

**SEMESTER – II**

<b>Code</b>	<b>Paper</b>	<b>Credits</b>	<b>Marks</b>
LL.B.: 2.1	Constitutional Law of India – II	8	100
LL.B.: 2.2	Family Law – II	7	100
LL.B.: 2.3	Specific Contract	8	100
LL.B.: 2.4 OP <sub>1</sub>	<b>Optional – 1</b> , any one from following: 1. Land Laws of Assam 2. Securities Law (BLGroup)	7	100
LL.B. (Hons): 2.5 H <sub>2</sub>	<b>Honours – 2</b> , any one from following: 1. Right to Education(CL group) 2. International Trade Law (BLGroup) 3. Criminal jurisprudence-II(CrLGroup)	6	100
Total for Non Honours Course		<b>30</b>	<b>400</b>
Total for Honours Course		<b>36</b>	<b>500</b>

**Semester II**  
**LL.B.:2.1**  
**Constitutional Law of India – II**

**End Semester -80**  
**Internal Assessment -20**  
**Total Marks: 100**

**Credit8**

**Marks**  
**16**

**Unit 1: The Union and the State Executive**

- 1.1 The Union and the State Executive
  - 1.1.1 The President of India –qualification –election –term of office –power – impeachment. (Article 52 – 72)
  - 1.1.2 The Governor –appointment and powers. (Article 153, 261)
  - 1.1.3 Relationship between the President and Governor with the Council of Ministers. (Article 73, 162)
  - 1.1.4 Nature, scope and extent of executive powers of the Union and the States –Articles 73 & 162.
- 1.2 The Union Parliament and State Legislatures
  - 1.2.1 Compositions of the Parliament and State Legislatures.
  - 1.2.2 Qualification/Disqualification of Members of Parliament and State Legislatures –Anti Defection Law.
  - 1.2.3 Prime Minister –Cabinet System –Collective Responsibility
  - 1.2.4 Legislative Process –Legislative Privileges –Immunities of members of the Parliament and state legislature. (Article 105, 195)

**Unit 2: Union and State Judiciary**

**16**

- 2.1 Supreme Court of India –Composition –appointment and removal of Judges of the Supreme Court. (Article 124 – 147)
- 2.2 High Courts in the States
- 2.3 Jurisdiction of Supreme Court –original/appellate/advisory jurisdiction – statutory appeal- special leave to appeal –power of review-
- 2.4 Writs (32-226)
- 2.5 Judicial Review (nature and scope) –independence of the Judiciary –Judicial activism –PIL

**Unit 3: Relationship between the Union and the States**

**16**

- 3.1 Distribution of Legislative Powers.
- 3.2 Administrative Relation.
- 3.3 Financial Relation.

**Unit 4: Amendment of the Constitution and Emergency Provisions**

**16**

- 4.1 Amendment of the Constitution
  - 4.1.1 Power of the Parliament to amend the Constitution and procedures (Article 368)
  - 4.1.2 Limitation on the power to amend the Constitution –Doctrine of basic feature/structure
- 4.2 Emergency Provisions
  - 4.2.1 National Emergency
  - 4.2.2 State Emergency –Grounds of imposition
  - 4.2.3 Financial Emergency
  - 4.2.4 Effect of declaration of emergency –emergency and fundamental rights –44<sup>th</sup> Amendment Act.

**Unit 5: Freedom of Trade, Commerce and Intercourse within the Territory of India, services under the Union and States**

**16**

- 5.1 Freedom of trade, Commerce and Intercourse –meaning-power of the Parliament –restrictions.
- 5.2 Services under the Union and the States –Doctrine of Pleasure –protection against arbitrary dismissal, removal or reduction in rank –Exception of Article 311.

**Internal Assessment**

**20**

**Referred Cases:**

- 1 KesavanandaBharati Vs. State of Kerala, AIR 1973 SC 1461
- 2 Maneka Gandhi Vs. Union of India, AIR 1978 SC 597
- 3 In Reference No. of 1998 (Judges Appointment Case), AIR 1999 SC 1
- 4 SR Bomai Vs. Union of India, AIR 1994 SC 1918
- 5 KuldeepNayar Vs. Union of India, AIR 2006 SC 312
- 6 A.D.M. Jabalpur Vs. SrikanthShukla, AIR 1976 SC 1207
- 7 Rameswar Prasad Vs. Union of Inda, AIR 2006 SC 980
- 8 Powers, Privileges and Immunties of State Legislatures, Re, AIR 1965 SC 745
- 9 Union of India Vs. Tulshi Ram, AIR 1985 SC 1416
- 10 Atiabari Tea State Co. Vs. State of Assam, AIR 1961 SC 232

**Recommended Books**

- 1. Dr. J. N. Pandey –Constitutional Law of India.
- 2. D. D. Basu –Shorter Constitution of India.
- 3. V. N. Shukla –Constitutional Law of India.
- 4. M. P. Jain –Constitutional Law of India.
- 5. H. M. Sreevai –Constitutional Law of India.

**Semester II**  
**LL.B.:2.2**  
**Family Law – II**

End Semester -80  
Internal Assessment -20  
Total Marks: 100

	<b>Marks</b>
<b>Unit 1 – General Concept</b>	16
1.1. Development of Islamic Jurisprudence.	
1.2. Sources of Mohammedan law.	
1.3. Schools of Mohammedan law.	
1.4. Person governed by Mohammedan law.	
<b>Unit 2 – Law of Marriage and Divorce</b>	16
2.1. Essentials of Mohammedan marriage.	
2.2. Dower- Mehr, Kinds of Dower	
2.3. Kinds of marriage.	
2.4. Nature and Kinds of divorce.	
2.4.1. Legal Effect of divorce.	
2.4.2. Dissolution of Muslim Marriage Act, 1939.	
<b>Unit 3 – Guardianship and Maintenance</b>	16
3.1. Guardianship of person and property.	
3.2. Acknowledgement of paternity.	
3.3. Law of Adoption	
3.4. Maintenance of wife, divorced wife, children and parents.	
3.4.1. The Muslim Women (Protection of Rights on Divorce) Act, 1986.	
<b>Unit 4 – Special Mohammedan law</b>	16
4.1. Law of Wills.	
4.2. Law of Gifts.	
4.3. Law of Pre-emption.	
4.4. Law of Wakfs	
<b>Unit 5 – Succession and Uniform Civil Code</b>	16
5.1. Law of inheritance (Sunni Law).	
5.2. Law of inheritance (Shia Law).	
5.3. Uniform Civil Code.	
5.4 Indian Succession Act, 1925	

**Internal Assessment** 20

**Referred Cases:**

1. Abdul Khadar Vs. Taib Begum AIR 1957
2. Abdul Latif Mandal Vs. Anawar Khatoon (2002) 1, CLJ 186
3. Hamida Bibi Vs. Zubaida Bibi, (1916), 43 IA 294
4. Maina Bibi Vs. Choudhury Wakil Ahmed (1924) 52 IA 145
5. Sarala Mudgal Vs. Union of India (1985) 3, SCC 635
6. Mohd. Ahmed Khan vs Shah Bano Begum And Ors AIR 1985 SC 945

**Recommended Books:**

1. A. A.A.Fyzee: *Outlines of Mohammadan Law*, Oxford University Press, 5th Edition, 2008

Semester II  
LL.B.:2.3  
Specific Contract

nd Semester -80  
Internal Assessment -20  
otal Marks: 100

Marks

**UNIT 1: Contract of indemnity and guarantee:** 16

- 1.1 Definition, nature.
- 1.2 Rights, duties and liabilities.
- 1.3 Interrelation between the parties.

**UNIT 2: Bailmen, Pledge and agency:** 16

- 1.1 Definition, nature.
- 1.2 Rights, duties and liabilities.
- 1.3 Interrelation between the parties.
- 1.4 Definition, nature. of agency
- 1.5 Rights, duties and liabilities of agent
- 1.6 Interrelation between the parties under contract of agency

**UNIT 3: Negotiable Instruments Act, 1881** 16

- 3.1 Definition – The Essential Characteristics – Kinds – Difference Between Bill of Exchange and Cheque, Bill of exchange and Promissory note –
  - 3.1.1. Parties to a Negotiable Instrument –
  - 3.1.2 Holder and Holder in Due Course – Privileges of a Holder in Due Course –
  - 3.1.3 Competence of Parties to Negotiable Instrument – (Minor, Lunatic, Insolvent, Joint Stock Company, Agent, Partnership Firm, Legal Representative, Joint Hindu Family).
  - 3.1.4 Liabilities of Parties to Negotiable instrument.
  - 3.1.5 Presentment for Acceptance and Payment –
  - 3.1.6 Negotiation Assignment and Negotiation –
  - 3.1.7. Endorsement and its Kinds – Once a bearer always a bearer –
- 3.2 Discharge of Parties – Different modes of Discharge –
- 3.3 Dishonour of instruments – Liabilities of Bankers –
  - 3.3.1 As Paying Banker – When a Banker can Refuse to pay Customer's Cheque. (
  - 3.3.2 Liabilities as Collecting Banker – Crossing of Cheque – Liabilities of Bankers on Crossed Cheques.
  - 3.3.3 Payment of Customer's Cheque – the Paying Banker's Risks – The Precaution to be taken

## UNIT 4: The Indian Partnership Act: 1932

16

- 1.1 Definition, nature kinds,
- 1.2 Rights, duties, liabilities and interrelations between the partners,
- 1.3 Registration of partnership.
- 1.4 Limited liability partnership,
- 1.5 Dissolution of partnership

## Unit 5: The Sales of Goods Act: 1930

16

- 1.1 Definition, nature,
- 1.2 Rights, duties and liabilities of buyer and seller,
- 1.3 Condition and warranty.
- 1.4 Doctrine of Caveat Emptor
- 1.5 Rights of unpaid seller.

## Internal Assessment

20

### Referred Cases:

1. Gajanan Moreshwar Vs. Moreshwar Madan, AIR 1942, Bombay, 302
2. Kaliapermmal Pillai Vs. Visalaxmi, AIR 1938 Madrash, 32
3. Union of India Vs. Anawar Singh
4. Delhi Electric Supply undertaking Vs. Basanti Devi and other, AIR 2005 SC 43
5. Sarswati Devi Vs. Motilal, AIR 1928,Raj. 108

### Books Recommended:

- Beatsen (ed), *Anson's law of Contract*, OUP, 1998
- P.S. Atiya, *-Introduction to the law of contract* Clarendon Press, 1990.
- Avtar Singh – Text book on Law of Contract and Specific Relief, Eastern Book Company, 2006.
- M. Krishnam Nair – *Law of Contract* , Sarala K. Nair, 1963
- Avtar Singh, *Principles of Law of Sale of Goods and Hire Purchase* (1998), Eastern, Lucknow
- A.G. Guest (ed.), Benjamin's *Sale of Goods* (1992), Sweet and Maxwell.
- Bhashyam and Adiga, *The Negotiable Instruments Act* (1995), Bharath, Allahbad
- M.S. parthasarathy (ed.), J.S. Khergamvala, *The Negotiable Instruments Act*
- Saharaya, H.K., *Indian Partnership and Sale of Goods Act* (2000) Universal
- Ramnainga, *The Sales of Goods Act* (1998) Universal
- J.P. Verma (ed.), Singh and Gupta, *The Law of partnership in India* (1999), Orient Law House, New Delhi

Semester II  
LL.B.: 2.4 OP,  
1. Land Laws of Assam

End Semester -80  
Internal Assessment -20  
Total Marks: 100

**Unit – 1: Introduction** 16

- 1.1 Origin of Land Rights in Assam, Proprietor, Land-holder and Settlement holder, other than land holder.
- 1.2 Assam Land and Revenue Regulation, 1881, Definitions; rights over land – acquisition of rights over land, rights of proprietors, land holders, settlement holders,
- 1.3 Allotment of grazing land, disposal of government waste land, rights in fishery.

**Unit – 2: land revenue** 16

- 2.1 *Settlement & resumption under the Assam Land & Revenue Regulation, 1886* – Settlement  
Operation, procedure for settlement – survey & demarcation of land – preparation of record of rights – assessment of land revenue; resumption, Hoe tax.
- 2.2 Mutation – classes of persons entitled to pray mutation – obligation to pray for mutation – procedure for mutation; field mutation;
- 2.3 Arrears & Mode of recovering it – defaulter – defaulting estate; models of recovering Arrears – Attachment & sale of movables – attachment of defaulting estate – sale of defaulting estate, sale of immovable property other than the defaulting estate.

**Unit – 3: Partition** 16

- 3.1 Partition – meaning – need – who can sue for partition – procedure – restriction for partition.
- 3.2 Powers of officers – revenue officers – procedure and Appeals – matters exempted four cognizance of civil court.
- 3.3 Protections of backward classes - tribal belts & blocks.

**Unit – 4: State legislations on tenancy**

16

- 4.1 The Assam non-Agricultural urban Areas tenancy Act, 1955
- 4.2 The Assam (temporarily settled areas tenancy) Act, 1971.

**Unit – 5: State Legislations on –**

16

- 5.1 Rent control:- the Assam urban Areas rent Control act, 1972
- 5.2 Ceiling on land: - The Assam fixation of land holding act, 1956.
- 5.3 Land requisition & Acquisition: - the Assam land (Requisition & Acquisition) Act, 1964.
- 5.4 Central land acquisition act

**Internal Assessment**

20

**Referred cases:**

1. Swasna Brahma v. Assam Board of Revenue, AIR,1972,GAU 121
2. Refiquunnessa v. Lal Bahadur Chetri, AIR 1964 SC 1511
3. Kali Kumar Sen v. Mohanlal Biswas AIR 1969 ASM 66(FB)
4. Satyaranjan v. Assam Board of Revenue AIR 1999 GAU-83(FB)

**Recommended Books:**

1. O.D. Iadia, "Land laws in Assam & Meghalaya", Assam Law House, Guwahati, 2005 Edition
2. K.C. Mazumdar, "Commentaries on Land Laws of Assam", Assam Law house, Guwahati, 2010 Edition.
3. J.N. Das, "Land laws of Assam, Book land, Guwahati, 2012 Edition.
4. K.N. Saikia, Land Laws of Assam, Assam Law House, 2007 Edition.