

**SYLLABUS OF BALLB FOURTH SEMESTER  
DEPARTMENT OF LAW  
SCHOOL OF LEGAL STUDIES  
CENTRAL UNIVERSITY OF KASHMIR**

<b>Course Code</b>	<b>Course Title</b>	<b>Type of Course</b>	<b>Credits</b>	<b>Lecture Hours per week</b>
IL-C-401	Law of Contract - II	Core	4	4
IL-C-402	Family Law - II	Core	4	4
IL-C-403	Law of Crimes - II	Core	4	4
IL-C-404	Constitutional Law - II	Core	4	4
IL-C-405	Mercantile Law	Core	4	4

**Course Title: Law of Contract - II**

**Course Code: IL-C-401**

**Credits: 4**

**Maximum Marks = 100 (40 Internal + 60 External)**

The Continuous Internal Assessment for 40 marks comprises the following:

Class Tests: 20 marks (Best of 2 out of 3 tests)

Seminar/Presentation/Viva: 10 marks

Assignment/Term Paper: 05 marks

Attendance: 05 marks

For the External End Semester Examination of 60 marks, there shall be two sections in the question paper; Section A with short answer type questions (300-word limit) and Section B with long answer type questions (600-word limit). The candidate is required to attempt four questions from Section A by selecting one question from each unit carrying five marks each, and four questions from Section B by selecting one question from each unit carrying 10 marks each. In total, a candidate has to attempt eight questions from both the sections.

*The objective of this paper is to familiarise the students with the basic principles about some special contract which are easily making by the industrialist in the time of economic developments.*

### **Unit I Indemnity and Guarantee**

1. Contract of Indemnity
2. Contract of Guarantee
3. Discharge of surety from liability
4. Rights and duties of Surety ,Creditor and principle debtor

### **Unit II Bailment and Pledge**

1. Contract of Bailment
2. Rights and duties of Bailor and Bailee
3. Contract of Pledge
4. Rights and duties of Pawner and Pawnee

### **Unit III Agency**

1. Concept of Agency
2. Creation of Agency
3. Termination of agency
4. Rights and Duties of Agents

### **Unit IV Electronic Contract**

1. Meaning and Definition of E-Contract
2. Essential Elements for a Valid E-Contract
3. Types of E-Contract
4. Impact of E-Contract in this Globalised Era

### ***Suggested Readings***

1. Gulshan, S.S., & G.K. Kapoor, *Business Law including Company Law*.
2. Meena, R.L., *Textbook on Law of Contract*.
3. Pollock, S.F., S.D.F. Mulla & J.L. Kapur, *Pollock & Mulla on Indian Contract and Specific Relief Acts with a commentary, critical and explanatory*.
4. Singh, A., *Law of Contract*.
5. Singh, A., *Mercantile Law*.

### ***Leading Cases for Detailed Study***

*\*State Of Orissa Vs United India Insurance Co.Ltd.*

*\*North British Insurance Co.Vs Lloyd*

*\*Dwarikesh Sugar Industries Ltd.Prem Heavy Engineering Workers (P) Ltd.*

*\*U.P.State Sugar Corporation Vs Sumac International Ltd.*

*\*Amritlal Vs State Of Travancore*

**Course Title: Family Law - II**

**Course Code: IL-C-402**

**Credits: 4**

**Maximum Marks = 100 (40 Internal + 60 External)**

The Continuous Internal Assessment for 40 marks comprises the following:

Class Tests: 20 marks (Best of 2 out of 3 tests)

Seminar/Presentation/Viva: 10 marks

Assignment/Term Paper: 05 marks

Attendance: 05 marks

For the External End Semester Examination of 60 marks, there shall be two sections in the question paper; Section A with short answer type questions (300-word limit) and Section B with long answer type questions (600-word limit). The candidate is required to attempt four questions from Section A by selecting one question from each unit carrying five marks each, and four questions from Section B by selecting one question from each unit carrying 10 marks each. In total, a candidate has to attempt eight questions from both the sections.

*The object of this paper is to apprise the students with the laws relating to family matters applicable to Hindu community in India. This course provides an up to date study of religious, legal and policy development on various aspects of Family Law principally in India along with an overview of Hindu Dharma.*

### **Unit I Sources & Schools of Hindu Law**

1. Ancient sources
2. Modern sources
3. Schools of Hindu law
  - a. Mitakshara School
  - b. Dayabhaga School

### **Unit II Hindu Marriage under Hindu Marriage Act 1955**

1. Origin and evolution of marriage and family
2. Essentials of Hindu Marriage
3. Divorce: Meaning, Nature and Grounds for Divorcee
4. Matrimonial Causes: Nullity of Marriage, Cruelty, Adultery, Separation
5. Bar to Matrimonial Relief

### **Unit III Hindu Joint Family**

1. Mitakshara Joint family
2. Dayabhaga Joint family
3. Karta: Meaning, Position, Powers and Privileges; Female Karta

### **Unit IV General Provisions of Guardianship, Succession and Adoption**

1. Hindu Minority and Guardianship Act 1956
2. Hindu Succession Act, 1956
3. Hindu Adoption and Maintenance Act 1956

### ***Suggested Readings***

1. Basu, N.D., *Law of Succession*.
2. Bhattacharjee, A.M., *Hindu Law and the Constitution*.
3. Derrett, J.D.M., *A Critique of Modern Hindu Law*.
4. Derrett, J.D.M., *Hindu Law: Past and Present*.
5. Derrett, J.D.M., *The Death of a Marriage Law: Epitaph for the Rishis*.
6. Desai, K., *Indian Law of Marriage and Divorce*.
7. Diwan, P., *Law of Adoption, Minority, Guardianship & Custody*.
8. Diwan, P., & P. Diwan, *Law of Marriage and Divorce*.
9. Diwan, P., & P. Diwan, *Law of Intestate and Testamentary Succession*.
10. Husain, A., & S.K. Rashid, *Wakf Laws and Administration in India*.
11. Indian Law Institute, *Annual Survey of Indian Law*.
12. Manchanda, S.C., *Law and Practice of Divorce in India*.
13. Mayne, J.D., *A Treatise on Hindu Law and Usage*.
14. Mulla, D.F., *Principles of Hindu Law*.

**Course Title: Law of Crimes - II**  
**Course Code: IL-C-403**  
**Credits: 4**  
**Maximum Marks = 100 (40 Internal + 60 External)**

The Continuous Internal Assessment for 40 marks comprises the following:  
Class Tests: 20 marks (Best of 2 out of 3 tests)  
Seminar/Presentation/Viva: 10 marks  
Assignment/Term Paper: 05 marks  
Attendance: 05 marks

For the External End Semester Examination of 60 marks, there shall be two sections in the question paper; Section A with short answer type questions (300-word limit) and Section B with long answer type questions (600-word limit). The candidate is required to attempt four questions from Section A by selecting one question from each unit carrying five marks each, and four questions from Section B by selecting one question from each unit carrying 10 marks each. In total, a candidate has to attempt eight questions from both the sections.

*The course is intended with a specific purpose to make the students of BA.LLB aware about the offences against the human body which among others include culpable homicide and murder, kidnapping and abduction. The students will also be imparted the knowledge regarding the offences against property and women in which new developments post Criminal Law (Amendment) Act, 2013 will be deliberated upon. Further, in this paper students will be kept abreast about the offences against marriage and criminal intimidation.*

### **Unit I Offences against Human Body**

1. Culpable homicide and murder
2. Hurt and grievous hurt
3. Assault and criminal force
4. Kidnapping and abduction

### **Unit II Offences against Property**

1. Theft and extortion
2. Robbery and dacoity
3. Criminal misappropriation and criminal breach of trust
4. Cheating and mischief

### **Unit III Offences against Women**

1. Rape and custodial rape
2. Cruelty and dowry death
3. Law on miscarriage under IPC
4. Sexual harassment, including stalking, voyeurism

### **Unit IV Offences against Marriage and Criminal Intimidation**

1. Bigamy
2. Criminal intimidation

3. Criminal intimidation by an anonymous communication
4. Insulting the modesty of a women

### ***Suggested Readings***

1. Ashworth, A., & J. Horder, *Principles of Criminal Law*.
2. Banerjee, T.K., *Background to Indian Criminal Law*.
3. Card, R., & J. Molloy, *Card, Cross & Jones' Introduction to Criminal Law*.
4. Gaur, K.D., *Commentary on The Indian Penal Code*.
5. Huda, S.S., *The Principles of the Law of Crimes in British India*.
6. Indian Law Institute, *Annual Survey of India Law*.
7. Lacey, N., & C. Wells, *Reconstructing Criminal Law: Critical Perspectives on Crime and the Criminal Process*.
8. Lal, R., & D. Lal, *Indian Penal Code*.
9. Mehraj-Ud-Din, M., *Crime and Criminal Justice System in India*.
10. Misra, S.N., *The Indian Penal Code*.
11. Nigam, R.C., *General Principles of Criminal Law*.
12. Pandey, A.K., *Principles of Criminal Law in India*.
13. Pillai, K.N.C., *Essays on the Indian Penal Code*, Indian Law Institute.
14. Russell, S.W.O, & J.W.C. Turner, *Russell on Crime*, Vol. I & II.
15. Tripathi, N.M., *Essays on the Indian Penal Code*, Indian Law Institute.
16. Turner, J.W.C., *Kenny's Outlines of Criminal Law*.

### ***Case Laws***

- *State of A.P v. R. Punnayya, 1997 CrLJ*
- *K.M Nanavati v. State of Maharshtra, AIR 1962 SC 605*
- *R. v. Govinda , 1876*
- *Rajendra Prasad v. State of U.P 1979 3 SC*
- *R v. Malcherek 1981 ALL E.R*
- *Gurdev Raj v. State of Punjab 2007 SCC*
- *Vira Singh v. State of Punjab AIR 1958*
- *Manu Sharma v. State NCT Delhi 2010 SCC*
- *Mohammad Ajmal Amir Kasab v. State of Maharashtra AIR 2012*
- *NCT Delhi v. Navjot Sandhu@Afshan Guru 2005*
- *Bachan Singh v State of Punjab AIR 1980*
- *Jagmohan Singh v. State of U.P. 1973 SC*
- *Machi Singh v. State of Punjab AIR 1983*
- *Nathuram Godse v. The Crown AIR 1949*
- *Kehar Singh v. Delhi Administration AIR 1988*
- *Tukaram v State of Maharashtra AIR 1979*
- *Vishaka v State of Rajasthan AIR 1997*
- *Indra Sharma v. VKV Sarma AIR 2014*

**Course Title: Constitutional Law - II**  
**Course Code: IL-C-404**  
**Credits: 4**  
**Maximum Marks = 100 (40 Internal + 60 External)**

The Continuous Internal Assessment for 40 marks comprises the following:

Class Tests: 20 marks (Best of 2 out of 3 tests)

Seminar/Presentation/Viva: 10 marks

Assignment/Term Paper: 05 marks

Attendance: 05 marks

For the External End Semester Examination of 60 marks, there shall be two sections in the question paper; Section A with short answer type questions (300-word limit) and Section B with long answer type questions (600-word limit). The candidate is required to attempt four questions from Section A by selecting one question from each unit carrying five marks each, and four questions from Section B by selecting one question from each unit carrying 10 marks each. In total, a candidate has to attempt eight questions from both the sections.

*Law is understood as power. The essence of the Constitutional Law is the identification and control of power within its lawful compass. The power spectrum embedded in the Constitution would be those around which specific denials, directions, divisions, permissions or prohibitions of power are set down, and they would point the way for a legally proper method for exercise of power. The value choice reflected in the provisions in Part III and the provisions in Part IV, Directive Principles of State Policy, which are fundamental in the governance of the country not only deny the State to act contrary to the law but also acts as instrument of instructions. In this part shall accordingly be analyzed the implications of Articles addressing denial of power and direction of power reflected in Part III and IV. It shall also include critical examination of the primary functions of the organs of the State to analyze whether there exists a gap between the “is” and the “ought”. Teaching methodology essentially will comprise combination of descriptive, analytical and cratological evaluation on the subject matter.*

### **Unit I**

1. Fundamental Rights – Concept of State (Art. 12)
2. Justifiability of the Fundamental Rights (Art. 13)
3. Right to Equality (Arts. 14, 15 and 16)

### **Unit II**

1. Right to Freedom (Art. 19)
2. Personal Liberty (Arts. 20 – 22)
3. Freedom of Religion (Arts. 25 – 28)

### **Unit III**

1. Cultural & Educational Rights (Arts. 29 & 30)
2. Constitutional Remedies
3. Writ Jurisdiction
  - a. Scope of Article 32
  - b. Scope of Article 226



## Unit IV

1. Directive Principles of State Policy
2. Relationship between Directive Principles and Fundamental Rights: Judicial Approach
3. Emergency Provisions (Arts. 352 to 354, 358 & 359)

### *Suggested Readings*

1. A.G. Noorani, *Constitutional Questions in India: The President, Parliament and the State* (New Delhi: Oxford University Press, Second Impression, 2000)
2. A. S. Anand, *Justice for Women*, (Delhi: Universal Law Publishing Co. Pvt. Ltd. Third Edition 2008).
3. Abdul Hamid, *Constitutional Law: A Profile of Justice M. Hidayatullah* (Jaipur: Printwell Vol. II and II, 1992)
4. Alladi Kuppaswami, *The Constitution: What It Means to the People* (Hyderabad: S. Gogia and Company, 2000)
5. Benjamin N. Cardozo, *The Nature of the Judicial Process* (Delhi: Universal Book Traders, First Indian Reprint, 1995).
6. D.J. Galligan, *Due Process and Fair Procedures: A Study Of Administrative Procedures*, (New York: Oxford Clarendon Press, 1996)
7. Dr Parameter F. Jaywalk, *Directive Principles Jurisprudence and Social Economic Justice In India* (New Delhi; APH Publishing Corporation, 1996 )
8. Dr Subhash C. Kashyap, *The Framing of the Indian Constitution: A Study* (Delhi: Universal Law Publishing Co. Pvt. Ltd., Second Revised Edition 2004).
9. Granville Austin, *Working A Democratic Constitution: A History of Indian Experience* (New Delhi: Oxford University Press, Second Impression, 2004)
10. H. M. Seervia, *Constitutional Law of India* (New Delhi: Glorious Printers, 4<sup>th</sup> Edition, Vol. 1-3 Reprint 2008)
11. H. M. Seervia, *Constitutional Law of India: A Critical Commentary*, (Delhi: Universal Book Traders, Vol. 1, Fourth Edition, 1999)
12. Justice R.C. Lohoti, *Preamble: The Spirit and Backbone of the Constitution of India* (Lucknow: Eastern Book Company, First Edition, 2004)
13. P. Ishwara Bhat, *Fundamental Rights: A Study of Their Interrelationship*, (Kolkata: Eastern Law House, 2004).

**Course Title: Mercantile Law**

**Course Code: IL-C-405**

**Credits: 4**

**Maximum Marks = 100 (40 Internal + 60 External)**

The Continuous Internal Assessment for 40 marks comprises the following:

Class Tests: 20 marks (Best of 2 out of 3 tests)

Seminar/Presentation/Viva: 10 marks

Assignment/Term Paper: 05 marks

Attendance: 05 marks

For the External End Semester Examination of 60 marks, there shall be two sections in the question paper; Section A with short answer type questions (300-word limit) and Section B with long answer type questions (600-word limit). The candidate is required to attempt four questions from Section A by selecting one question from each unit carrying five marks each, and four questions from Section B by selecting one question from each unit carrying 10 marks each. In total, a candidate has to attempt eight questions from both the sections.

*The purpose of this paper is to make students aware of various aspects of laws related to sale of goods and partnership in India.*

### **Unit I Sale of goods Act 1930**

1. Concept of sale as a contract
2. Essentials of contract of sale
3. Meaning & types of goods
4. Sale & agreement to sell

### **Unit II Conditions & Warranties**

1. Concept & Meaning of Condition & Warranty
2. Passing of property & Transfer of Title
3. Rights of unpaid seller
4. Remedies for breach of contract

### **Unit III Indian Partnership Act 1932**

1. Partnership, its nature and definition
2. Elements of Partnership
3. Relationship between partners
4. Relation of partners to third parties

### **Unit IV Partnership: Registration & Dissolution**

1. Incoming Partners
2. Outgoing partners
3. Registration of Partnership
4. Dissolution of partnership

### ***Suggested Readings***

1. Bangia, R.K., *Sale of Goods Act*.
2. Markanda, P.C., *The Law of Partnership in India*, Lexis Nexis
3. Pollock, S.F., & S.D.F. Mulla, *The Sale of Goods Act*.
4. Singh, A., *Principles of the Law of Sale of Goods and Hire Purchase* (Sale of Goods Act 1930, Hire Purchase Act 1972).
5. Singh, S.D., J.P. Gupta, & V.P. Verma, *Law of Partnership in India*.

### ***Cases***

1. SomnathPruna Vs. S.P. Raju AIR 1970 Sec 846
2. Kali Ram Vs V. Durani AIR 1998 mad 657B
3. Beswick v Beswick (1967) 2 AII ER 1197 HL
4. Cicka Lingam v T Lanickavasagam AIR 1974 SC 104
5. M/S Balga v Manglore City Corporation AIR 1998 Kant
6. Rutherford v Action Adams 1915 AC 866