS partnership and private limited company mutual relationship between partner authority of partners admission of partners outgoing of partners registration of partnership and dissolution of partnership.

#### Books

Anson's Law of Contract

Pollock and Mulla on Contract and Specific Relief Act

Notes are available in TRC Law College, Satrikh, Barabanki



### PAPER-II CONSTITUTIONAL LAW-II

#### UNIT - I

President of India – election qualification, salary, impeachment, powers, registative executive and discretionary

Prime Minister – cabinet system council of ministers, collective responsibility position of the Prime Minster

Governor and State Government – constitutional relationship, appointment qualification term of office and powers including ordinance-making and to grant pardons etc., Legislative privileges and Fundamental Rights.

#### UNIT - II

Constitution of Parliament qualification for membership of Parliament qualification duration powers, privileges and immunities of Parliament and its members

Constitution of Legislatures in States – composition, duration, qualification power privileges and immunities of State legislature and its members

Legislative Procedure – rules of procedure provisions as to introduction and passing of Bills

definition of Money Bill – special procedure in respect of Money Bill

Procedure in Parliament with respect to estimates; Appropriation Bill; special procedure as to Financial Bills.

### **UNIT – III**

Establishment and constitution of the Supreme Court; qualifications and disqualifications of the Judges: powers and jurisdiction of the Supreme Court

Constitution of the High Court appointment, qualifications and disqualifications of Judges of a High Court powers and jurisdiction of a High Court

Appointment of District judges, control over subordinate judiciary Judicial independence

### **UNIT – IV**

Emergency – meaning and scope proclamation of emergency – conditions of the emergency on Centre – State relations emergency and suspension of fundamental. Constitutional amendment – methods of constitutional amendment; development of the basic structure

Relations between the Union and the State – legislative relations and administrative relations.

### **UNIT – V**

Freedom of trade commerce and intercourse

Services under the Constitution – doctrine of pleasure (Art 310); protection against arbitrary dismissal, removal or reduction in rank (Art 311); exceptions to Article 311 Administrative Tribunals.

### **Books**

As above in LL.B First Semester

K.N. Goyal, Administrative Tribunals Act.

Notes are available in TRC Law College, Satrikh, Barabanki



## **PAPER-III FAMILY LAW-II (MUSLIM LAW)**

### **UNIT - I**

Who is a Muslim?

Sources and definition essential of a valid marriage. kinds- valid, irregular, void and Muslim marriage effects of void (Batil arrange and irregular marriage

Conversion and its effect on marriage.

### **UNIT - II**

Dower (Mehr)- definition concept and kinds of dower (Proper dower – Mehr+Mrs)

(Prompt dower – Muajjal) and (Deterred dower – Muwajjal)

Confirmation of dower and remission of dower by the wife

Nature and rights of divorced wife in case of unpaid dower

Divorce and Talak – different forms of talak (Talak-ul-Sunnat, Talak-ul-Biddat Ila

Khula and Mubarat) different modes of talak (Talak ahsan, Talak, hasan Talak, Biddat)

When talak becomes irrevocable

Divorce under the Dissolution of Muslim Marriage Act, 1939

### **UNIT – III**

Maintenance of wives maintenance of divorced women under Muslim law

Maintenance of divorced Muslim women under the Cr P.C and the Muslim Women (Protection of Rights on Divorce) Act 1986

Maintenance of neglected wives minor children and parents who are unable to support themselves under the provisions of Cr P.C

Guardianship – natural testamentary and de facto

Rights of mother to Custody of infant children (Hizanat)

Legal guardian of property.

#### **UNIT – IV**

Gift (Hiba) – definition essentials and kinds (Hiba-bil-iwaz. Hiba-ba-shart- Sadaqah Musha)

Revocation of gifts

Will (Vasiyat) – definition essentials of a valid will, and its kinds. limits of testamen, power abatement of legacies revocation of will.

Pre-emption (the right of Shufaa) – definition, essentials, classification and formacetical.

#### **UNIT – V**

Inheritance

Parentage and legitimacy

#### **Books**

Fyzee Outline of Muhammadan Law

Aquil Ahmad Monammadan Law

Notes are available in TRC Law College, Satrikh, Barabanki



### **PAPER-IV LAW OF TORTS-I**

#### **UNIT - I**

Trespass to land trespass abilities, dispossession

Movable property – trespass to goods, detune, conversion

Torts against business interests injurious falsehood, misstatement, passing off

#### **UNIT - II**

Negligence – basic concepts, definition and essentials

Acts which constitute negligence

Theories of negligence

Proof of negligence

Doctrine of contributory negligence

Res ipsa loquitor and its importance

Liability of common carriers for negligence

Nuisance – definition, essentials and types

Deformation – definition, essential and defaces

#### **UNIT – III**

Legal remedies

Awards of damages – simple, special and punitive

Remoteness of damage – foreseeability and directness

Injunction

Specific restitution of property

#### **UNIT – IV**

Motor vehicle accidents

Compulsory insurance – object of compulsory insurance

Insurer's liability – for third party risks towards the owner of the vehicle, for persons on too of a bus for 'use of the vehicle in a public place  
Liability when the vehicle is not insured  
Effect of transfer of vehicle on insurer's liability  
Claims Tribunal – Constitution, matters of adjudication by Claims Tribunals, procedure and the award: Appeal to the High Court

## **UNIT – V**

Consumerism in India  
Chief characteristics of the Consumer Protection Act  
Definitions Consumer – who is not a consumer ? Goods; Service: Consumer dispute  
Defect – meaning of defect in goods standard of purity quality, quantity: and Puntty  
Deficiency – what is deficiency in service? Restrictive trade practices and unfair trade practices.  
Consumer for a under the Consumer Protection Act – District Forum, State Commission and National Commission – constitution, junsdiction, powers and function  
Remedies

## **Books**

As above in First Semester (on law of Torts)  
Avtar Singh The Law of Consumer Protection Principles and Practice  
D.N. Saraf Law of Consumer Protection in India  
R.M. Vats Consumer and the Law  
S.K. Singh Consumer Protection Act (In Hindi)  
R.K. Bangia, Law of Torts M.V. Accidents and Consumer Protection Law  
Notes are available in TRC Law College, Satrikh, Barabanki



## **PAPER-V HUMAN RIGHTS, AND INTERNATIONAL LAW**

### **UNIT - I**

Human Rights - meaning and evolution of human rights  
Human rights in Indian tradition ancient medieval and modern  
Human rights in eastern tradition  
Concept of natural law  
Concept of natural rights not evolution and human rights  
Human rights in legal tradition – International Law and National Law

### **UNIT - II**

United Nations and Human Rights  
Universal Declaration of Human Rights (1948) – individual and group rights  
Covenant on Political and Civil Rights (1966)  
Covenant on Economic Social and Cultural Rights  
European Convention of Human Rights  
American Convention on Human Rights  
African Convention on Human Rights  
SAARC

### **UNIT – III**

International Commission of Human Rights  
Amnesty International  
European Commission on Human Rights  
U.N. Division of Human Rights  
International Labour Organization  
UNESCO

UNICEFF

**UNIT – IV**

Human Rights in India

Human Rights norms reflected in fundamental rights in the Indian Constitution

Directive Principles – legislative and administrative implementation of international human rights norms

Judicial activism and protection of human rights in India

Role of Non-Governmental Organization

**UNIT – V**

Role of Courts the Supreme Court High Courts and other Courts

National Human Rights Commission

National Commission for Minorities

National Commission for Women

National Commission for Backwards Classes

National Commission for Scheduled Castes and Scheduled Tribes

**Books**

S.K. Awasthi & R.P. Kala Human Rights

S.K. Kapoor International Law and Human Rights

S.K. Verma Public International Law

Nirmal C.J. (ed) Human Rights India

P.R. Gandhi, International Human Rights Documents (1999), Universal, Delhi

Notes are available in TRC Law College, Satrikh, Barabanki



**PAPER-VI LAW OF CRIMES-II**

**UNIT - I**

Culpable homicide

Murder – when culpable homicide is not murder difference between culpable homicide and murder

Rash and negligent act causing death

Dowry death

Hurt – simple and grievous

Wrongful restraint and wrong

Kidnapping

Abduction

**UNIT - II**

Insulting the magistrate

Assault or criminal for the modesty of woman

Causing miscarriage without woman's consent

Child napping or abducting woman to compel her to marry or force her to illicit intercourse

Selling or buying a minor for purposes of prostitution

Rape – definition custodial rape marital rape

Cruelty by husband or her relatives

Prohibition of indecent representation of women

**UNIT – III**

Theft

Extortion

Robbery & Dacoity

Forgery  
Cheating  
Criminal Misappropriation & Criminal Breach of Trust

#### **UNIT – IV**

Mischief  
Criminal trespass  
House breaking  
Bigamy

#### **UNIT – V**

Gratification – definition and acceptance of gratification  
Offences and penalties  
Special judge – appointment powers and jurisdiction  
Investigation into cases under the Prevention of Corruption Act.  
Sanction – essentials of sanction form of sanction, grand of sanction, validity of sanction

#### **Books**

As above in the First Semester  
Notes are available in TRC Law College, Satrikh, Barabanki



### **PAPER-VII INTERPRETATION OF STATUTES**

#### **UNIT - I**

Meaning of the term 'statute'  
Purpose of interpretation of statutes  
Internal aids – Title, Preamble Heading and Marginal notes, Sections and sub-sections, Punctuation marks, illustrations, exceptions, provision and saving clause, Schedules, Non-obstante clause  
External aids – Dictionaries: Translations, Travaux repertoires: Statutes in pan material Contemporanea Expisito: Debates, inquiry commissions reports and law Commission Reports  
Presumptions in statutory interpretation – statutes are valid, statutes are ter operation, presumption as to jurisdiction, presumption against what is incensed of absurd, presumption against intending injustice  
Prospective operation of statutes

#### **UNIT - II**

Rules of Statutory Interpretation  
Primary Rules – Literal rule: Golden rule: Mischief rule (rule in the Hayden's case). Rule of harmonious construction  
Secondary Rules – Noscitur a sociis, Ejusdem generis; Reddendo singular singulis

#### **UNIT – III**

Maxims of Statutory Interpretation  
Delegatus non potest delegare  
Expressio unius exclusion alterius  
Generalia specialibus non derogant  
In pan delicto potior est condition possidentis  
Utres valet potior quam pareat  
Expressum facit cessare tactitum

#### **UNIT – IV**

Restrictive and beneficial construction – Taxing statutes; Penal statutes; Welfare legislation  
Interpretation of enabling statutes

Interpretation of statutes conferring rights  
Interpretation of statutes concerning rights

#### **UNIT – V**

Principles of Constitutional Interpretation  
Harmonious construction  
Doctrine of pith and substance  
Colorable legislate  
Ancillary powers  
Residuary power  
Doctrines of repugnant

#### **Books**

G.P. Singh, Principles or Statutory Interpretation  
Maxwell on The Interpretation of Statutes  
V.Sarathi, Interpretation of Statutes  
N.S. Bindra's Interpretation of Statutes  
This Notes are available in TRC Law College, Satrikh, Barabanki

TRC LAW COLLEGE