

LL.B. SYLLABUS
CHOICE BASED CREDIT SYSTEM
(CBCS)

(Revised, w.e.f. June 2018)



SEMESTER – 2

BHAKTA KAVI NARSINH MEHTA UNIVERSITY
Junagadh – 362 640

SEMESTER – 2

BHAKTA KAVI NARSINH MEHTA UNIVERSITY
JUNAGADH

Subject : As per BCI Norms

Faculty : Law

Semester : 2

ACADEMIC YEAR – NOVEMBER – 2018

Sr.No.	Level UG of PG	Semester	Care Elective – 1 Elective – 2 / Allied/SEC/	Course (Paper) Title	Paper No.	Credit	Teaching Hours	Internal Marks	External Marks	Practical Internal Marks	Practical External Marks	Total Marks
1	UG	2	Core	Special Contracts	1	5	1	30	70	-	-	100
			Core	Constitutional Law – II	2	5	1	30	70	-	-	100
			Core	Transfer of Property Act & Easement Act	3	5	1	30	70	-	-	100
			Core	Environmental Law	4	5	1	30	70	-	-	100
			Elective	Equity, Trust & Fiduciary Relationship Act	5	5	1	30	70	-	-	100

Bhakta Kavi Narsinh Mehta University, Junagadh

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	2	Core		Special Contracts	5	30	70	-	Two Hours Thirty Minutes

Special Contract

Indemnity & Guaranteed
Bailment Pledge & Hypothecation
Agency
Sale of Goods, Partnership

Course Objectives:

- This course is to be taught after the students have been made familiar with the general principles of contract in which the emphases is on understanding and appreciating the basic essentials of a valid contract and on the existence of contractual relationship in various instances.
- Obviously, a course on special contracts should initiate the students to different kinds of contracts with emphasis on the intricacies therein.
- This course also should provide an insight into the justification for special statutory provisions for certain kinds of contracts.

Course Contents:

Unit - 1. Indemnity & Guaranteed

- 1.1. The concept of indemnity & guarantee.
 - 1.2. Definitions of indemnity & guarantee.
 - 1.3. Need for indemnity to facilitate commercial transactions.
 - 1.4. Methods of creating indemnity obligations.
 - 1.5. Nature and extent of liability of the indemnifier.
 - 1.6. Commencement of liability of the indemnifier.
 - 1.7. Situations of various types of indemnity creations.
 - 1.8. Documents/agreements of indemnity.
 - 1.9. Nature of indemnity clauses.
 - 1.10. Indemnity in cases of International Transactions.
 - 1.11. Indemnity by governments during interstate transactions.
- 1.1.1 Distinguished between indemnity & guarantee.
 - 1.1.2 Basic essentials for a valid guarantee contract, Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety, creation of identification of Continuing guarantee.
 - 1.1.3 Nature, Duration, termination of liability of surety's, position rights of surety, Co-surety and manner of sharing liabilities & rights, discharge of surety liability.
 - 1.1.4 Various judicial interpretations to protect the surety.

- Unit - 2. Bailment, Pledge & Hypothecation.
- 2.1. Identification of bailment contracts in day today life, Manner of creation of such contracts, Commercial utility of bailment contracts, Definition of bailment, Kinds of Bailees.
 - 2.2. Duties of Bailor and Bailee, Rights of bailor and bailee, Finder of goods as a bailee, Liability towards the true owner, Obligation to keep the goods safe, Right to dispose of the goods.
 - 2.3. Commercial utility of pledge transactions, Definition of pledge under the Indian contract Act, Statutory regulations State & Centre regarding pledge, reasons for the same.
 - 2.4. Rights of the pawner and pawnee, Comparison of pledge & balment.
 - 2.5. Roll of Bank & hypothecation.
- Unit - 3. Agency.
- 3.1. Identification of different kinds of agency transactions in day to day life in the commercial world.
 - 3.2. Kinds of agents and agencies.
 - 3.2.1. Distinction between agent and servant.
 - 3.3. Essentials of a agency transaction.
 - 3.4. Various methods of creation of agency.
 - 3.5. Delegation.
 - 3.6. Duties and rights of agent.
 - 3.7. Scope and extent of agent's authority.
 - 3.8. Liability of the principal for acts of the agent including misconduct and tort of the agent.
 - 3.9. Liability of the agent towards the principal.
 - 3.10. personal liability towards the parties.
 - 3.11. Methods of termination of agency contract.
 - 3.12. Liability of the principal and agent before and after such termination.
- Unit -4. Sale of Goods.
- 4.1. Concept of sale as a contract.
 - 4.2. Illustrative instances of sale of goods and the nature of such contracts.
 - 4.3. Essential of contract of sale.
 - 4.4. Essential conditions in every contract of sale.
 - 4.5. Implied terms in contract sale.
 - 4.6. The rule of caveat emptor and the enceptions thereto
Under the Sale of Goods Act
 - 4.7. Changing concept of caveat emptor
 - 4.8. Effect and meaning of implied warranties in a sale.
 - 4.9. Transfer of title and passing of risk.
 - 4.10. Delivers of goods various rules regarding delivers of Goods.
 - 4.11. Unpaid seller and his rights.
 - 6.12. Remedies for beach of contract.
- Unit - 5. Partnership
- 5.1. Nature of partnership definition.
 - 5.2. Distinct advantages and disadvantages vis-a-vis partnership and private limited company.
 - 5.3. Mutual relationship between partners.
 - 5.4. Authority of partners.
 - 5.5. Admission of partners.
 - 5.6. Outgoing of partners.
 - 5.7. Registration of Partnership.
 - 5.8. Dissolution of Partnership.

Text Books: 1. Avtar Singh, Contract Act (2000), Eastern, Lucknow.

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Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	2	Core		Constitutional Law-2	5	30	70	-	Two Hours Thirty Minutes

Constitutional Law - 2

Article 52 to Onward

Course Objectives:

- India is a democracy and her Constitution embodies the main principles of the democratic government-how it comes into being, what are its powers, functions, responsibilities and obligations how power is limited and distributed. Whatever might have been the original power base of the
- Constitution, today it seems to have acquired legitimacy as a highest norm of public law.
- A good understanding of the Constitution and the law, which has developed through constitutional amendments, judicial decisions, constitutional practice and conventions is, therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features and be aware of the social, political and economic influence on the Constitution.

Course Contents:

Unit - 1. Parliamentary Government.

- 1.1. Westminster model – choice of parliamentary government at the Centre and States.
- 1.2. President of India.
 - 1.2.1. Election, qualifications, salary and impeachment.
 - 1.2.2. Powers: legislative, executive and discretionary powers.
- 1.3. Council of Ministers.
- 1.4. Governor and state government – constitutional relationship.
- 1.5. Legislative process.
 - 1.5.1. Practice of law-making.
 - 1.5.2. Legislative privileges and fundamental rights.
- 1.6. Prime Minister – cabinet system – collective responsibility-individual responsibility.
- 1.7. Coalition government: Anti-defection Law.

Unit - 2. Constitutional Processes of Adaptation and Alteration.

- 2.1. Methods of constitutional amendment.
- 2.2. Limitations upon constituent power.
- 2.3. Development of the basic Structure : Doctrine judicial activism and restraint.

Unit - 3. Emergency.

- 3.1 Emergency, meaning and scope.
- 3.2 Proclamation of emergency – conditions – effect of emergency on Centre – State relations.
- 3.3 Emergency and suspension of fundamental rights.

Unit - 4. Judiciary under the Constitution.

- 4.1 Judicial process.
- 4.1.1. Court system.
- 4.1.2 The Supreme Court.
- 4.1.2 High Courts.
- 4.1.3 Subordinate judiciary.
- 4.1.4 Judges: appointment, removal, transfer and condition of service: judicial independence.
- 4.2. Judicial review : nature and scope.

Unit - 5. Services under the constitution.

- 5.1 Doctrine of pleasure (Art. 310)
- 5.2 Protection against arbitrary dismissal, removal, or reduction in rank (Art.311).
- 5.3 Exceptions to Art. 311.

Text Books:

1. M.P.Singh(ed.), V.N.Shukla, Constitutional law of India (2000) Oxford.
2. D.D.Basu, Shorter Constitution of India, (1996), Prentice Hall of India, Delhi
3. H.M.Seervai, Constitution of India, Vol.1-3(1992), Tripathi, Bombay

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Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	2	Core		Transfer of Property Act & Easement Act	5	30	70	-	Two Hours Thirty Minutes

Transfer of Property Act & Easement Act

Course Objectives:

- The course on property conventionally deals with the Transfer of Property Act 1882.
- More than a century has elapsed since the passing of the Act and far-reaching changes have occurred in the field in property laws owing to altered social conditions. While archaic feudal rules enacted by the colonial administration like the rule against perpetuities find a place in the Act, the post-independence development relating to control and use of agricultural land do not find a place.
- The obsolescence of the Transfer of Property Act, can be best illustrated by citing the provisions relating to leases on immovable properties.
- The provisions relating to leases under the Act are not applicable to agricultural leases; and even with respect to urban immovable property, the provisions are not applicable to the most dominant type, namely, housing under the rent control legislation.
- Thus the existing syllabus does not touch upon agrarian property relations, which affect the vast majority of people or aspects relating to intellectual property which are important in the context of development.
- The proposed syllabus attempts at overcoming these deficiencies and imbalances.

Course Contents:

1. General Principles of Transfer of Property.

- 1.1 Kinds of property: Movable Immovable, Tangible and non-tangible Property, Intellectual Property.
- 1.2 Which properties may be transferred? – Competency of person to Transfer: Transfer for the benefit of unborn child
- 1.3 Rule against perpetuity
- 1.4 Vested Interest and Contingent Interest

2. Doctrine of Election

- 2.1 LisPendens : Principal, Salient Features, application in India, Essential Requirements, Exceptions
- 2.2 Fraudulent Transfer: Essential Requirements, Exceptions
- 2.3 Doctrine of Part-n performance: Essentials and Exceptions

3. Specific Transfers

- 3.1 Sale: Essentials, Rights & Liabilities of Buyer and Seller
- 3.2 Mortgage & Charge : Definition, Kinds of Mortgage, Rights and Seller Mortgager – Mortgagee, Redemption – Clog on Redemption
- 3.3 Lease: Definition, Essentials, Rights& Liabilities of Lessor and Lessee
- 3.4 Gift: Definition, Essentials, Rights& Liabilities of Gift, Onerous Gifts, universal Donee, Exchange : Definition & Features
- 3.5 Actionable Claim: Definition & transfer of Actionable Claims.

4. Easements:

- 4.1 Easements: Meaning, Nature, Essentials and Characteristics
- 4.2 Kinds of Easements, Incidents of Easements, Creation of easement
- 4.3 Various Sedentary Rights: Right of Air, Right of support ,Right of water etc.
- 4.4 Extinction, Suspension and Revival of Easements,
- 4.5 Licenses :Meaning, elements, Grant and Revocation of Licenses

SUGGESTED READING MATERIALS :

- 1. Mulla, Transfer of Property Act, Universal Delhi
- 2. Subbarao, Transfer of Property ACT,C.SubbiahChetty, Madras
- 3. B.Sivaramayya, The equalities and the Law, Easten Book Co. Lucknow.
- 4. P.c Sen. The General Principal Of Hindu, Jurisprudence (reprint) Allahabad Law Agency.
- 5. B.H den- Powell, Land Systems Of British India, Vol. 1 to 3 (1892)
- 6. Oxford V.P. Sarthy, Transfer of Property, Eastern Book Company, Lucknow,
- 7. Vepa P. Sarathi : Law of Transfer of Property, Eastern Book Company
- 8. T.R. Desai : The Indian Easements Act

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LL.B.	2	Core		Environmental Laws	5	30	70	-	Two Hours Thirty Minutes

Environmental Laws

Course Objectives:

- The Environmental law programme, in contrast to other law curricula, has certain characteristics which make it unique and is one of the best instruments for breaking the ice of colonial legal education. Its uniqueness lies in the fact that the problems it raises do not relate merely to specific individuals but about such matters as national development, industrial policy, policies concerning natural resources, injustice to communities, inter generational equity and prevention of pollution.
- All these issues relate to problematic about construction of a just, humane and healthy society.
- Secondly, environmental law necessarily demands an inter-disciplinary approach.
- Thirdly, uniqueness of the subject is borne out by the new epistemological outlook which ecology-related knowledge has brought about in recent times.
- The development of ecological knowledge has necessitated an overall change not only in managerial studies but also in socio-legal explorations.
- This approach to the growing dimensions of environmental law is essential.

Course Contents:

Unit - 1. **Concept of environment and Pollution. & Legal control: historical perspectives.**

- 1.1 Environment, Meaning and contents, Pollution, Meaning. Kinds of pollution, Effects of pollution.
- 1.2 Indian tradition : dharma of environment, British Raj – Industrial development and exploitation of nature, Nuisance : penal code and procedural codes, Free India – continuance of British influence, Old law and new interpretations.

Unit - 2. **Constitutional Perspectives.**

- 1.2 Constitution making – development and property oriented approach, Directive principles, Status, role and interrelationship with fundamental rights and fundamental duties, Fundamental Duty, Contents, Judicial approach, Fundamental Rights, Rights to clean and healthy environment, Right to education, Right to information, Environment v. Development, Enforcing agencies and remedies, Courts, Tribunal., Constitutional, statutory and judicial remedies. Emerging principles., Precautionary principle, Public trust doctrine, Sustainable development.

Unit – 3. **Water, Air & Noise Pollution.**

- 1.3 Meaning and standards, Culprits and victims, Offences and penalties, Judicial approach, Legal control, Court's balancing : permissible and impermissible noise.

Unit - 4. Environment Protection.

- 4.1 protection agencies : power and functions.
- 4.2 Protection : means and sanctions.
- 4.3 Emerging protection through delegated legislation.
- 4.4 Hazardous waste,
- 4.5 Bio-medical waste.
- 4.6 Genetic engineering.
- 4.7 Disaster emergency preparedness.
- 4.8 Environment impact assessment.
- 4.9 Coastal zone management.
- 4.10 Environmental audit and eco mark.
- 4.11 Judiciary : complex problems in administration of environmental justice.

Unit - 5. Forest and greenery.

- 5.1 Greenery conservation laws.
 - 5.1.1. Forest conservation
 - 5.1.2 Conservation agencies.
 - 5.1.3 Prior approval and non-forest purpose.
 - 5.1.4 Symbiotic relationship and tribal people.
 - 5.1.5 Denudation of forest : judicial approach.
 - 5.1.5 Wild life.
 - 5.1.7 Sanctuaries and national parks.
 - 5.1.8 Licencing of zoos and parks.
 - 5.1.9 State monopoly in the sale of wild life and wild life articles.
 - 5.1.10 Offences against wild life.

Unit - 6. Bio-diversity & International regime.

- 1.6 Legal control., Control of eco-unfriendly experimentation on animals, plants, seeds and micro organisam, Stockholm conference, Green house effect and ozone depletion, Rio conference, Bio-diversity, U.N. declaration on right to development, Wetlands.

Text Books:

- 1. R.B. Singh & Suresh Misra, Environmental law in India (1996), concept Publishing Co., New Delhi.
- 2. Environmental Law – Meet publication.

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	2	Elective		Equity, Trust & Fiduciary Relationship Act	5	30	70	-	Two Hours Thirty Minutes

Equity, Trust & Fiduciary Relationship Act

Course Objectives:

- Principles of Equity
- Trust being an obligation connected with property, the law has to play a key role in protecting interests of persons for whose benefit trust is created and for balancing the rights and duties of persons connected with trust transactions.
- There are also instances where even in the absence of specific trust, law has to protect the beneficial interests of persons on equitable considerations.
- Trusts may also be created for public purposes of charitable and religions nature.
- The existing laws in respect of trusts, equitable and fiduciary relations connected with property are to be taught in detail.
- Students should also to be conscientized of the emerging public trust doctrine of common property resources.

Course Contents:

Unit - 1. Equity

- 1.1. Origin, Growth & Concept of Equity
- 1.2. Development of law : common law and equity.
- 1.3. Relation between Equity & Common Law
- 1.4. The Judicature Act
- 1.5. Maxims of Equity

Unit - 2. Trust

- 2.1. Creation of Trust
- 2.2. Definition, Rules, Classifications.
- 2.3. Benefits of Trust
- 2.4. Charitable & Religious Trust

Unit - 3. Trustee : Duties of Trustees & Rights of Trustees, Powers of trustees

- 3.1. Execution, Acquaintance with the nature of property, Duties in respect of title, Duty of care, Conversion, Impartiality, Prevention of waste, Keeping of accounts and giving of information, Investment, Sale, Liability for breach of trust.
- 3.2. Rights : Title deed, Reimbursement, Indemnity, Seeking direction from court, Settlement of accounts, General authority.
- 3.3. Powers : Sale, Varying of investment, Property of minors, Giving receipts, Power to compound, compromise and settle, Exercising authority on death or disclaimer of one of the trustees, Suspension of trustee's power.
- 3.4. Disabilities of trustees

Unit - 4. Rights of beneficiaries.

- 4.1 Rents and profits, Specific execution, Inspection and information, Transfer, ,Suit for execution, To have proper trustees, Right to compel the trustee to do the duties, Rights on wrongful purchase or acquisition by trustees, Follow up of trust properties in the hands of third parties, Blending of property by trustee, Wrongful application of trust property by partner trustee for partnership purposes.
- 4.2 Liabilities of beneficiaries.
- 4.3 Discharge of Trustees, Discharge of Trustees, Appointment of New Trustees.

Unit - 5. Constructive Trusts : the equitable and fiduciary Relationship.

- 1.5.1 Transfer without intent to dispose beneficial interest.
- 1.5.2 Trust incapable of execution and trusts executed fully without exhausting property the cypress doctrine.
- 1.5.3 Transfer and request for illegal purpose.
- 1.5.4 Transfer pursuant to rescindable contract.
- 1.5.5 Debtor becoming creditor’s representative.
- 1.5.6 Advantage from undue influence.
- 1.5.7 Advantage by qualified owner.
- 1.5.8 Property acquired with notice of existing contract.
- 1.5.9 Purchase by person contracting to buy property to be held on trust.
- 1.5.10 Possession of property without whole beneficial interest.
- 1.5.11 Duties of constructive trustees.
- 1.5.12 Right to bonafide purchasers.

Unit – 6. Fiduciary Relationship Act.

Examples of Fiduciary Relationship

Text Books:

- 1. Rao.C.R., The Indian Trust Act and Allied Laws (1999).

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