

RJSL-VGU

Syllabus For LLB

SEMESTER-II CONTRACT – II

Course Code: LLB211
Maximum Marks: 100

L-T-P: 3-1-0
Course Type:

Core

Introduction of the Course:

As has already been examined in the last semester through an intensive study of the general principles of contract, the essence of all commercial transactions is but regulated by the law of contract. The expansion of commercial activities at a global market environment makes the understanding of the law of contract even more critical. Further, a lucid understanding of the fundamental principles of Special Contracts facilitates not only resolving the disputes arising out of such contracts but also in the drafting of contractual instruments.

The law of Special Contracts is marked by the peculiar and mostly predictable legal relationship subsisting between the parties. The frequency of these kinds of transactions in the affairs of men has led to the development of established rules of prescriptions and prohibitions determining the implications and permissible possibilities of these kinds of contractual relations. The fundamental principles of contractual relations continue to apply the special forms of contract unless specifically excluded; as in case of the rule of consideration in case of contract of agency.

The Law of Special Contracts can be classified under two very broad categories, viz. special contracts of personal relationships and special contracts of property related transactions. Again, contracts relating to property may further be classified in to two broad categories viz, contracts relating to movable property and contracts relating to immovable property. New addition to this classical division is the contracts relating to intellectual property rights appropriation.

Beyond the Indian Contract Act, the law relating to special contracts covers various transactions such as mortgage, lease, exchange and negotiable instruments, employment contracts, security contracts, technology transfer contracts, software licensing contracts, service contracts etc. The legal dimensions of some of such contracts will be more properly and elaborately dealt in subsequent courses such as employment contracts as part of Labour Law, security contracts as part of Corporate Laws I and II and Mortgage, License etc. relating to immovable property as part of Transfer of Property and so on.

As a part the foundational course, the focus here is confined to the special contracts detailed in the Indian Contract Act, the law of sale of goods and the law of partnership, negotiable instruments, government contracts and infrastructure contracts and also at the recent developments in the field of special contract.

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Objective of the Course:

This course is to be taught after the students have been made familiar with the general principles of contract in which the emphasis 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.

The *main objectives* of this course are:

- To learn the fundamental principles underlying these special forms of contract.
- To learn the limits of the freedom of the parties within the prescriptions of law in relation to the special forms of contract and consequently better appreciate the impact on the classical theory of freedom of contract.
- To appreciate the relationship of general principles with the special contracts.
- To develop skills of legal analysis and argument.
- To understand how law allocates for the economic risks involved in commercial transactions.
- To understand the growing importance of special contracts and to have a foundational understanding of the new forms special contracts including technology transfer agreements, e-contracts including software licensing agreements, infrastructure contracts, government contracts, public private partnerships etc.
- To emphasize on the drafting skills of the students.

In addition, this course will consider how the evolution of these contractual principles has impacted the changing business environment and also the effect of the later on the former. We would seek to determine the functions of these contractual forms in societal evolution and business institutions.

UNIT-I: Indemnity and guarantee:

1.1: Indemnity and guarantee (Sec. 124, 147) Indian Contract Act 1872

1.2: Contract of indemnity

a. Definition

b. Rights of indemnity holder

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c. Liability of indemnifier.

1.3: Contract of guarantee

- a. Definition
- b. Essential characteristics of contract of guarantee
- c. Distinction between contract of indemnity and contract of guarantee
- d. Kinds of guarantee
- e. Rights and liabilities of surety
- f. Discharge of surety
- g. Contract of Bailment and (Sec. 148-181 of Indian Contract Act 1872).

UNIT-II Bailment

- 2.1: Definition
- 2.2: Essential requisites of bailment
- 2.3: Kinds of bailment
- 2.4: Rights and duties of bailer and bailee
- 2.5: Termination of bailment
- 2.6: Pledge
 - a. Definition
 - b. Rights and duties of pawnor and Pawnee
 - c. Pledge by Non Owners.

UNIT-III Contract of Agency (Sec. 182-238 of the Indian Contract Act 1872)

- 3.1: Definition of agent
- 3.2: Creation of agency
- 3.3: Rights and Duties of agent
- 3.4: Delegation of authority

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3.5: Personal liability of agent

3.6: Relations of principal with third parties

3.7: Termination of agency.

UNIT-IV: Contract of sale of goods (The Indian Sale of Goods Act 1930).

4.1: Formation of Contract

4.2: Subject matter of Contract of Sale

4.3: Conditions and Warranties

4.4: Express and Implied conditions and Warranties

4.5: Caveat Emptor

4.6: Property, Possession and Risk

4.7: Passing of Property

4.8: Sale of non-owners

4.9: Delivery of goods

4.10: Rights and duties of seller and buyer before and after sale.

4.11: Rights of unpaid seller.

UNIT-V Contracts of partnership (The Indian Partnership Act, 1932).

5.1: Definition and nature of Partnership

5.2: Formation of Partnership

5.3: Test of Partnership

5.4: Partnership and other Associations

5.5: Registration of Firms

5.6: Effect of non-registration

5.7: Relation of Partners

5.8: Rights and Duties of Partners

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- 5.9: Properties of the Firm
- 5.10: Relation of Partners to third parties
- 5.11: Implied authority of a partner
- 5.12: Kinds of Partners
- 5.13: Minor as Partners
- 5.14: Reconstitution of a Firm
- 5.15: Dissolution of firm.

SUGGESTED READINGS:

1. Indian Contract Act, 1872 (Sec. 124-238)
2. The Sale of Goods Act, 1930.
3. The Partnership Act, 1932.
4. Cheshire and Fifoot-The Law of Contract.
5. Chitty- on contracts (Specific Contracts) Vol-II
6. Pollock and Mulla-Indian contracts and Specific Relief Act.
7. Pollock and Mulla- Sale of Goods and Partnership Acts.
8. Avtar Singh-Law of Contracts.
9. Khargumwallah-The Negotiable Instruments Act.
10. S.T. Desai- Partnership
11. Bowstead- Agency
12. Relevant volumes of the Annual Survey Published by Indian law institute.

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SEMESTER-II ADMINISTRATIVE LAW

Course Code: LLB214
Maximum Marks: 100

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Core

L-T-P: 3-1-
Course Type:

Course Background:

Administrative Law is the law relating to administration. It includes the structure, powers and functions of the organs of administration, the limits of their powers, the methods and procedures followed by them in exercising their powers and functions, the methods by which their powers are controlled including the legal remedies available to a person against them when his rights are infringed by their operation. However it is extremely difficult to define administrative law and it includes all the facets because it changes according to the social, economic and political changes. It is only in the twentieth century that administrative law developed as a separate branch of legal discipline. This is due to the changing role of the state from *laissez faire* to a welfare state. The expansion in the functions of the state and enormous powers of the administration has given tremendous capacity to the administration to affect the rights and liberties of the individual. Therefore it has become important to control the administration in order to ensure that the governmental functions are exercised according to law and protection is provided to the individual against abuse of such power. Thus there arises the need for adjusting the relationship between the government and the governed so that a proper balance may be evolved between the private interest and public interest and rule of law is maintained. This course is designed to give some insight into the body of administrative law in India.

UNIT-I: Definition, Nature, Scope, Rule of Law, Separation of Powers, Relationship between Administrative Law and Constitutional Law, Sources of Administrative Law, Government, Administrative Authorities and Bodies.

UNIT-II: Statutory Corporations including their control, the extent of executive power, administrative finality and the court review.

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UNIT-III: Delegated Legislation – Nature, Scope, Forms necessary, Control including Judicial Parliamentary and Legislative Conditional Legislation and sub delegation.

UNIT-IV: Administrative Process – Administrative Action, Administrative Discretion and Quasi-Judicial Elements in Administrative Procedure.

Principles of Natural Justice and their Control, Doctrine of Bias, Audi Alteram Partem, Rights to consult, Reasoned Decision.

Administrative Adjudication – Reasons for Growth, Structure and Procedure for Administrative Bodies, like Tribunals, Finality of the Tribunal, Decisions, Administrative Tribunals Act, 1985.

UNIT-V: Judicial Control of Administrative Action – Habeus Corpus, Mandamus, Certiorari, Prohibition and Quo Warranto Writs, Redressal of Citizens Grievances, Central Vigilance Commission, Commission of Enquiry Act. Ombudsman, Lokpal, Lokayukta of the State of Rajasthan.

Government Liability in Torts and Contracts, Suits against the Government and Public Authorities.

SUGGESTED READINGS:

- Jain M.P. : Indian Administrative Law.
- Griffith J.A.G. and Street, H. : Principles of Administrative Law.
- Dr. Jain, M.P. & Dr. Jain, S.N.: Principles of Indian Administrative Law.
- Kesri, U.P.D. : Administrative Law
- Sathe, S.P. : Administrative Law
- C. K. Takwani : Lectures on Administrative Law.

Further Readings:

- S P Sathe: *Administrative Law*
- M C Jain Kagzi: *The Indian Administrative Law*
- O. Hood Philips and Jackson: *Administrative Law*
- H.W.R. Wade and C.F. Forsyth: *Administrative Law*
- Griffith and Street: *Principles of Administrative Law*

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MC Jain Kagzi and Balbir Singh, *A Casebook of Administrative Law*

SEMESTER-II

FAMILY LAW –II (MOHAMMEDAN LAW)

Course Code: LLB215

L-T-P: 3-

Maximum Marks: 100

1-0

Course Type:

Core

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- UNIT-I** Mohammedan Law: Origin, Development, Sources, Schools, Application, Interpretation and Conversion.
- UNIT-II** Marriage: Nature of marriage, Essential of marriage, Khyar-ul-bulugh, Iddat, Khilwat-ul-sahiha, Matrimonial stipulations, Kinds of marriage and effects of marriage.
- Mahr: Meaning, Nature, Kinds, Objects and Subject matter, Wife's rights on non-payment of dower.
- Dissolution of marriage: Talaq, ulla, Zihar, Talaq-e-tafweez, Mubarat, Khula, Lien, Faskh, Section 2 of the dissolution of Muslim Marriage Act, 1939, Legal effects of divorce.
- Guardianship: Appointment of guardian, Kinds of guardianship
- UNIT-III** Pre-emption: Meaning, Nature and Classification of Haq Shufa (Pre-emption), Rights of pre-emption, conflict of laws, subject matter and formalities of pre-emption, legal effects of pre-emption, Devices for evading pre-emption.
- Gift: Meaning and requisities of gift (Hiba); Gift of Musha, Conditional and future gifts, Life estate, Life interest, Hiba-bil-ewaz, Hiba-bil-Shartul-ewaz,
- UNIT-IV** Will (Vasiyat) : Competence of testator and legatee valid subjects of will : Testamentary limitations, Formalities of a will and abatement of legatee. Legitimacy and acknowledgement : Legitimacy and legitimation Presumption of legitimacy under Muslim Law and Section 112 of the Indian Evidence Act, conditions of a valid acknowledgement.

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Maintenance : Person entitled to maintenance, Principles of maintenance, The Muslim Women (Protection of Rights on Divorce) Act, 1986.

Death Bed Transactions: Meaning and effect of Marj-ul-maut

UNIT-V Waqf: Meaning, essentials and kinds, Beneficiaries of Waqf. The Waqf Validating Act, 1913 and 1939. Formalities for creation of Waqf. Waqf of musha, Muslim religious institutions and officers Administration of waqfs, Mutawally

Inheritance : General principles of law of inheritance, doctrine of Aul and Rudd under Hanafi and Shia Law.

SUGGESTED READINGS :

1. Mulla : Principles of Mohammedan Law
2. Fayzee. A.A.A. : Mohammedan Law
3. Akil Ahmed : Muslim Vidhi
4. Verma, B.R. : Islamic Law
5. Amir Ali : Mohammedan Law

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SEMESTER-II

PROJECT WORK-II

Course Code: LLB216
Maximum Marks: 100

L-T-P: 0-
0-2
Course Type:
Core

PROJECT REPORT (20 Marks)

PROJECT REPORT

VIVA VOICE

SUGGESTED READINGS:

- 1.Myneni .S.R- Moot Court Pre-trial Preparation& Participation in trail Proceedings & Viva-voce
- 2.Hill & Jeffry:A Prctical Guide to Mooting,2009
- 3.Narayana.P.S-Law Relating to Lok Adalat4th ed.,r/p 2010
- 4.Rai, Kailash-Moot Court, 4th ed 2009
- 5.Sarkar.S.K-Law Relating Lok Adalat,2nd ed-2006
- 6.Sirohi.J.P.S.-Moot Court, Pre-Trial Preparation 1st ed-2006
- 7.Tewari,O.P-Moot Court, Pre-Trail,1st ed.2007

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SEMESTER-II TAXATION LAW

Course Code: LLB205
Maximum Marks: 100

**L-T-P: 3-
1-0
Core**
Course Type:

UNIT-I: Indian Income Tax Act. 1961:

Definitions - Assessment Year, Previous year, Agriculture, Income Assessment, Capital Asset, Dividend, Income, Casual Income, Total Income, Gross Total Income, Maximum and Minimum Marginal Rate, Person, Resident – Non Resident, Transfer.

Basis of Charge - Charges of Income-Tax, Scope of total income, Residence in India, Income deemed to be received, Dividend Income deemed to accrue or arise in India.

UNIT II: Income which do not form part of total income.

Computation of total income - Head of income - Salaries, Interest on Securities Income from House Property, Profit & Gains of Business or Profession, Capital Gains, Income from other sources.

Income of other persons included in assessee's total income.

Deductions to be made in computing total income.

Relief in respect of Income- tax.

Determination of tax in certain specific cases.

Income tax authorities - Appointment and Control, Jurisdiction, Powers Procedure for Assessment, Liability in special cases, Collection and recovery tax, Appeals, Revision and Reference.

UNIT-III: Central Sales Tax Act, 1956 :

Sale or Purchase of Goods in the course of Interstate Trade or Outside a State or in the course of import or export.

Liability to tax on inter-state sales, burden of proof.

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Registration of dealers.

Determination of turnover, levy & collection of tax.

Penalty and offences

Restrictions and conditions in regard to tax on sale or purchase of declared goods within a state.

UNIT-IV: Value Added Tax, 2003 : Rajasthan Value Added Tax Act 2003 : Important Terms and Definitions, Incidence to Tax, Exempted Sales, Points of tax, Registration of deals, Filing of returns and assessment, maintenance of books of Accounts Rules of Tax Credit, charging of the interest, penalties, composition scheme and prosecutions, Appeals and Revisions.

UNIT V: GST, Amendments, Recent case laws.

SUGGESTED READINGS:

1. Gupta, R.R. : Income-tax and Practice.
2. Kanga & Palkiwala : The Law and Practice of Income-tax
3. Agrwal, S.E. : Law and Practice relating to Central, Sales Tax Act, 1956.
4. A.K. Saxena : Income Tax Act (English & Hindi).
5. Singh, S.D. : Law of Central Sales Tax.

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SEMESTER-II

MOOT COURT EXERCISE AND INTERNSHIP

Course Code: LLB217

Maximum Marks: 100

L-T-P: 0-0-2

Course Type:

Core

A. MOOT COURT (30 MARKS)

REQUIREMENTS:

1 Three Moot Courts in the year

2 10 Marks for each

3 The Moot Court shall be based on assigned problem to be prepared by the faculty concerned

4 Evaluation by principal/ head concerned, an advocate and teacher concerned

5 Out of 10 Marks allotted for each problem 5 Marks are to be allotted for written

Submission and 5 Marks for oral advocacy a Written submission shall include brief summary of facts, issues involved revisions of land agreements, citation, prayer etc. b Marks for oral advocacy may be awarded for communications skills, presentation, language, provisions of law, authorities quoted, court manners etc.

B. OBSERVANCE OF TRIAL (20 Marks) in two cases, one Civil case minimum and record his observations step by step of different stages of litigations/ proceedings in the 2/3 years of 3 years law course of 4/5 year in 5years law course

C. INTERVIEWING TECHNIQUES AND PRE- TRIAL PREPARATIONS (30 Marks)

REQUIREMENTS:

1 Each student has to maintain a dairy to record Interaction with clients, preparation of documents and court papers

2 The students should observe two interviewing sessions with clients at lawyers office/ legal Aid Office this shall be recorded in the dairy which will carry 15 Marks

3 Each student will further observe the preparation of documents and court paper and record such observance in the dairy. This carries 7.5 Marks

4 Each student shall observe the procedure for filling the petition and record the same in the dairy. This carries 7.5 Marks 5 The dairy shall clearly indicate the dates on which the above observations are made and shall be authenticated by the advocate concerned

6 Evaluation of the above dairy shall be made by the teacher concerned and the advocate

7 There shall be a viva – voce examinations all the above three components. This carries 20 Marks

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PROJECT REPORT (20 Marks)

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- 1.Myneni .S.R- Moot Court Pre-trial Preparation& Participation in trial Proceedings & Viva-voce 2.Hill & Jeffry:A Prctical Guide to Mooting,2009
- 3.Narayana.P.S-Law Relating to Lok Adalat4th ed.,r/p 2010
- 4.Rai, Kailash-Moot Court, 4th ed 2009
- 5.Sarkar.S.K-Law Relating Lok Adalat,2nd ed-2006
- 6.Sirohi.J.P.S.-Moot Court, Pre-Trial Preparation 1st ed-2006
- 7.Tewari,O.P-Moot Court, Pre-Trail,1st ed.2007